

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

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8 SYNOPSIS: Under existing law, certain persons who
9 render assistance at the scene of an accident or
10 emergency situation are in certain circumstances
11 granted civil immunity for their actions.

12 This bill would provide civil immunity to an
13 entity or individual that provides access to a safe
14 place in times of severe weather to any person if
15 the entity or individual was acting in good faith
16 and the damage or injury was not caused by the
17 willful or wanton negligence or misconduct of the
18 entity or individual.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To amend Section 6-5-332 of the Code of Alabama
25 1975, as amended by Act 2011-579 of the 2011 Regular Session,
26 (Acts 2011, p. 1253), the Good Samaritan Law, to provide civil
27 immunity to an entity or individual that provides access to a

1 safe place in times of severe weather to any person if the
2 entity or individual was acting in good faith and the damage
3 or injury was not caused by the willful or wanton negligence
4 or misconduct of the entity or individual.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 6-5-332 of the Code of Alabama
7 1975, as amended by Act 2011-579 of the 2011 Regular Session,
8 (Acts 2011, p. 1253), is amended to read as follows:

9 "§6-5-332.

10 "(a) When any doctor of medicine or dentistry,
11 nurse, member of any organized rescue squad, member of any
12 police or fire department, member of any organized volunteer
13 fire department, Alabama-licensed emergency medical
14 technician, intern, or resident practicing in an Alabama
15 hospital with training programs approved by the American
16 Medical Association, Alabama state trooper, medical aidman
17 functioning as a part of the military assistance to safety and
18 traffic program, chiropractor, or public education employee
19 gratuitously and in good faith, renders first aid or emergency
20 care at the scene of an accident, casualty, or disaster to a
21 person injured therein, he or she shall not be liable for any
22 civil damages as a result of his or her acts or omissions in
23 rendering first aid or emergency care, nor shall he or she be
24 liable for any civil damages as a result of any act or failure
25 to act to provide or arrange for further medical treatment or
26 care for the injured person.

1 "(b) Any member of the crew of a helicopter which is
2 used in the performance of military assistance to safety and
3 traffic programs and is engaged in the performance of
4 emergency medical service acts shall be exempt from personal
5 liability for any property damages caused by helicopter
6 downwash or by persons disembarking from the helicopter.

7 "(c) When any physician gratuitously advises medical
8 personnel at the scene of an emergency episode by direct voice
9 contact, to render medical assistance based upon information
10 received by voice or biotelemetry equipment, the actions
11 ordered taken by the physician to sustain life or reduce
12 disability shall not be considered liable when the actions are
13 within the established medical procedures.

14 "(d) Any person who is qualified by a federal or
15 state agency to perform mine rescue planning and recovery
16 operations, including mine rescue instructors and mine rescue
17 team members, and any person designated by an operator
18 furnishing a mine rescue team to supervise, assist in planning
19 or provide service thereto, who, in good faith, performs or
20 fails to perform any act or service in connection with mine
21 rescue planning and recovery operations shall not be liable
22 for any civil damages as a result of any acts or omissions.
23 Nothing contained in this subsection shall be construed to
24 exempt from liability any person responsible for an overall
25 mine rescue operation, including an operator of an affected
26 facility and any person assuming responsibility therefor under
27 federal or state statutes or regulations.

1 "(e) A person or entity, who in good faith and
2 without compensation renders emergency care or treatment to a
3 person suffering or appearing to suffer from cardiac arrest,
4 which may include the use of an automated external
5 defibrillator, shall be immune from civil liability for any
6 personal injury as a result of care or treatment or as a
7 result of any act or failure to act in providing or arranging
8 further medical treatment where the person acts as an ordinary
9 prudent person would have acted under the same or similar
10 circumstances, except damages that may result from the gross
11 negligence of the person rendering emergency care. This
12 immunity shall extend to the licensed physician or medical
13 authority who is involved in automated external defibrillator
14 site placement, the person who provides training in CPR and
15 the use of the automated external defibrillator, and the
16 person or entity responsible for the site where the automated
17 external defibrillator is located. This subsection
18 specifically excludes from the provision of immunity any
19 designers, manufacturers, or sellers of automated external
20 defibrillators for any claims that may be brought against such
21 entities based upon current Alabama law.

22 "(f) Any licensed engineer, licensed architect,
23 licensed surveyor, licensed contractor, licensed
24 subcontractor, or other individual working under the direct
25 supervision of the licensed individual who participates in
26 emergency response activities under the direction of, or in
27 connection with, a community emergency response team, county

1 emergency management agency, the state emergency management
2 agency, or the Federal Emergency Management Agency shall not
3 be liable for any civil damages as a result of any acts,
4 services, or omissions provided without compensation, in such
5 capacity if the individual acts as a reasonably prudent person
6 would have acted under the same or similar circumstances. The
7 immunity provided in this subsection shall apply to any acts,
8 services, or omissions provided within 90 days after
9 declaration of the emergency.

10 "(g) Any person, who, in good faith, renders
11 emergency care at the scene of an accident or emergency to the
12 victim or victims thereof without making any charge of goods
13 or services therefor shall not be liable for any civil damages
14 as a result of any act or omission by the person in rendering
15 emergency care or as a result of any act or failure to act to
16 provide or arrange for further medical treatment or care for
17 the injured person if the individual acts as a reasonably
18 prudent person would have acted under the same or similar
19 circumstances.

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

22 "a. SAFE PLACE. Any property, dwelling, shelter, or
23 other structure that can be reasonably considered protection
24 from severe weather.

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

1 "(2) Any entity or individual that provides access
2 to a safe place in times of severe weather is not liable for
3 any civil damages to any person using the safe place during
4 severe weather if the entity or individual was acting in good
5 faith and the damage or injury was not caused by the willful
6 or wanton negligence or misconduct of the entity or
7 individual."

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