

1 HB68  
2 78946-3  
3 By Representative Wood  
4 RFD: Public Safety  
5 First Read: 10-JAN-06  
6 PFD: 12/15/2005

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ENROLLED, An Act,

To amend Section 6-5-332, Code of Alabama 1975, the Good Samaritan Law, to provide civil immunity to certain licensed engineers, architects, land surveyors, contractors, and subcontractors who, under the direction or supervision of an emergency agency, render emergency response activities without compensation.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§6-5-332.

"(a) When any doctor of medicine or dentistry, nurse, member of any organized rescue squad, member of any police or fire department, member of any organized volunteer fire department, Alabama-licensed emergency medical technician, intern or resident practicing in an Alabama hospital with training programs approved by the American Medical Association, Alabama state trooper, medical aidman functioning as a part of the military assistance to safety and traffic program, chiropractor, ~~utility employee or employee of a utility contractor,~~ or public education employee gratuitously and in good faith, renders first aid or emergency care at the scene of an accident, casualty, or disaster to a person injured therein, he or she shall not be liable for any

1 civil damages as a result of his or her acts or omissions in  
2 rendering first aid or emergency care, nor shall he or she be  
3 liable for any civil damages as a result of any act or failure  
4 to act to provide or arrange for further medical treatment or  
5 care for the injured person.

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

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

19 "(d) Any person who is qualified by a federal or  
20 state agency to perform mine rescue planning and recovery  
21 operations, including mine rescue instructors and mine rescue  
22 team members, and any person designated by an operator  
23 furnishing a mine rescue team to supervise, assist in planning  
24 or provide service thereto, who, in good faith, performs or  
25 fails to perform any act or service in connection with mine

1 rescue planning and recovery operations shall not be liable  
2 for any civil damages as a result of any acts or omissions.  
3 Nothing contained in this subsection shall be construed to  
4 exempt from liability any person responsible for an overall  
5 mine rescue operation, including an operator of an affected  
6 facility and any person assuming responsibility therefor under  
7 federal or state statutes or regulations.

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

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

4 "(f) Any licensed engineer, licensed architect,  
5 licensed surveyor, licensed contractor, licensed  
6 subcontractor, or other individual working under the direct  
7 supervision of the licensed individual who participates in  
8 emergency response activities under the direction of, or in  
9 connection with, a community emergency response team, county  
10 emergency management agency, state emergency management  
11 agency, or Federal Emergency Management Agency shall not be  
12 liable for any civil damages as a result of any acts,  
13 services, or omissions provided without compensation, in such  
14 capacity if the individual acts as a reasonably prudent person  
15 would have acted under the same or similar circumstances. The  
16 immunity provided in this subsection shall apply to any acts,  
17 services, or omissions provided within 30 days after  
18 declaration of the emergency."

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 02-FEB-06, as amended.

Greg Pappas  
Clerk

Senate	22-FEB-06	Amended and Passed
House	22-FEB-06	Concurred in Sen- ate Amendment