

Reprinted 4/23

HOUSE FILE 2344

FEB 11 1982

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

Place On Calendar

(Formerly House File 2093)

Passed House, Date 2-18-82 (p. 452) Passed Senate, Date 4-7-88 (p. 1084)
Vote: Ayes 90 Nays 6 Vote: Ayes 47 Nays 1
Approved _____

A BILL FOR

1 An Act relating to the personal liability of volunteer
2 fire fighters and rescue service operators who render
3 emergency assistance.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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2344

1 Section 1. Section 613.17, Code 1981, is amended to read
2 as follows:

3 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT. Any person,
4 who in good faith renders emergency care or assistance without
5 compensation at the place of an emergency or accident, shall
6 not be liable for any civil damages for acts or omissions
7 unless such acts or omissions constitute recklessness. For
8 purposes of this section, a volunteer fire fighter, a volunteer
9 operator of an ambulance or rescue squad service, a volunteer
10 paramedic, or volunteer emergency medical technician, who
11 receives nominal compensation, shall be considered to be
12 without compensation.

13 EXPLANATION

14 This bill provides that volunteers who give emergency help
15 at a fire or medical emergency are not liable for civil damages
16 unless they act recklessly in giving the help. The bill
17 exempts these volunteers from civil liability even when they
18 receive nominal compensation for their services. The bill
19 takes effect July 1 following its enactment.

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HOUSE FILE 2344

H-5166

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, line 9, by inserting after the
- 3 word "operator" the words "or attendant".

H-5166 FILED FEBRUARY 17, 1982 BY RENAUD of Polk

Adopted 2/18 (p. 452)

HOUSE FILE 2344

H-5173

- 1 Amend amendment H-5119 to House File 2344 as
- 2 follows:
- 3 1. Page 1, by inserting after line 9 the
- 4 following:
- 5 "3. Page 1, line 9, by inserting after the word
- 6 "operator" to words "or attendant"."

H-5173 FILED
FEBRUARY 17, 1982

Adopted 2/18 (p. 452)

BY RENAUD of Polk
ROSENBERG of Story
CONLON of Muscatine

HOUSE FILE 2344

H-5119

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, line 5, by striking the words "at the
- 3 place of an emergency or accident," and inserting in
- 4 lieu thereof the following: "~~at-the-place-of-an~~
- 5 ~~emergency-or-accident~~".
- 6 2. Page 1, line 6, by inserting after the word
- 7 "omissions" the following: "occurring at the place of
- 8 an emergency or accident or while the person is in
- 9 transit to or from the emergency or accident".

5152
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H-5119 FILED

FEBRUARY 12, 1982

*Adopted as amended by 51527 5155
2/18 (p 452)*BY ROSENBERG of Story
CONLON of Muscatine
RAPP of Black Hawk

HOUSE FILE 2344

H-5151

- 1 Amend House File 2344 as follows:
- 2 1. Page 1, line 12, by inserting after the word
- 3 "compensation." the following: "Damages caused by the
- 4 operation of a motor vehicle are subject to this section,
- 5 if the motor vehicle is operated in compliance with
- 6 section 321.231."

H-5151 FILED

FEBRUARY 16, 1982

Placed out of order 2/18 (p. 452)

BY SPEAR of Lee

HOUSE FILE 2344

H-5152

- 1 Amend amendment H-5119 to House File 2344 as follows:
- 2 1. Page 1, by inserting after line 9 the following:
- 3 "____. Page 1, line 12, by inserting after the word
- 4 "compensation." the following: "Damages caused by the
- 5 operation of a motor vehicle are subject to this section,
- 6 if the motor vehicle is operated in compliance with
- 7 section 321.231."

H-5152 FILED

FEBRUARY 16, 1982

Adopted 2/18 (p 451)

BY SPEAR of Lee

HOUSE FILE 2344

H-5155

- 1 Amend amendment H-5119 to House File 2344 as follows:
- 2 1. Page 1, line 9, by inserting after the word
- 3 "accident", the words "or while the person is at or
- 4 being moved to or from an emergency shelter".

H-5155 FILED

FEBRUARY 16, 1982

Adopted 2/18 (p 451)

BY SCHROEDER of Pottawattamie

Judiciary
Deluhery, Chair
Small
Ramsey

HOUSE FILE 2344

BY COMMITTEE ON JUDICIARY AND
LAW ENFORCEMENT

(As Amended and Passed by the House)

Passed House, Date 4-14-82 (p. 1468) Passed Senate, Date 4-7-88 (p. 1084)

Vote: Ayes 93 Nays 0 Vote: Ayes 47 Nays 1

Approved May 14, 1982

A BILL FOR

1 An Act relating to the personal liability of volunteer
2 fire fighters and rescue service operators who render
3 emergency assistance.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SENATE AMENDMENT TO HOUSE FILE 2344

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H-5797

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1 Amend House File 2344 as amended, passed and

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2 reprinted by the House, as follows:

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3 1. Page 1, by striking lines 11 through 18 and
4 inserting in lieu thereof the following: "recklessness.

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5 For purposes of this section, if a volunteer fire

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6 fighter, a volunteer operator or attendant of an

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7 ambulance or rescue squad service, a volunteer

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8 paramedic, or a volunteer emergency medical technician

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9 receives nominal compensation not based upon the value

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10 of the services performed, that person shall be

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11 considered to be receiving no compensation. The

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12 operation of a motor vehicle in compliance with section

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13 321.231 by a volunteer fire fighter, volunteer operator

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14 or attendant of an ambulance or rescue squad service,

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15 a volunteer paramedic, or volunteer emergency medical

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16 technician shall be considered rendering emergency

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17 care or assistance for purposes of this section."

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H-5797 FILED APRIL 8, 1982

RECEIVED FROM SENATE

House concurred 4/14 (p. 1468)

1 Section 1. Section 613.17, Code 1981, is amended to read
 2 as follows:
 3 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT. Any person,
 4 who in good faith renders emergency care or assistance without
 5 compensation at-the-place-of-an-emergency-or-accident; shall
 6 not be liable for any civil damages for acts or omissions
 7 occurring at the place of an emergency or accident or while
 8 the person is in transit to or from the emergency or accident
 9 or while the person is at or being moved to or from an
 10 emergency shelter unless such acts or omissions constitute
 11 recklessness. For purposes of this section, a volunteer fire
 12 fighter, a volunteer operator or attendant of an ambulance
 13 or rescue squad service, a volunteer paramedic, or volunteer
 14 emergency medical technician, who receives nominal
 15 compensation, shall be considered to be without compensation.
 16 Damages caused by the operation of a motor vehicle are subject
 17 to this section, if the motor vehicle is operated in compliance
 18 with section 321.231.

HOUSE FILE 2344
 FISCAL NOTE

REQUESTED BY SENATOR KUDART

In compliance with a written request there is hereby submitted a
 Fiscal Note for House File 2344 pursuant to Joint Rule 16.

H. F. 2344, An Act relating to the personal liability of volunteer
 fire fighters and rescue service operators who render emergency
 assistance.

No fiscal impact.

SOURCE: DEPARTMENT OF PUBLIC SAFETY
 RECEIVED BY THE SECRETARY OF THE SENATE, MARCH 12, 1982
 FILED: BY GERRY RANKIN, FISCAL DIRECTOR
 APRIL 2, 1982

S-5165

HOUSE FILE 2344

- 1 Amend House File 2344 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by inserting before line 1 the
4 following:
5 "Section 1. Chapter 613, Code 1981, is amended
6 by adding the following new section:
7 NEW SECTION. EMERGENCY ASSISTANCE FOR DISASTER
8 RELIEF AND CONTROL. A person who has agreed by written
9 contract to participate in the Iowa program for
10 disaster relief and control, known as "plan bulldozer",
11 shall not be liable for any civil damages for acts
12 or omissions while performing under the terms of the
13 written contract unless the acts or omissions
14 constitute recklessness."
15 2. Renumber as necessary.

S-5165 FILED

BY A. R. BUD KUDART

MARCH 2, 1982

Revised not german 4/7 (p. 1084)

HOUSE FILE 2344

S-5424

- 1 Amend House File 2344 as amended, passed and
2 reprinted by the House, as follows:
3 1. Page 1, by striking lines 11 through 18 and
4 inserting in lieu thereof the following:
5 "recklessness. For purposes of this section, if a
6 volunteer fire fighter, a volunteer operator or
7 attendant of an ambulance or rescue squad service,
8 a volunteer paramedic, or a volunteer emergency medical
9 technician receives nominal compensation not based
10 upon the value of the services performed, that person
11 shall be considered to be receiving no compensation.
12 The operation of a motor vehicle in compliance with
13 section 321.231 by a volunteer fire fighter, volunteer
14 operator or attendant of an ambulance or rescue squad
15 service, a volunteer paramedic, or volunteer emergency
16 medical technician shall be considered rendering
17 emergency care or assistance for purposes of this
18 section."

S-5424 FILED

BY COMMITTEE ON JUDICIARY

MARCH 31, 1982

LUCAS J. DeKOSTER, CHAIR

Adopted 4/7 (p. 1084)

be considered rendering emergency care or assistance for purposes of this section.

HOUSE FILE 2344

AN ACT

RELATING TO THE PERSONAL LIABILITY OF VOLUNTEER FIRE FIGHTERS AND RESCUE SERVICE OPERATORS WHO RENDER EMERGENCY ASSISTANCE.

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

Section 1. Section 613.17, Code 1981, is amended to read as follows:

613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT. Any person, who in good faith renders 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 occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is at or being moved to or from an emergency shelter unless such acts or omissions constitute recklessness. For purposes of this section, if a volunteer fire fighter, a volunteer operator or attendant of an ambulance or rescue squad service, a volunteer paramedic, or a volunteer emergency medical technician receives nominal compensation not based upon the value of the services performed, that person shall be considered to be receiving no compensation. The operation of a motor vehicle in compliance with section 321.231 by a volunteer fire fighter, volunteer operator or attendant of an ambulance or rescue squad service, a volunteer paramedic, or volunteer emergency medical technician shall

DELUYN STROMER
Speaker of the House

TERRY E. BRANSTAD
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2344, Sixty-ninth General Assembly.

ELIZABETH A. ISAACSON
Chief Clerk of the House

Approved May 14, 1982

ROBERT D. RAY
Governor

H.F. 2344