

SENATE BILL NO. 403

INTRODUCED BY G. ROUSH

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A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING TO AN EMPLOYER THE EXEMPTION FROM CIVIL LIABILITY FOR ACTS OR OMISSIONS OF A COMMERCIAL VEHICLE OPERATOR EMPLOYEE WHO RENDERS GOOD FAITH EMERGENCY CARE OR ASSISTANCE AT THE SCENE OF AN ACCIDENT OR EMERGENCY; AMENDING SECTION 27-1-714, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 27-1-714, MCA, is amended to read:

"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency.

(1) Any person licensed as a physician and surgeon under the laws of the state of Montana, any volunteer firefighter or officer of any nonprofit volunteer fire company, or any other person who in good faith renders emergency care or assistance without compensation, except as provided in subsection (2), at the scene of an emergency or accident is not liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by ~~such the~~ person in rendering ~~such~~ emergency care or assistance.

(2) Subsection (1) includes a person properly trained under the laws of this state who operates an ambulance to and from the scene of an emergency or renders emergency medical treatment on a volunteer basis so long as the total reimbursement received for ~~such the~~ volunteer services does not exceed 25% of ~~his~~ the person's gross annual income or \$3,000 a calendar year, whichever is greater.

(3) If a nonprofit subscription fire company refuses to fight a fire on nonsubscriber property, ~~such the~~ refusal does not constitute gross negligence or a willful or wanton act or omission.

(4) An employer is not liable for any civil damages for the acts or omissions of an employee who renders emergency care or assistance at the scene of an accident or emergency if the employee:

(a) operates a commercial motor vehicle, as defined in 61-1-134, for the employer;

(b) renders the emergency care or assistance in the course of employment for the employer; and

(c) is personally exempt from liability for civil damages for the acts or omissions under subsection (1)."

