
By: Delegate Morhaim

Introduced and read first time: January 31, 1996

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Good Samaritan Law - Private Commercial Ambulance or Rescue Squads - Immunity**
3 **from Civil Liability**

4 FOR the purpose of adding private commercial ambulance or rescue squadsto the list of
5 organizations that are immune from civil liability for an act or omission in giving
6 assistance or medical care, or in the course of performing their duties under certain
7 circumstances; and generally relating to immunity of private commercial ambulance
8 or rescue squads from civil liability under certain circumstances.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 5-309 and 5-309.1
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1995 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 5-309.

18 (a) A person described in subsection (b) of this section is not civilly liable for any
19 act or omission in giving any assistance or medical care, if:

20 (1) The act or omission is not one of gross negligence;

21 (2) The assistance or medical care is provided without fee or other
22 compensation; and

23 (3) The assistance or medical care is provided:

24 (i) At the scene of an emergency;

25 (ii) In transit to a medical facility; or

26 (iii) Through communications with personnel providing emergency
27 assistance.

28 (b) Subsection (a) of this section applies to the following:

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1 (1) An individual who is licensed by this State to provide medical care;

2 (2) A member of any State, county, municipal, or volunteer firedepartment,
3 ambulance and rescue squad or law enforcement agency or of the NationalSki Patrol
4 System, PRIVATE COMMERCIAL AMBULANCE OR RESCUE SQUAD, or a corporate fire
5 department responding to a call outside of its corporate premises, if the member:

6 (i) Has completed an American Red Cross course in advancedfirst
7 aid and has a current card showing that status;

8 (ii) Has completed an equivalent of an American Red Cross course in
9 advanced first aid, as determined by the Secretary of Health and MentalHygiene; or

10 (iii) Is certified by this State as an emergency medical technician or
11 cardiac rescue technician;

12 (3) A volunteer fire department, ambulance and rescue squad whose
13 members have immunity;

14 (4) A corporation when its fire department personnel are immuneunder
15 paragraph (2) of this subsection.

16 (c) An individual who is not covered otherwise by this section is not civilly liable
17 for any act or omission in providing assistance or medical aid to a victim at the scene of
18 an emergency, if:

19 (1) The assistance or aid is provided in a reasonably prudent manner;

20 (2) The assistance or aid is provided without fee or other compensation; and

21 (3) The individual relinquishes care of the victim when someone who is
22 licensed or certified by this State to provide medical care or services becomes available to
23 take responsibility.

24 5-309.1.

25 (a) Notwithstanding any other provision of law, except for any willful or grossly
26 negligent act, a fire company or rescue company, INCLUDING A PRIVATE COMMERCIAL
27 AMBULANCE OR RESCUE SQUAD, and the personnel of a fire company or rescue
28 company, are immune from civil liability for any act or omission in the course of
29 performing their duties.

30 (b) (1) The immunity granted by this section is waived with respect to actions to
31 recover damages for the negligent operation of a motor vehicle to the following extent:

32 (i) For a self-insured fire company or rescue company, liability shall
33 extend up to the minimum insurance limits imposed by § 17-103 of the Transportation
34 Article; and

35 (ii) For a fire company or rescue company insured by an insurer
36 authorized to issue insurance policies in this State, liability shall extend up to the
37 maximum limit of any basic vehicle liability insurance policy it has in effect, exclusive of
38 excess liability coverage.

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1 (2) The immunity granted by this section is not waived and may be raised as
2 a defense as to any amount of damages claimed above the limits in this subsection and as
3 to any other action for damages not involving the negligent operation of a motor vehicle.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 1996.