

Sen Judiciary 42 Amend (2402), La Com. 41, 11 (p 1217)

HOUSE FILE 596
BY COMMITTEE ON JUDICIARY
AND LAW ENFORCEMENT

MAR 22 1991

Place On Calendar

(SUCCESSOR TO HSB 298)

Passed House, Date 3/28/91 (p 955) Passed Senate, Date 4/23/91 (p 1431)
Vote: Ayes 90 Nays _____ Vote: Ayes 47 Nays 1

Approved May 17, 1991

Repealed House for Senate amendment 4-30-91

4/30/91 (p 1919)

Repeal 46, Target 2 A BILL FOR

1 An Act relating to the liability of certain persons rendering
2 emergency medical care in good faith.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 596

1 Section 1. Section 613.17, Code 1991, is amended to read
2 as follows:

3 613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

4 1. Any A person, who in good faith renders emergency care
5 or assistance without compensation shall not be liable for any
6 civil damages for acts or omissions occurring at the place of
7 an emergency or accident or while the person is in transit to
8 or from the emergency or accident or while the person is at or
9 being moved to or from an emergency shelter unless such acts
10 or omissions constitute recklessness. For purposes of this
11 section, if a volunteer fire fighter, a volunteer operator or
12 attendant of an ambulance or rescue squad service, a volunteer
13 paramedic, or a volunteer emergency medical technician
14 receives nominal compensation not based upon the value of the
15 services performed, that person shall be considered to be
16 receiving no compensation. The operation of a motor vehicle
17 in compliance with section 321.231 by a volunteer fire
18 fighter, volunteer operator, or attendant of an ambulance or
19 rescue squad service, a volunteer paramedic, or volunteer
20 emergency medical technician shall be considered rendering
21 emergency care or assistance for purposes of this section.

22 2. Notwithstanding subsection 1, a person who is a
23 registered member of the national ski patrol system, or a
24 member of a ski patrol who has completed a course in winter
25 emergency care offered by the national ski patrol system
26 combined with a course in cardiopulmonary resuscitation for
27 medical technicians offered by the American red cross,
28 American heart association, or an equivalent course of
29 instruction, and who in good faith renders emergency medical
30 care is not liable for any civil damages as a result of any
31 act or omission in rendering the emergency care, unless the
32 act or omission constitutes gross negligence or willful
33 misconduct.

34 EXPLANATION

35 The bill provides that a member of the national ski patrol

1 system, or a member of a ski patrol receiving training from
2 the national ski patrol system combined with training in
3 cardiopulmonary resuscitation, who in good faith renders
4 emergency medical care, is not civilly liable as a result of
5 an act or omission in rendering care, unless the act or
6 omission constitutes gross negligence or willful misconduct.

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HOUSE FILE 596

H-3378

1 Amend House File 596 as follows:

2 1. Page 1, by inserting after line 33 the
3 following:

4 "Sec. . NEW SECTION. 668.16 MAXIMUM LIABILITY
5 FOR NONECONOMIC DAMAGES.

6 1. In a verdict issued pursuant to this chapter,
7 that portion of a verdict attributable to noneconomic
8 damages against any one defendant shall not exceed two
9 hundred fifty thousand dollars, except as otherwise
10 provided pursuant to subsections 4 and 5.

11 2. In an action pursuant to this chapter and tried
12 to a jury, and in which noneconomic damages are sought
13 or argued, the court shall, unless otherwise agreed to
14 by all parties, instruct the jury that the portion of
15 a verdict attributable to noneconomic damages against
16 any one defendant shall not exceed two hundred fifty
17 thousand dollars.

18 3. In an action brought pursuant to this chapter
19 and tried to a jury, and in which noneconomic damages
20 are sought or argued, the court shall, unless
21 otherwise agreed to by all parties, require that the
22 jury return a verdict itemizing the injuries and
23 damages awarded pursuant to the verdict.

24 4. In an action brought pursuant to this chapter
25 and in which noneconomic damages are awarded in the
26 maximum amount allowed pursuant to subsection 1, the
27 claimant may petition the court which heard the
28 original action for a waiver of the maximum limitation
29 and for a granting of an increase in that portion of
30 the original verdict attributable to noneconomic
31 damages. A waiver of the maximum limitation and
32 subsequent increase in that portion of the original
33 verdict attributable to noneconomic damages is subject
34 to the following requirements:

35 a. A hearing shall first be granted at which all
36 parties may appear and present evidence and argument
37 relating to a waiver of the maximum limitation and
38 subsequent increase in the original verdict.

39 b. A waiver of the maximum limitation and
40 subsequent increase in the original verdict shall only
41 be made upon a determination that the portion of the
42 original verdict attributable to noneconomic damages
43 is clearly insufficient based upon the evidence
44 presented to the court in the original action and that
45 the failure to waive the maximum limitation would
46 result in significant hardship for the claimant.

47 c. An increase in that portion of the original
48 verdict attributable to noneconomic damages must be
49 consistent with the percentages of fault and evidence
50 as to total damages determined in the original action.

H-3378

Page 2

1 5. The limitations on the amount recoverable for
2 noneconomic damages pursuant to this section shall be
3 indexed every two years on July 1 by rule of the
4 commissioner of insurance in proportion to the net
5 change in the United States city average consumer
6 price index for all urban consumers during the
7 preceding twenty-four months. The supreme court shall
8 implement the biennial indexing by the issuance of
9 rules as necessary."

10 2. Title page, line 2, by inserting after the
11 word "faith" the following: ", limiting the maximum
12 liability for noneconomic damages in certain tort
13 actions, and modifying the statute of limitations for
14 certain malpractice actions".

15 3. By renumbering as necessary.

By HALVORSON of Clayton

H-3378 FILED MARCH 27, 1991

Filed not genuine 3/28 (p. 955)

HOUSE FILE 596

H-3323

1 Amend House File 596 as follows:

2 1. Page 1, line 26, by striking the word
3 "resuscitation" and inserting the following:
4 "resuscitation".

By SPEAR of Lee

H-3323 FILED MARCH 25, 1991

Adopted 3/23 (p. 955)

HOUSE FILE 596

S-3402

- 1 Amend House File 596, as amended and passed by the
- 2 House, as follows:
- 3 1. Page 1, line 4, by striking the figure "1."
- 4 2. Page 1, line 13, by striking the word "or" and
- 5 inserting the following: "or".
- 6 3. Page 1, line 13, by inserting after the word
- 7 "technician" the following: ", or a volunteer
- 8 registered member of the national ski patrol system".
- 9 4. Page 1, by striking lines 22 through 33.
- 10 5. Title page, by striking line 2 and inserting
- 11 the following: "emergency care or assistance in good
- 12 faith."

By COMMITTEE ON JUDICIARY
AL STURGEON, Chairperson

S-3402 FILED APRIL 12, 1991

Adopted 4/23/91 (p. 1430)

SENATE AMENDMENT TO HOUSE FILE 596

H-3818

1 Amend House File 596, as amended and passed by the
2 House, as follows:

3 1. Page 1, line 4, by striking the figure "1."

4 2. Page 1, line 13, by striking the word "or" and
5 inserting the following: "or".

6 3. Page 1, line 13, by inserting after the word
7 "technician" the following: ", or a volunteer
8 registered member of the national ski patrol system".

9 4. Page 1, by striking lines 22 through 33.

10 5. Title page, by striking line 2 and inserting
11 the following: "emergency care or assistance in good
12 faith."

RECEIVED FROM THE SENATE

H-3818 FILED APRIL 25, 1991

House concurred 4/30/91 (p. 1918)

Jay-Chair, Halvorson of Clayton, Hibbard

HSB 298

Judiciary & Law Enforcement

HOUSE FILE 596
BY (PROPOSED COMMITTEE ON
JUDICIARY AND LAW EN-
FORCEMENT BILL BY
CHAIRPERSON JAY)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the liability of certain persons rendering
2 emergency medical care in good faith.

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

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8 or from the emergency or accident or while the person is at or
9 being moved to or from an emergency shelter unless such acts
10 or omissions constitute recklessness. For purposes of this
11 section, if a volunteer fire fighter, a volunteer operator or
12 attendant of an ambulance or rescue squad service, a volunteer
13 paramedic, or a volunteer emergency medical technician
14 receives nominal compensation not based upon the value of the
15 services performed, that person shall be considered to be
16 receiving no compensation. The operation of a motor vehicle
17 in compliance with section 321.231 by a volunteer fire
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19 rescue squad service, a volunteer paramedic, or volunteer
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27 medical technicians offered by the American red cross,
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29 instruction, and who in good faith renders emergency medical
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31 act or omission in rendering the emergency care, unless the
32 act or omission constitutes gross negligence or willful
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34 EXPLANATION

35 The bill provides that a member of the national ski patrol

1 system, or a member of a ski patrol receiving training from
2 the national ski patrol system combined with training in
3 cardiopulmonary resuscitation, who in good faith renders
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emergency medical technician shall be considered rendering emergency care or assistance for purposes of this section.

HOUSE FILE 596

AN ACT
RELATING TO THE LIABILITY OF CERTAIN PERSONS RENDERING EMERGENCY CARE OR ASSISTANCE IN GOOD FAITH.

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

Section 1. Section 613.17, Code 1991, is amended to read as follows:

613.17 EMERGENCY ASSISTANCE IN AN ACCIDENT.

Any A person, who in good faith renders emergency care or assistance without compensation 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, or a volunteer registered member of the national ski patrol system 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

ROBERT C. ARNOUD
Speaker of the House

JOE J. WELSH
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 596, Seventy-fourth General Assembly.

JOSEPH O'BERN
Chief Clerk of the House

Approved May 17, 1991

TERRY E. BRANSTAD
Governor

HF 596