

1 HB364
2 157564-1
3 By Representative Buttram
4 RFD: Judiciary
5 First Read: 30-JAN-14

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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 individual acts as a reasonably prudent
17 person would have acted under the same or similar
18 circumstances.

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, the Good Samaritan Law, to provide civil immunity to an
26 entity or individual that provides access to a safe place in
27 times of severe weather to any person if the entity or

1 individual was acting in good faith and the individual acts as
2 a reasonably prudent person would have acted under the same or
3 similar circumstances.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 6-5-332 of the Code of Alabama
6 1975, is amended to read as follows:

7 "§6-5-332.

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

25 "(b) Any member of the crew of a helicopter which is
26 used in the performance of military assistance to safety and
27 traffic programs and is engaged in the performance of

1 emergency medical service acts shall be exempt from personal
2 liability for any property damages caused by helicopter
3 downwash or by persons disembarking from the helicopter.

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

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

25 "(e) A person or entity, who in good faith and
26 without compensation renders emergency care or treatment to a
27 person suffering or appearing to suffer from cardiac arrest,

1 which may include the use of an automated external
2 defibrillator, shall be immune from civil liability for any
3 personal injury as a result of care or treatment or as a
4 result of any act or failure to act in providing or arranging
5 further medical treatment where the person acts as an ordinary
6 prudent person would have acted under the same or similar
7 circumstances, except damages that may result from the gross
8 negligence of the person rendering emergency care. This
9 immunity shall extend to the licensed physician or medical
10 authority who is involved in automated external defibrillator
11 site placement, the person who provides training in CPR and
12 the use of the automated external defibrillator, and the
13 person or entity responsible for the site where the automated
14 external defibrillator is located. This subsection
15 specifically excludes from the provision of immunity any
16 designers, manufacturers, or sellers of automated external
17 defibrillators for any claims that may be brought against such
18 entities based upon current Alabama law.

19 "(f) Any licensed engineer, licensed architect,
20 licensed surveyor, licensed contractor, licensed
21 subcontractor, or other individual working under the direct
22 supervision of the licensed individual who participates in
23 emergency response activities under the direction of, or in
24 connection with, a community emergency response team, county
25 emergency management agency, the state emergency management
26 agency, or the Federal Emergency Management Agency shall not
27 be liable for any civil damages as a result of any acts,

1 services, or omissions provided without compensation, in such
2 capacity if the individual acts as a reasonably prudent person
3 would have acted under the same or similar circumstances. The
4 immunity provided in this subsection shall apply to any acts,
5 services, or omissions provided within 90 days after
6 declaration of the emergency.

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

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

19 "a. SAFE PLACE. Any property, dwelling, shelter, or
20 other structure that can be reasonably considered protection
21 from severe weather.

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

24 "(2) Any entity or individual that provides access
25 to a safe place in times of severe weather is not liable for
26 any civil damages to any person using the safe place during
27 severe weather if the entity or individual was acting in good

1 faith and the individual acts as a reasonably prudent person
2 would have acted under the same or similar circumstances."

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