

SENATE BILL No. 53

January 30, 2001, Introduced by Senators SHUGARS, NORTH and STEIL and referred to the Committee on Judiciary.

A bill to amend 1963 PA 17, entitled

"An act to relieve certain persons from civil liability when rendering emergency care, when rendering care to persons involved in competitive sports under certain circumstances, or when participating in a mass immunization program approved by the department of public health,"

(MCL 691.1501 to 691.1507) by adding section 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 8. (1) A PERSON WHO, WITHOUT COMPENSATION OR THE
2 EXPECTATION OF COMPENSATION, RENDERS EMERGENCY CARE, ADVICE, OR
3 ASSISTANCE AT THE SCENE OF AN EMERGENCY OR DURING TRANSIT TO A
4 LOCATION WHERE PROFESSIONAL MEDICAL CARE CAN BE RENDERED IS NOT
5 LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ACTS OR OMISSIONS BY
6 THAT PERSON IN RENDERING THE EMERGENCY CARE, ADVICE, OR ASSIST-
7 ANCE, UNLESS THE PERSON ACTS IN A RECKLESS OR WILLFUL AND WANTON
8 MANNER IN PROVIDING THE CARE, ADVICE, OR ASSISTANCE. THIS
9 SECTION DOES NOT APPLY TO A PERSON RENDERING EMERGENCY CARE,

1 ADVICE, OR ASSISTANCE DURING THE COURSE OF REGULAR EMPLOYMENT AND
2 RECEIVING COMPENSATION OR EXPECTING TO RECEIVE COMPENSATION FOR
3 RENDERING THE CARE, ADVICE, OR ASSISTANCE.

4 (2) FOR PURPOSES OF THIS SECTION, THE SCENE OF AN EMERGENCY
5 IS AN AREA OUTSIDE THE CONFINES OF A HEALTH FACILITY OR AGENCY AS
6 DEFINED IN ARTICLE 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
7 333.20101 TO 333.22260, OR AN OFFICE OF A PERSON LICENSED OR REG-
8 ISTERED UNDER ARTICLE 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
9 MCL 333.16101 TO 333.18838. THE SCENE OF AN EMERGENCY INCLUDES
10 AREAS THREATENED BY OR EXPOSED TO SPILLAGE, SEEPAGE, FIRE, EXPLO-
11 SION, OR OTHER RELEASE OF HAZARDOUS MATERIALS AND INCLUDES SKI
12 AREAS AND TRAILS.

13 (3) AS USED IN THIS SECTION:

14 (A) "COMPENSATION" DOES NOT INCLUDE PAYMENTS, REIMBURSEMENT
15 FOR EXPENSES, OR PENSION BENEFITS PAID TO MEMBERS OF VOLUNTEER
16 ORGANIZATIONS.

17 (B) "PERSON" INCLUDES A PUBLIC OR PRIVATE NONPROFIT VOLUN-
18 TEER FIREFIGHTER, VOLUNTEER POLICE OFFICER, VOLUNTEER AMBULANCE
19 ATTENDANT, VOLUNTEER FIRST PROVIDER OF EMERGENCY MEDICAL SERV-
20 ICES, VOLUNTEER SKI PATROLLER, AND ANY PARTNERSHIP, CORPORATION,
21 ASSOCIATION, OR OTHER ENTITY.