

SENATE BILL NO. 107

INTRODUCED BY D. KARY

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING LIABILITY LIMITS FOR EMERGENCY CARE BY SEARCH AND RESCUE VOLUNTEERS; AMENDING SECTION 27-1-714, MCA; AND PROVIDING 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, any search and rescue volunteer, 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 the person in rendering the 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 the volunteer services does not exceed 25% of the person's gross annual income or \$3,000 a calendar year, whichever is greater. Reimbursement for search and rescue expenses is not compensation for purposes of this section.

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

NEW SECTION. Section 2. Applicability. [This act] applies to emergencies taking place on or after [the effective date of this act].

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