

28 AMENDS:

29 78B-4-501, as last amended by Laws of Utah 2018, Chapter 62

30 ENACTS:

31 76-9-1101, Utah Code Annotated 1953



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

34 Section 1. Section 76-9-1101 is enacted to read:

35 **76-9-1101. Failure to provide assistance.**

36 (1) As used in this section:

37 (a) (i) "Assistance" means making reasonable effort to contact paramedics, fire
38 protection, law enforcement, or other appropriate emergency services.

39 (ii) "Assistance" does not include action that places the individual taking the action, or
40 another individual, in danger.

41 (b) "Emergency" means that an individual is suffering from serious bodily injury and is
42 in need of assistance.

43 (c) "Legal privilege" means any privilege designated by common law, statute, or rule of
44 evidence.

45 (d) "Serious bodily injury" means injury that involves a substantial risk of death ~~H~~→ ,
45a **unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted**
45b **loss or impairment of the function of a bodily member, organ, or mental faculty** ←~~H~~ .

46 (2) An individual is guilty of a class B misdemeanor if the individual:

47 (a) observes that a crime has occurred or is occurring or that an emergency is
48 occurring;

49 (b) has personal knowledge that another individual is suffering serious bodily injury
50 resulting from a crime or emergency;

51 (c) is able to provide reasonable assistance to the individual described in Subsection
52 (2)(b); and

53 (d) willfully fails to provide reasonable assistance to the individual described in
54 Subsection (2)(b).

55 (3) An individual is not guilty of violating Subsection (2) if the individual reasonably
56 believes another individual has, or likely has, already provided or is providing reasonable
57 assistance to the individual described in Subsection (2)(b).

58 (4) Notwithstanding any contrary provision of law, a prosecutor may not use an

59 individual's violation of Subsection (2) as the basis for charging the individual with another
60 offense.

61 (5) This section does not create an independent basis for civil liability for failure to
62 provide the assistance described in this section.

63 (6) The fact that an individual is charged with ~~H~~→ or convicted of ←~~H~~ a crime under this
63a section may not be
64 used to establish that the individual violated a duty on which a claim for personal injuries may
65 be based.

66 (7) Subsection (2) does not apply to the extent that an individual is prohibited from
67 providing assistance by a legal privilege.

68 Section 2. Section **78B-4-501** is amended to read:

69 **78B-4-501. Good Samaritan Law.**

70 (1) As used in this section:

71 (a) "Child" means an individual of such an age that a reasonable person would perceive
72 the individual as unable to open the door of a locked motor vehicle, but in any case younger
73 than 18 years of age.

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

78 (c) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or
79 attempt to mitigate the effects of an emergency.

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

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

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

83 (iii) emergency medical service provider, as defined in Section 26-8a-102.

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

85 (2) A person who renders emergency care at or near the scene of, or during, an
86 emergency, gratuitously and in good faith, or as required under Section 76-9-1101, is not liable
87 for any civil damages or penalties as a result of any act or omission by the person rendering the
88 emergency care, unless the person is grossly negligent or caused the emergency.

89 (3) (a) A person who gratuitously, and in good faith, assists a governmental agency or