

Too many kids die in hot cars, either left behind by parents and caregivers or by going into an unlocked car. People who walk by a car and see a child in it alone on a warm day can help prevent tragedies. But a survey of parents by Public Opinion Strategies for Safe Kids showed that many people are worried about getting involved in such an incident. Some say they are hesitant because they fear a lawsuit.



Please don't let that be a reason to stop you. The large majority of states have a law giving people immunity from a lawsuit if they act to protect a life or answer an emergency. The keys to many of the laws are acting:

- In good faith.
- Not for compensation or looking for a fee.
- Without gross negligence or misconduct.

Alabama

Provides that someone responding to an emergency without compensation shall not be liable for negligence based on the conduct of a “reasonably prudent person” in a similar situation.

Section 6-5-332

Persons rendering emergency care etc., at scene of accident, etc.

(g) Any person, who, in good faith, renders emergency care at the scene of an accident or emergency to the victim or victims thereof without making any charge of goods or services therefor shall not be liable for any civil damages as a result of any act or omission by the person in rendering emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person if the individual acts as a reasonably prudent person would have acted under the same or similar circumstances.

<http://alisondb.legislature.state.al.us/acas/codeofalabama/1975/6-5-332.htm>

Arizona

Provides immunity to “any other person” beyond health care providers who administer care at an emergency without payment and in good faith.

32-1471. Health care provider and any other person; emergency aid; non liability. Any health care provider licensed or certified to practice as such in this state or elsewhere, or a licensed ambulance attendant, driver or pilot as defined in 41-1831, or any other person who renders emergency care at a public gathering or at the scene of an emergency occurrence gratuitously and in good faith shall not be liable for any civil or other damages as the result of any act or omission by such person rendering the emergency care, or as the result of any act or failure of act to provide or arrange for further medical treatment or care for the injured persons, unless such person, while rendering such emergency care, is guilty of gross negligence.

http://www.gc.maricopa.edu/emt-fsc/acrobat_files/EMT104_Course_Pack/AZ_legal_issues.pdf

Arkansas

A person who is present at an emergency scene and believes life, health and safety to another individual will not be held liable for civil damages absent gross negligence or willful misconduct.

(a) Any health care professional under the laws of the State of Arkansas who in good faith lends emergency care or assistance without compensation at the place of an emergency or accident shall not be liable for any civil damages for acts or omissions performed in good faith so long as any act or omission resulting from the rendering of emergency assistance or services was not grossly negligent or willful misconduct.

(b) Any person who is not a health care professional who is present at an emergency or accident scene and who:

(1) Believes that the life, health, and safety of an injured person or a person who is under imminent threat of danger could be aided by reasonable and accessible emergency procedures under the circumstances existing at the scene thereof; and

(2) Proceeds to lend emergency assistance or service in a manner calculated in good faith to lessen or remove the immediate threat to the life, health, or safety of such a person, shall not be held liable in civil damages in any action in this state for any act or omission resulting from the rendering of emergency assistance or services unless the act or omission was not in good faith and was the result of gross negligence or willful misconduct.

(c) No health care professional who in good faith and without compensation renders voluntary emergency assistance to a participant in a school athletic event or contest at the site thereof or during transportation to a health care facility for an injury suffered in the course of the event or contest shall be liable for any civil damages as a result of any acts or omissions by that health care professional in rendering the emergency care. The immunity granted by this subsection shall not apply in the event of an act or omission constituting gross negligence. . . .

<http://law.justia.com/codes/arkansas/2012/title-17/subtitle-3/chapter-95/subchapter-1/section-17-95-101>

California

California law gives immunity from civil liability to a person who renders assistance to an individual at the scene of an emergency, applies for actions in good faith and not for compensation.

1799.102. (a) No person who in good faith, and not for compensation, renders emergency medical or nonmedical care at the scene of an emergency shall be liable for any civil damages resulting from any act or omission. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered. This subdivision applies only to the medical, law enforcement, and emergency personnel specified in this chapter.

(b) (1) It is the intent of the Legislature to encourage other individuals to volunteer, without compensation, to assist others in need during an emergency, while ensuring that those volunteers who

provide care or assistance act responsibly.

(2) Except for those persons specified in subdivision (a), no person who in good faith, and not for compensation, renders emergency medical or nonmedical care or assistance at the scene of an

emergency shall be liable for civil damages resulting from any act or omission other than an act or omission constituting gross negligence or willful or wanton misconduct. The scene of an emergency shall not include emergency departments and other places where medical care is usually offered. This subdivision shall not be construed to alter existing protections from liability for licensed medical or other personnel specified in subdivision (a) or any other law.

(c) Nothing in this section shall be construed to change any existing legal duties or obligations, nor does anything in this section in any way affect the provisions in Section 1714.5 of the Civil Code, as proposed to be

amended by Senate Bill 39 of the 2009-10 Regular Session of the Legislature.

(d) The amendments to this section made by the act adding subdivisions (b) and (c) shall apply exclusively to any legal action filed on or after the effective date of that act.

<http://law.onecle.com/california/health/1799.102.html>

Florida

Provides immunity from civil liability, including to a health care professional, for rendering care at the scene of an emergency.

768.13 Good Samaritan Act; immunity from civil liability.

(1) This act shall be known and cited as the “Good Samaritan Act.”

(2)(a) Any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a public health emergency declared pursuant to s. 381.00315, a state of emergency which has been declared pursuant to s. 252.36 or at the scene of an emergency outside of a hospital, doctor’s office, or other place having proper medical equipment, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(b)1. Any health care provider, including a hospital licensed under chapter 395, providing emergency services pursuant to obligations imposed by 42 U.S.C. s. 1395dd, s. 395.1041, s. 395.401, or s. 401.45 shall not be held liable for any civil damages as a result of such medical care or treatment unless such damages result from providing, or failing to provide, medical care or treatment under circumstances demonstrating a reckless disregard for the consequences so as to affect the life or health of another.

3. For purposes of this paragraph, the Legislature’s intent is to encourage health care practitioners to provide necessary emergency care to all persons without fear of litigation as described in this paragraph.

(d) Any person whose acts or omissions are not otherwise covered by this section and who participates in emergency response activities under the direction of or in connection with a community emergency response team, local emergency management agencies, the Division of Emergency Management, or the Federal Emergency Management Agency is not liable for any civil damages as a result of care, treatment, or services provided gratuitously in such capacity and resulting from any act or failure to act in such capacity in providing or arranging further care, treatment, or services, if such person acts as a reasonably prudent person would have acted under the same or similar circumstances.

(3) Any person, including those licensed to practice veterinary medicine, who gratuitously and in good faith renders emergency care or treatment to an injured animal at the scene of an emergency on or adjacent to a roadway shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0700-0799/0768/Sections/0768.13.html

Illinois

Illinois law applies immunity to a large range of health care providers and in specific situations. Its preamble may imply a broad Good Samaritan law and states that the law should be considered liberally to provide immunity to volunteers.

Sec. 2. Legislative purpose. The General Assembly has established numerous protections for the generous and compassionate acts of its citizens who volunteer their time and talents to help others. These protections or good Samaritan provisions have been codified in many Acts of the Illinois Compiled Statutes. This Act recodifies existing good Samaritan provisions. Further, without limitation the provisions of this Act shall be liberally construed to encourage persons to volunteer their time and talents.

(Source: P.A. 89-607, eff. 1-1-97.)

<http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=2076&ChapterID=58>

Louisiana

Provides that no individual who renders care at the scene of an emergency shall be liable for civil damages, when rendered without compensation.

§2793. Gratuitous service at scene of emergency; limitation on liability

A. No person who in good faith gratuitously renders emergency care, first aid or rescue at the scene of an emergency, or moves a person receiving such care, first aid or rescue to a hospital or other place of medical care shall be liable for any civil damages as a result of any act or omission in rendering the care or services or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the person involved in the said emergency; provided, however, such care or services or transportation shall not be considered gratuitous, and this Section shall not apply when rendered incidental to a business relationship, including but not limited to that of employer-employee, existing between the person rendering such care or service or transportation and the person receiving the same, or when incidental to a business relationship existing between the employer or principal of the person rendering such care, service or transportation and the employer or principal of the person receiving such care, service or transportation. This Section shall not exempt from liability those individuals who intentionally or by grossly negligent acts or omissions cause damages to another individual.

B. The immunity herein granted shall be personal to the individual rendering such care or service or furnishing such transportation and shall not inure to the benefit of any employer or other person legally responsible for the acts or omissions of such individual, nor shall it inure to the benefit of any insurer.

C. For purposes of this Section, rendering emergency care, first aid, or rescue shall include the use of an automated external defibrillator as defined by R.S. 40:1236.12.

Added by Acts 1975, No. 600, §1; Acts 2010, No. 459, §1.

<http://www.legis.state.la.us/lss/lss.asp?doc=107228>

Michigan

Michigan law seems not to provide immunity to a citizen acting in good faith to help someone in an emergency. The law applies to a range of health care providers and in specific situations.

http://www.michigan.gov/documents/IIT-Good_Samaritan_Act,_691_129485_7.1501.pdf

Mississippi

Provides that no person shall be liable for civil damages in responding to an emergency or transporting someone for medical assistance when acting in good faith and exercising reasonable care.

§73-25-37. LIABILITY OF PHYSICIAN, DENTIST, NURSE, EMERGENCY MEDICAL TECHNICIAN, ETC., FOR RENDERING EMERGENCY CARE.

No duly licensed, practicing physician, physician assistant, dentist, registered nurse, licensed practical nurse, certified registered emergency medical technician, or any other person who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an emergency, or in transporting

said injured person to a point where medical assistance can be reasonably expected, shall be liable for any civil damages to said injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omissions in good faith and in the exercise of reasonable care by such persons in rendering the emergency care to said injured person.

[http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/\\$FILE/7_1_2013_laws.pdf?OpenElement](http://www.msbml.ms.gov/msbml/web.nsf/webpages/Regulations_Laws/$FILE/7_1_2013_laws.pdf?OpenElement)

North Carolina

Provides immunity from liability for civil damages if acting without compensation and in good faith.

(a) Any person, including a volunteer medical or health care provider at a facility of a local health department as defined in G.S. 130A-2 or at a nonprofit community health center or a volunteer member of a rescue squad, who receives no compensation for his services as an emergency medical care provider, who renders first aid or emergency health care treatment to a person who is unconscious, ill or injured,

(1) When the reasonably apparent circumstances require prompt decisions and actions in medical or other health care, and

(2) When the necessity of immediate health care treatment is so reasonably apparent that any delay in the rendering of the treatment would seriously worsen the physical condition or endanger the life of the person, shall not be liable for damages for injuries alleged to have been sustained by the person or for damages for the death of the person alleged to have occurred by reason of an act or omission in the rendering of the treatment unless it is established that the injuries were or the death was caused by gross negligence, wanton conduct or intentional wrongdoing on the part of the person rendering the treatment. The immunity conferred in this section also applies to any person who uses an automated external defibrillator (AED) and otherwise meets the requirements of this section. . . .

(b) Nothing in this section shall be deemed or construed to relieve any person from liability for damages for injury or death caused by an act or omission on the part of such person while rendering health care services in the normal and ordinary course of his business or profession. Services provided by a volunteer health care provider who receives no compensation for his services and who renders first aid or emergency treatment to members of athletic teams are deemed not to be in the normal and ordinary course of the volunteer health care provider's business or profession.

<http://law.onecle.com/north-carolina/90-medicine-and-allied-occupations/90-21.14.html>

Oklahoma

Provides limited immunity for an untrained person acting to provide CPR or stop bleeding in an emergency.

§765. Responsibility for negligence "Good Samaritan Act".

(a) Everyone is responsible, not only for the result of his willful acts, but also for an injury occasioned to another by his want of ordinary care or skill in the management of his property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself, and except as hereinafter provided.

(1) Where no prior contractual relationship exists, any person licensed to practice any method of treatment of human ailments, disease, pain, injury, deformity, mental or physical condition, or licensed to render services ancillary thereto, including licensed registered and practical nurses, who, under emergency circumstances that suggest the giving of aid is the only alternative to probable death or serious bodily injury, in good faith, voluntarily and without compensation, renders or attempts to render emergency care to an injured person or any person who is in need of immediate medical aid, wherever required, shall not be liable for damages as a result of any acts or omissions except for committing gross negligence or willful or wanton wrongs in rendering the emergency care.

(2) Where no prior contractual relationship exists, any person who in good faith renders or attempts to render emergency care consisting of artificial respiration, restoration of breathing, or preventing or retarding the loss of blood, or aiding or restoring heart action or circulation of blood to the victim or victims of an accident or emergency, wherever required, shall not be liable for any civil damages as a result of any acts or omissions by such person in rendering the emergency care.

(3) Where no prior contractual relationship exists, any person licensed to perform surgery or dentistry in this state who in good faith renders emergency care requiring the performance of an operation or other form of surgery upon any individual who was the victim of an accidental act shall not be liable for any civil damages or subject to criminal prosecution as the result of nonconsent whereby such person renders or attempts to render the emergency surgery or operation voluntarily and without compensation, wherever required, except for gross negligence or willful or wanton wrongs committed in rendering the care; provided, however, that the exemption granted by this subsection shall not attach if the victim is an adult who is conscious and capable of giving or refusing his consent; or if the victim's spouse, or parent, or guardian in the case of a minor or incompetent person, can be reached in a reasonable time considering the condition of the victim and consistent with good medical practice, and unless concurrence is obtained for such emergency surgery or operation from one other person licensed to perform surgery in this state. . . .

(b) This act shall be known and may be cited as the "Good Samaritan Act."

§765.1. Indemnification of private citizens or their dependents for consequences of meritorious action.

A. The state may indemnify private citizens, or any persons dependent upon such citizens for their principal support for any injury, death or damage sustained by such citizens or any persons dependent upon such citizens for their principal support as a direct consequence of meritorious action, as provided in the Good Samaritan Act, to the extent that they are not compensated for the injury, death or damage from any other source.

B. As used in this act, private citizen means any natural person other than a peace officer, fire fighter, lifeguard or person whose employment includes the duty to protect the public safety acting within the course and scope of such employment.

<http://law.justia.com/codes/oklahoma/2006/os76.html>

South Carolina

Provides that someone acting in good faith "gratuitously" to provide care in an emergency will not be liable for civil injuries.

SECTION 15-1-310. Liability for emergency care rendered at scene of accident.

Any person, who in good faith gratuitously renders emergency care at the scene of an accident or emergency to the victim thereof, shall not be liable for any civil damages for any personal injury as a result of any act or omission by such person in rendering the emergency care or as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person, except acts or omissions amounting to gross negligence or wilful or wanton misconduct.

<http://www.scstatehouse.gov/code/t15c001.php>

Tennessee

Provides specific immunity to a person who breaks into a car to rescue a child left behind in a car. More generally, Tennessee law provides immunity to a person acting voluntarily to render emergency care, acting in good faith and without gross negligence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section: 29-34-209.

(a) A person whose conduct conforms to the requirements of subsection (b) shall be immune from civil liability for any damage resulting from the forcible entry of a motor vehicle for the purpose of removing a minor from the vehicle.

(b) Subsection (a) applies if the person:

(1) Determines the vehicle is locked or there is otherwise no reasonable method for the minor to exit the vehicle;

(2) Has a good faith belief that forcible entry into the vehicle is necessary because the minor is in imminent danger of suffering harm if not immediately removed from the vehicle and, based upon the circumstances known to the person at the time, the belief is a reasonable one;

(3) Has contacted either the local law enforcement agency, the fire department or the 911 operator prior to forcibly entering the vehicle;

(4) Places a notice on the vehicle's windshield with the person's contact information, the reason the entry was made, the location of the minor and that the authorities have been notified;

<http://legiscan.com/TN/text/HB1943/2013> Also see <http://www.tntlaws.net/articles?id=61937>

Texas

Provides immunity from civil liability for providing care at an emergency scene unless the actor is wilfully or grossly negligent or expects payment.

§ 74.151. LIABILITY FOR EMERGENCY CARE. (a) A person who in good faith administers emergency care, including using an automated external defibrillator, is not liable in civil damages for an act performed during the emergency unless the act is wilfully or wantonly negligent.

(b) This section does not apply to care administered:

(1) for or in expectation of remuneration, provided that being legally entitled to receive remuneration for the emergency care rendered shall not determine whether or not the care was administered for or in anticipation of remuneration; or

(2) by a person who was at the scene of the emergency because he or a person he represents as an agent was soliciting business or seeking to perform a service for remuneration.

(c), (d) Deleted by Acts 2003, 78th Leg., ch. 204, § 10.01.

(e) This section does not apply to a person whose negligent act or omission was a producing cause of the emergency for which care is being administered.

<http://law.onecle.com/texas/civil/74.151.00.html>

Virginia

Provides immunity from civil liability for rendering emergency care in good faith and without compensation.

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person at the scene of an accident, fire, or any life-threatening emergency, or en route therefrom to any hospital,

medical clinic or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance.

<http://www.w4ghs.org/goodsam00.vaoems.pdf>

West Virginia

Person who renders care at the scene of an accident shall not be held liable for civil damages, acting in good faith and not for compensation.

§55-7-15. Aid to victim of accident and victim of crime; immunity from civil liability.

No person, including a person licensed to practice medicine or dentistry, who in good faith renders emergency care at the scene of an accident or to a victim at the scene of a crime, without remuneration, shall be liable for any civil damages as the result of any act or omission in rendering such emergency care.

<http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=55&art=7§ion=15>