ASSEMBLY, No. 1799

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
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District 23 (Hunterdon, Somerset and Warren)
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Assemblymen McGuckin, DiMaio and Assemblywoman N.Munoz

SYNOPSIS

Clarifies that first aid, ambulance or rescue squads, as entities, have immunity from civil damages in certain circumstances.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning immunity and amending P.L.1975, c.196 and P.L.1985, c.351.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. Section 1 of P.L.1975, c.196 (C.2A:53A-13.1) is amended to read as follows:

1. **[**No**]** A volunteer fire company **[**or volunteer**]** , a first aid, rescue, or emergency squad, or a civil defense unit, incorporated or unincorporated, which provides services for the control and extinguishment of fires or emergency public first aid and rescue services, or both, shall not be liable in any civil action to respond in damages as a result of any acts of commission or omission arising out of, and in the course of, the rendition in good faith of any such services, or arising out of, and in the course of, participation in any authorized drill, by any member of the volunteer fire company **[**or**]** , the **[**volunteer**]** first aid, rescue, or emergency squad, or the civil defense unit**[**,**]** ; and in the case of a volunteer fire company within which a first aid or rescue squad has been created, by any authorized active **[**volunteer**]** first aid or rescue squad worker therefor, notwithstanding that **[**he**]** the worker is not a member of the volunteer fire company. No such immunity from liability shall extend to the operation of any motor vehicle in connection with the rendering of any such services.

As used in this section, "first aid, rescue, or emergency squad" includes a volunteer or nonvolunteer first aid, rescue, and ambulance squad as defined by section 3 of P.L.1987, c.284 (C.27:5F-20), or a non-profit first aid, rescue, and ambulance squad that bills or receives reimbursement for services that it provides.

(cf: P.L.1983, c.29, s.2)

2. Section 10 of P.L.1985, c.351 (C.26:2K-29) is amended to read as follows:

10. No EMT-intermediate, licensed physician, hospital or its board of trustees, officers and members of the medical staff, nurses or other employees of the hospital, first aid, ambulance or rescue squad, or officers and members of a first aid, ambulance or rescue squad shall be liable for any civil damages as the result of an act or the omission of an act committed while in training for or in the rendering of intermediate life support services in good faith and in accordance with this act.

(cf: P.L.1985, c.351, s.10)

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

3. This act shall take effect immediately.

STATEMENT

This bill provides immunity from civil liability to all first aid, rescue, and emergency squads, as entities, in certain circumstances.

Current law provides civil immunity to: (1) individual members of first aid, rescue, or emergency squads, regardless of whether they receive reimbursement; (2) volunteer first aid, rescue, and emergency squads, as entities; and (3) first aid, rescue, or emergency squads, as entities, regardless of whether they receive reimbursement, for acts or omissions committed while in training for or in the rendering of advanced life support services. The immunity conferred by current law does not extend to nonvolunteer squads, as entities, for acts or omissions committed while in training for or providing services other than advanced life support services.