

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1205 Session of  
1977

INTRODUCED BY MESSRS. LETTERMAN, A. K. HUTCHINSON, PETRARCA,  
BERLIN, KOLTER AND REED, JUNE 6, 1977

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 12, 1978

AN ACT

1 ~~Amending the act of September 9, 1965 (P.L.498, No.252),~~ <—  
2 ~~entitled, as amended, "An act exempting certain firemen,~~  
3 ~~policemen, volunteer ambulance and rescue squad personnel and~~  
4 ~~National Ski Patrol personnel from civil liability when~~  
5 ~~rendering emergency care, first aid and rescue in the~~  
6 ~~performance of their duties except in certain instances,"~~  
7 ~~extending the provisions of the act.~~  
8 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <—  
9 PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR  
10 NONMEDICAL GOOD SAMARITAN CIVIL IMMUNITY.

11 The General Assembly of the Commonwealth of Pennsylvania  
12 hereby enacts as follows:

13 ~~Section 1. The title and section 1, act of September 9, 1965~~ <—  
14 ~~(P.L.498, No.252), entitled, as amended, "An act exempting~~  
15 ~~certain firemen, policemen, volunteer ambulance and rescue squad~~  
16 ~~personnel and National Ski Patrol personnel from civil liability~~  
17 ~~when rendering emergency care, first aid and rescue in the~~  
18 ~~performance of their duties except in certain instances,"~~  
19 ~~amended June 17, 1971 (P.L.169, No.14), are amended to read:~~

20 AN ACT

21 ~~Exempting certain [firemen, policemen, volunteer ambulance and~~

~~rescue squad personnel and National Ski Patrol personnel}  
persons from civil liability when rendering emergency care,  
first aid and rescue [in the performance of their duties]  
except in certain instances.~~

~~Section 1. Any [fireman, policeman, member of a volunteer  
ambulance or rescue squad or member of the National Ski Patrol]  
person who renders emergency care, first aid or rescue [while in  
the performance of his duties] at the scene of an emergency, or  
moves the person receiving such care, first aid and rescue to a  
hospital or other place of medical care, shall not be liable to  
such person for any civil damages as a result of any acts or  
omissions in rendering the emergency care, first aid or rescue,  
or moving the person receiving the same to a hospital or other  
place of medical care, except any acts or omissions  
intentionally designed to harm or any grossly negligent acts or  
omissions which result in harm to the person receiving the  
emergency care, first aid or rescue, or being moved to a  
hospital or other place of medical care, but nothing herein  
shall relieve a driver of an ambulance or other emergency or  
rescue vehicle from liability arising from operation or use of  
such vehicle. In order for [any fireman, policeman, member of a  
volunteer ambulance or rescue squad or member of the National  
Ski Patrol] such person to receive the benefit of the exemption  
from civil liability provided for in this act, he must [first  
have taken and successfully completed a standard first aid  
course recognized or approved by the American Red Cross and  
further he shall have a valid certification from the American  
Red Cross that he has successfully completed any necessary  
training or refresher courses, or shall have successfully  
completed a first aid course having standards at least equal to~~

1 ~~a first aid course recognized or approved by the American Red~~  
2 ~~Cross.] be, at the time of rendering the emergency care, first~~  
3 ~~aid or rescue OR MOVING THE PERSON RECEIVING SUCH CARE, FIRST~~ <—  
4 ~~AID AND RESCUE TO A HOSPITAL OR OTHER PLACE OF MEDICAL CARE, the~~  
5 ~~holder of a current certificate evidencing his successful~~  
6 ~~completion of a course in first aid, advanced life saving or~~  
7 ~~basic life support sponsored by the American National Red Cross~~  
8 ~~or the American Heart Association or an equivalent course of~~  
9 ~~instruction approved by the Secretary of Health in consultation~~  
10 ~~with a technical committee of the Pennsylvania Emergency Health~~  
11 ~~Services Council and must be performing techniques and employing~~  
12 ~~procedures consistent with the nature and level of the training~~  
13 ~~for which the certificate has been issued.~~

14 SECTION 1. SECTION 8332 OF TITLE 42, ACT OF NOVEMBER 25, <—  
15 1970 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED  
16 STATUTES, IS AMENDED TO READ:

17 § 8332. NONMEDICAL GOOD SAMARITAN CIVIL IMMUNITY.

18 (A) GENERAL RULE.--ANY [FIREMAN, POLICEMAN, MEMBER OF A  
19 VOLUNTEER AMBULANCE OR RESCUE SQUAD OR MEMBER OF THE NATIONAL  
20 SKI PATROL] PERSON WHO RENDERS EMERGENCY CARE, FIRST AID OR  
21 RESCUE [WHILE IN THE PERFORMANCE OF HIS DUTIES] AT THE SCENE OF  
22 AN EMERGENCY, OR MOVES THE PERSON RECEIVING SUCH CARE, FIRST AID  
23 AND RESCUE TO A HOSPITAL OR OTHER PLACE OF MEDICAL CARE, SHALL  
24 NOT BE LIABLE TO SUCH PERSON FOR ANY CIVIL DAMAGES AS A RESULT  
25 OF ANY ACTS OR OMISSIONS IN RENDERING THE EMERGENCY CARE, FIRST  
26 AID OR RESCUE, OR MOVING THE PERSON RECEIVING THE SAME TO A  
27 HOSPITAL OR OTHER PLACE OF MEDICAL CARE, EXCEPT ANY ACTS OR  
28 OMISSIONS INTENTIONALLY DESIGNED TO HARM OR ANY GROSSLY  
29 NEGLIGENT ACTS OR OMISSIONS WHICH RESULT IN HARM TO THE PERSON  
30 RECEIVING THE EMERGENCY CARE, FIRST AID OR RESCUE OR BEING MOVED

1 TO A HOSPITAL OR OTHER PLACE OF MEDICAL CARE.

2 (B) EXCEPTIONS.--

3 (1) THIS SECTION SHALL NOT RELIEVE A DRIVER OF AN  
4 AMBULANCE OR OTHER EMERGENCY OR RESCUE VEHICLE FROM LIABILITY  
5 ARISING FROM OPERATION OR USE OF SUCH VEHICLE.

6 (2) IN ORDER FOR ANY [FIREMAN, POLICEMAN, MEMBER OF A  
7 VOLUNTEER AMBULANCE OR RESCUE SQUAD OR MEMBER OF THE NATIONAL  
8 SKI PATROL] PERSON TO RECEIVE THE BENEFIT OF THE EXEMPTION  
9 FROM CIVIL LIABILITY PROVIDED FOR IN SUBSECTION (A), HE SHALL  
10 [FIRST HAVE TAKEN AND SUCCESSFULLY COMPLETED A STANDARD FIRST  
11 AID COURSE RECOGNIZED OR APPROVED BY THE AMERICAN RED CROSS  
12 AND FURTHER HE SHALL HAVE A VALID CERTIFICATION FROM THE  
13 AMERICAN RED CROSS THAT HE HAS SUCCESSFULLY COMPLETED ANY  
14 NECESSARY TRAINING OR REFRESHER COURSES, OR SHALL HAVE  
15 SUCCESSFULLY COMPLETED A FIRST AID COURSE HAVING STANDARDS AT  
16 LEAST EQUAL TO A FIRST AID COURSE RECOGNIZED OR APPROVED BY  
17 THE AMERICAN RED CROSS.] BE, AT THE TIME OF RENDERING THE  
18 EMERGENCY CARE, FIRST AID OR RESCUE OR MOVING THE PERSON  
19 RECEIVING EMERGENCY CARE, FIRST AID OR RESCUE TO A HOSPITAL  
20 OR OTHER PLACE OF MEDICAL CARE, THE HOLDER OF A CURRENT  
21 CERTIFICATE EVIDENCING THE SUCCESSFUL COMPLETION OF A COURSE  
22 IN FIRST AID, ADVANCED LIFE SAVING OR BASIC LIFE SUPPORT  
23 SPONSORED BY THE AMERICAN NATIONAL RED CROSS OR THE AMERICAN  
24 HEART ASSOCIATION OR AN EQUIVALENT COURSE OF INSTRUCTION  
25 APPROVED BY THE DEPARTMENT OF HEALTH IN CONSULTATION WITH A  
26 TECHNICAL COMMITTEE OF THE PENNSYLVANIA EMERGENCY HEALTH  
27 SERVICES COUNCIL AND MUST BE PERFORMING TECHNIQUES AND  
28 EMPLOYING PROCEDURES CONSISTENT WITH THE NATURE AND LEVEL OF  
29 THE TRAINING FOR WHICH THE CERTIFICATE HAS BEEN ISSUED.

30 Section 2. This act shall take effect in 60 days.