

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1475  
Judiciary

(Delegate Lisanti)

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Civil Actions - Duty to Render Assistance

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This bill requires an individual who knows or has reason to know that another individual is exposed to or has suffered serious physical injury to provide “reasonable assistance” to the exposed or injured individual, to the extent that the individual can provide reasonable assistance without danger or peril to self or others. “Reasonable assistance” includes (1) obtaining or attempting to obtain aid from law enforcement or medical personnel and (2) providing direct assistance such as administering cardiopulmonary resuscitation. A violator is subject to a civil penalty of \$250. With specified exceptions, an individual rendering assistance is not liable for any civil damages as a result of acts or omissions while providing such assistance.

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Fiscal Summary

**State Effect:** Potential minimal increase in general fund revenues from civil penalties imposed in the District Court. Expenditures are not affected.

**Local Effect:** The bill does not materially affect local finances or operations.

**Small Business Effect:** None.

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Analysis

**Bill Summary:** The bill does not provide immunity from civil liability to an individual (1) whose act or omission was the original cause of the serious physical injury; (2) who acts in a reckless manner or is grossly negligent in providing assistance; or (3) who provides assistance during the course of regular employment and receives compensation or expects to receive compensation for rendering the assistance. The bill’s provisions may

not be construed to require an individual to provide information in violation of the individual's right against self-incrimination.

**Current Law:** In general, a person does not have an affirmative duty to rescue or aid a stranger in peril under American tort law. Exceptions to this rule include situations in which there is a particular relationship between the plaintiff and defendant (*e.g.*, business person/customer), when the defendant caused the plaintiff's peril, or the defendant commenced voluntarily rendering aid to the plaintiff.

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### **Additional Information**

**Prior Introductions:** HB 1436 of 2017, a similar bill, received an unfavorable report from the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); "Understanding the Absence of a Duty to Reasonably Rescue in American Tort Law," 82 *Tulane Law Review*, 1447 (2008); Department of Legislative Services

**Fiscal Note History:** First Reader - March 5, 2018  
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