

GOOD SAMARITAN LAW AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tim Quinn

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill modifies the Good Samaritan Law.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ addresses civil immunity for persons who use force to remove a confined child from a motor vehicle; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-4-501, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

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

78B-4-501. Good Samaritan Law.

(1) As used in this section:

(a) "Child" means an individual of such an age that a reasonable person would perceive the individual as unable to open the door of a locked motor vehicle, but in any case younger

30 than 18 years of age.

31 (b) "Emergency" means an unexpected occurrence involving injury, threat of injury, or
 32 illness to a person or the public, including motor vehicle accidents, disasters, actual or
 33 threatened discharges, removal or disposal of hazardous materials, and other accidents or
 34 events of a similar nature.

35 (c) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or
 36 attempt to mitigate the effects of an 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 [26-8a-102](#).

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

42 ~~[(+)]~~ (2) A person who renders emergency care at or near the scene of, or during, an
 43 emergency, gratuitously and in good faith, is not liable for any civil damages or penalties as a
 44 result of any act or omission by the person rendering the emergency care, unless the person is
 45 grossly negligent or caused the emergency. ~~[As used in this section, "emergency" means an~~
 46 ~~unexpected occurrence involving injury, threat of injury, or illness to a person or the public,~~
 47 ~~including motor vehicle accidents, disasters, actual or threatened discharges, removal, or~~
 48 ~~disposal of hazardous materials, and other accidents or events of a similar nature. "Emergency~~
 49 ~~care" includes actual assistance or advice offered to avoid, mitigate, or attempt to mitigate the~~
 50 ~~effects of an emergency.]~~

51 ~~[(2)]~~ (3) (a) A person who gratuitously, and in good faith, assists a governmental
 52 ~~[agencies]~~ agency or political ~~[subdivisions in the activities]~~ subdivision in an activity
 53 described in Subsections ~~[(2)]~~ (3)(a)(i) through ~~[(c)]~~ (iii) is not liable for any civil damages or
 54 penalties as a result of any act or omission, unless the person rendering assistance is grossly
 55 negligent in:

56 ~~[(a)]~~ (i) implementing measures to control the causes of epidemic and communicable
 57 diseases and other conditions significantly affecting the public health, or necessary to protect

58 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

59 ~~[(b)]~~ (ii) investigating and controlling suspected bioterrorism and disease as set out in
60 Title 26, Chapter 23b, Detection of Public Health Emergencies Act; and

61 ~~[(c)]~~ (iii) responding to a national, state, or local emergency, a public health emergency
62 as defined in Section [26-23b-102](#), or a declaration by the ~~[President]~~ president of the United
63 States or other federal official requesting public health-related activities.

64 ~~[(3)]~~ (b) The immunity in this Subsection ~~[(2)]~~ (3) is in addition to any immunity or
65 protection in state or federal law that may apply.

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

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

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

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

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

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

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