

1 **Motor Vehicle Accident Liability Amendments**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Michael L. Kohler**

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3 **LONG TITLE**

4 **General Description:**

5 This bill addresses the civil liability of a person who caused a motor vehicle accident and  
6 provided emergency care for the motor vehicle accident.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ addresses the civil liability of a person who caused a motor vehicle accident and provided  
10 emergency care for the motor vehicle accident; and  
11 ▶ makes technical and conforming changes.

12 **Money Appropriated in this Bill:**

13 None

14 **Other Special Clauses:**

15 None

16 **Utah Code Sections Affected:**

17 AMENDS:

18 **78B-4-501**, as last amended by Laws of Utah 2023, Chapters 310, 330

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20 *Be it enacted by the Legislature of the state of Utah:*

21 Section 1. Section **78B-4-501** is amended to read:

22 **78B-4-501 . Good Samaritan Law.**

23 (1) As used in this section:

24 (a) "Child" means an individual of such an age that a reasonable person would perceive  
25 the individual as unable to open the door of a locked motor vehicle, but in any case  
26 younger than 18 years [~~of age~~] old.

27 (b)(i) "Emergency" means an unexpected occurrence involving injury, threat of  
28 injury, or illness to a person or the public[~~, including motor vehicle accidents,~~  
29 ~~disasters, actual or threatened discharges, removal or disposal of hazardous~~  
30 ~~materials, and other accidents or events of a similar nature.~~] .

31 (ii) "Emergency" includes a motor vehicle accident, a disaster, an actual or threatened

32 discharge, a removal or disposal of hazardous materials, or other accident or event  
33 of a similar nature.

34 (c) "Emergency care" [~~includes actual assistance or advice~~] means actual assistance, aid,  
35 or advice that is offered to avoid, mitigate, or attempt to mitigate the effects of an  
36 emergency.

37 (d) "First responder" means a state or local:

38 (i) law enforcement officer, as defined in Section 53-13-103;

39 (ii) firefighter, as defined in Section 34A-3-113; or

40 (iii) emergency medical service provider, as defined in Section 53-2d-101.

41 (e) "Motor vehicle" means the same as that term is defined in Section 41-1a-102.

42 (2)(a) [~~A~~] Except as provided in Subsection (2)(b), a person who renders emergency care  
43 at or near the scene of, or during, an emergency, gratuitously and in good faith, is not  
44 liable for any civil damages or penalties as a result of [~~any~~] an act or omission by the  
45 person rendering the emergency care[~~, unless the person is grossly negligent or~~  
46 caused the emergency].

47 (b) Subsection (2)(a) does not apply if:

48 (i) the person is grossly negligent when rendering the emergency care; or

49 (ii) the emergency is not a motor vehicle accident and the person caused the  
50 emergency.

51 (3)(a) A person who gratuitously, and in good faith, assists a governmental agency or  
52 political subdivision in an activity described in Subsections (3)(a)(i) through (iii) is  
53 not liable for any civil damages or penalties as a result of any act or omission, unless  
54 the person rendering assistance is grossly negligent in:

55 (i) implementing measures to control the causes of epidemic and communicable  
56 diseases and other conditions significantly affecting the public health, or  
57 necessary to protect the public health as set out in Title 26A, Chapter 1, Local  
58 Health Departments;

59 (ii) investigating and controlling suspected bioterrorism and disease as set out in Title  
60 26B, Chapter 7, Part 3, Treatment, Isolation, and Quarantine Procedures for  
61 Communicable Diseases; and

62 (iii) responding to a national, state, or local emergency, a public health emergency as  
63 defined in Section 26B-7-301, or a declaration by the president of the United  
64 States or other federal official requesting public health-related activities.

65 (b) The immunity in this Subsection (3) is in addition to any immunity or protection in

66 state or federal law that may apply.

67 (4)(a) A person who uses reasonable force to enter a locked and unattended motor  
68 vehicle to remove a confined child is not liable for damages in a civil action if all of  
69 the following apply:

70 (i) the person has a good faith belief that the confined child is in imminent danger of  
71 suffering physical injury or death unless the confined child is removed from the  
72 motor vehicle;

73 (ii) the person determines that the motor vehicle is locked and there is no reasonable  
74 manner in which the person can remove the confined child from the motor vehicle;

75 (iii) before entering the motor vehicle, the person notifies a first responder of the  
76 confined child;

77 (iv) the person does not use more force than is necessary under the circumstances to  
78 enter the motor vehicle and remove the confined child from the vehicle; and

79 (v) the person remains with the child until a first responder arrives at the motor  
80 vehicle.

81 (b) A person is not immune from civil liability under this Subsection (4) if the person  
82 fails to abide by any of the provisions of Subsection (4)(a) or commits any  
83 unnecessary or malicious damage to the motor vehicle.

84 Section 2. **Effective date.**

85 This bill takes effect on May 7, 2025.