

1 **911 RESPONSIBILITIES IN AN EMERGENCY**

2 2020 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brian S. King**

5 Senate Sponsor: _____

6

LONG TITLE

7 **General Description:**

8 This bill creates a duty to contact emergency services in an emergency.

9 **Highlighted Provisions:**

10 This bill:

11 ▶ defines terms;

12 ▶ makes it a class B misdemeanor to fail to contact emergency services in the event of
13 a crime or another emergency subject to certain exceptions;

14 ▶ prohibits a prosecutor from basing charges for commission of an offense other than
15 the offense created in this bill on an individual's failure to contact emergency
16 services;

17 ▶ amends provisions of the Good Samaritan Act to provide immunity from liability to
18 an individual who contacts emergency services in accordance with the requirements
19 of this bill;

20 ▶ addresses civil liability issues related to this bill; and

21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**



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.

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 a crime under this 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

90 political subdivision in an activity described in Subsections (3)(a)(i) through (iii) is not liable
91 for any civil damages or penalties as a result of any act or omission, unless the person
92 rendering assistance is grossly negligent in:

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

96 (ii) investigating and controlling suspected bioterrorism and disease as set out in Title
97 26, Chapter 23b, Detection of Public Health Emergencies Act; and

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

101 (b) The immunity in this Subsection (3) is in addition to any immunity or protection in
102 state or federal law that may apply.

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

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

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

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

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

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

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