



MONTANA MOTOR CARRIERS ASSOCIATION

Good stuff.



Bill No. 2
Date 2-15-05
SB 403



Driving Trucking's Success

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Testimony SB 403

Mr. Chairman members of the committee for the record I am Barry Stang Executive vice President of the Montana Motor Carriers Association. MMCA and its 800 members support SB 403.

Good Samaritan laws are laws enacted by various states that protect healthcare providers and other rescuers from being sued when they render aid to an emergency victim provided that the Good Samaritan uses reasonable, prudent guidelines for care using the resources they have available at the time of the accident. Most states including Montana have enacted some form of Good Samaritan Law prohibiting a victim from suing the caregiver from injuries rendered at the time of the emergency.

MCA "27-1-714. States, 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

Some states even go as far to make against the law to not stop and render aid. This presents a dilemma for many commercial truck drivers and the companies that they work for. If a driver fails to stop and render aid they may be breaking the law. If they stop and render aid and the employer's equipment is injured or involved in an accident, while the driver may be exempt from lawsuit because of the Good Samaritan Statue the employer isn't.

SB 403 is an attempt to help with that situation SB 403 is patterned after a similar law in Colorado that has become the model law for states belonging to MHTA. (Explain MHTA). This law was enacted in Colorado as the result of two companies being sued because their drivers rendered aid at the scene of an accident. In both cases the

drivers were commended by local law enforcement actions for rendering aid, but the companies who owned the truck were sued when struck by an unrelated vehicle. In both cases the commercial vehicles were safely parked on the shoulder of the road when struck by the other vehicle. As you can see this situation creates a no win situation for both the CMV driver and their company.

Montana's law should be amended to cover not only the driver but also the company and equipment of the driver rendering aid.

MMCA members are also participants in the Highway Watch program that reports accidents and hazards on the roadways of Montana. This would make sure that these HW participants could do their job.

Please support SB 403