

Senate File 2090 - Introduced

SENATE FILE 2090

BY McCOY

A BILL FOR

1 An Act imposing a duty of reasonable assistance on a person
2 present at the scene of an emergency or accident.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 613.17, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. a. A person who is present at the scene of an emergency
4 or accident who knows that another person involved in the
5 emergency or accident is likely to suffer or has suffered
6 serious physical injury shall, to the extent that the person
7 can do so without danger to self or others, give reasonable
8 assistance to the person. Reasonable assistance may include
9 obtaining or attempting to obtain aid from law enforcement or
10 medical personnel.

11 b. A person, who in good faith renders emergency care or
12 assistance without compensation, shall not be liable for any
13 civil damages for acts or omissions occurring at the place of
14 an emergency or accident or while the person is in transit to
15 or from the emergency or accident or while the person is at or
16 being moved to or from an emergency shelter unless such acts
17 or omissions constitute recklessness or willful and wanton
18 misconduct. An emergency includes but is not limited to a
19 disaster as defined in section 29C.2 or the period of time
20 immediately following a disaster for which the governor has
21 issued a proclamation of a disaster emergency pursuant to
22 section 29C.6.

23 ~~a.~~ c. For purposes of this subsection, if a volunteer fire
24 fighter, a volunteer operator or attendant of an ambulance
25 or rescue squad service, a volunteer paramedic, a volunteer
26 emergency medical technician, or a volunteer registered member
27 of the national ski patrol system receives nominal compensation
28 not based upon the value of the services performed, that person
29 shall be considered to be receiving no compensation.

30 ~~b.~~ d. For purposes of this subsection, operation of a
31 motor vehicle in compliance with section 321.231 by a volunteer
32 fire fighter, volunteer operator, or attendant of an ambulance
33 or rescue squad service, a volunteer paramedic, or volunteer
34 emergency medical technician shall be considered rendering
35 emergency care or assistance.

1 ~~e.~~ e. For purposes of this subsection, a person rendering
2 emergency care or assistance includes a person involved in a
3 workplace rescue arising out of an emergency or accident.

4 EXPLANATION

5 This bill imposes a duty on a person who is present at the
6 scene of an emergency or accident who knows that another person
7 involved in the emergency or accident is likely to suffer or
8 has suffered serious physical injury shall, to the extent
9 that the person can do so without danger to self or others,
10 give reasonable assistance to the injured person. Reasonable
11 assistance may include obtaining or attempting to obtain aid
12 from law enforcement or medical personnel.