

HOUSE BILL 1475

D3

8lr3425

By: **Delegate Lisanti**

Introduced and read first time: February 9, 2018

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Duty to Render Assistance**

3 FOR the purpose of requiring an individual to provide reasonable assistance to another
4 individual who is under threat of or has incurred serious physical injury if providing
5 such assistance does not endanger self or others; establishing a certain penalty for a
6 violation of this Act; providing civil immunity for a certain individual who renders
7 reasonable assistance to another individual under this Act subject to certain
8 limitations; providing for the construction of this Act; and generally relating to an
9 affirmative duty to render aid.

10 BY adding to

11 Article – Courts and Judicial Proceedings

12 Section 5–809

13 Annotated Code of Maryland

14 (2013 Replacement Volume and 2017 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Courts and Judicial Proceedings**

18 **5–809.**

19 **(A) AN INDIVIDUAL WHO KNOWS OR HAS REASON TO KNOW THAT ANOTHER**
20 **INDIVIDUAL IS EXPOSED TO OR HAS SUFFERED SERIOUS PHYSICAL INJURY SHALL,**
21 **TO THE EXTENT THAT THE INDIVIDUAL CAN DO SO WITHOUT DANGER OR PERIL TO**
22 **SELF OR OTHERS, PROVIDE REASONABLE ASSISTANCE TO THE EXPOSED OR**
23 **INJURED INDIVIDUAL.**

24 **(B) REASONABLE ASSISTANCE INCLUDES:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) OBTAINING OR ATTEMPTING TO OBTAIN AID FROM LAW**
2 **ENFORCEMENT OR MEDICAL PERSONNEL; AND**

3 **(2) PROVIDING DIRECT ASSISTANCE SUCH AS ADMINISTERING**
4 **CARDIOPULMONARY RESUSCITATION.**

5 **(C) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL**
6 **PENALTY OF \$250.**

7 **(D) (1) AN INDIVIDUAL WHO PROVIDES ASSISTANCE UNDER THIS**
8 **SECTION IS NOT LIABLE FOR ANY CIVIL DAMAGES AS A RESULT OF ACTS OR**
9 **OMISSIONS BY THAT INDIVIDUAL IN PROVIDING ASSISTANCE.**

10 **(2) THIS SUBSECTION DOES NOT PROVIDE IMMUNITY FROM SUIT TO**
11 **AN INDIVIDUAL:**

12 **(I) WHOSE ACT OR OMISSION WAS THE ORIGINAL CAUSE OF**
13 **THE SERIOUS PHYSICAL INJURY;**

14 **(II) WHO ACTS IN A RECKLESS MANNER OR IS GROSSLY**
15 **NEGLIGENT IN PROVIDING ASSISTANCE; OR**

16 **(III) WHO PROVIDES ASSISTANCE DURING THE COURSE OF**
17 **REGULAR EMPLOYMENT AND RECEIVES COMPENSATION OR EXPECTS TO RECEIVE**
18 **COMPENSATION FOR RENDERING THE ASSISTANCE.**

19 **(E) THIS SECTION MAY NOT BE CONSTRUED TO REQUIRE AN INDIVIDUAL TO**
20 **PROVIDE INFORMATION IN VIOLATION OF THE INDIVIDUAL'S RIGHT AGAINST**
21 **SELF-INCRIMINATION.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2018.