

1 HB231
2 142705-2
3 By Representative Buttram
4 RFD: Public Safety and Homeland Security
5 First Read: 12-FEB-13

1 functioning as a part of the military assistance to safety and
2 traffic program, chiropractor, or public education employee
3 gratuitously and in good faith, renders first aid or emergency
4 care at the scene of an accident, casualty, or disaster to a
5 person injured therein, he or she shall not be liable for any
6 civil damages as a result of his or her acts or omissions in
7 rendering first aid or emergency care, nor shall he or she be
8 liable for any civil damages as a result of any act or failure
9 to act to provide or arrange for further medical treatment or
10 care for the injured person.

11 "(b) Any member of the crew of a helicopter which is
12 used in the performance of military assistance to safety and
13 traffic programs and is engaged in the performance of
14 emergency medical service acts shall be exempt from personal
15 liability for any property damages caused by helicopter
16 downwash or by persons disembarking from the helicopter.

17 "(c) When any physician gratuitously advises medical
18 personnel at the scene of an emergency episode by direct voice
19 contact, to render medical assistance based upon information
20 received by voice or biotelemetry equipment, the actions
21 ordered taken by the physician to sustain life or reduce
22 disability shall not be considered liable when the actions are
23 within the established medical procedures.

24 "(d) Any person who is qualified by a federal or
25 state agency to perform mine rescue planning and recovery
26 operations, including mine rescue instructors and mine rescue
27 team members, and any person designated by an operator

1 furnishing a mine rescue team to supervise, assist in planning
2 or provide service thereto, who, in good faith, performs or
3 fails to perform any act or service in connection with mine
4 rescue planning and recovery operations shall not be liable
5 for any civil damages as a result of any acts or omissions.
6 Nothing contained in this subsection shall be construed to
7 exempt from liability any person responsible for an overall
8 mine rescue operation, including an operator of an affected
9 facility and any person assuming responsibility therefor under
10 federal or state statutes or regulations.

11 "(e) A person or entity, who in good faith and
12 without compensation renders emergency care or treatment to a
13 person suffering or appearing to suffer from cardiac arrest,
14 which may include the use of an automated external
15 defibrillator, shall be immune from civil liability for any
16 personal injury as a result of care or treatment or as a
17 result of any act or failure to act in providing or arranging
18 further medical treatment where the person acts as an ordinary
19 prudent person would have acted under the same or similar
20 circumstances, except damages that may result from the gross
21 negligence of the person rendering emergency care. This
22 immunity shall extend to the licensed physician or medical
23 authority who is involved in automated external defibrillator
24 site placement, the person who provides training in CPR and
25 the use of the automated external defibrillator, and the
26 person or entity responsible for the site where the automated
27 external defibrillator is located. This subsection

1 specifically excludes from the provision of immunity any
2 designers, manufacturers, or sellers of automated external
3 defibrillators for any claims that may be brought against such
4 entities based upon current Alabama law.

5 "(f) Any licensed engineer, licensed architect,
6 licensed surveyor, licensed contractor, licensed
7 subcontractor, or other individual working under the direct
8 supervision of the licensed individual who participates in
9 emergency response activities under the direction of, or in
10 connection with, a community emergency response team, county
11 emergency management agency, the state emergency management
12 agency, or the Federal Emergency Management Agency shall not
13 be liable for any civil damages as a result of any acts,
14 services, or omissions provided without compensation, in such
15 capacity if the individual acts as a reasonably prudent person
16 would have acted under the same or similar circumstances. The
17 immunity provided in this subsection shall apply to any acts,
18 services, or omissions provided within 90 days after
19 declaration of the emergency.

20 "(g) Any person, who, in good faith, renders
21 emergency care at the scene of an accident or emergency to the
22 victim or victims thereof without making any charge of goods
23 or services therefor shall not be liable for any civil damages
24 as a result of any act or omission by the person in rendering
25 emergency care or as a result of any act or failure to act to
26 provide or arrange for further medical treatment or care for
27 the injured person if the individual acts as a reasonably

1 prudent person would have acted under the same or similar
2 circumstances.

3 "(h) (1) For purposes of this subsection, the
4 following words shall have the following meanings:

5 "a. SAFE PLACE. Any property, dwelling, shelter, or
6 other structure that can be reasonably considered protection
7 from severe weather.

8 "b. SEVERE WEATHER. Includes, but is not limited to,
9 tornadoes, hurricanes, high winds, and floods.

10 "(2) Any entity or individual that provides access
11 to a safe place in times of severe weather is not liable for
12 any civil damages to any person using the safe place during
13 severe weather if the entity or individual was acting in good
14 faith and the damage or injury was not caused by the willful
15 or wanton negligence or misconduct of the entity or individual
16 faith and the individual acts as a reasonably prudent person
17 would have acted under the same or similar circumstances."

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Public Safety
and Homeland Security..... 12-FEB-13

Read for the second time and placed
on the calendar 1 amendment 07-MAR-13

Read for the third time and passed
as amended..... 25-APR-13

Yeas 94, Nays 0, Abstains 0

Jeff Woodard
Clerk