

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 522

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO ACTIONS IN PARTICULAR CASES; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 28, TITLE 6, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE PROVISIONS RELATING TO LIABILITY OF OUT-OF-STATE EMERGENCY RESPONDERS WHO ENTER THIS STATE IN RESPONSE TO AN EMERGENCY; AMENDING SECTION 49-623, IDAHO CODE, TO PROVIDE THAT PROVISIONS RELATING TO AUTHORIZED EMERGENCY AND POLICE VEHICLES SHALL APPLY TO CERTAIN DRIVERS OF AUTHORIZED EMERGENCY OR POLICE VEHICLES OF OTHER STATES; AMENDING SECTION 56-1014, IDAHO CODE, TO PROVIDE THAT LIABILITY PROVISIONS APPLY TO CERTAIN OUT-OF-STATE LICENSED PERSONNEL WHO ENTER THIS STATE IN RESPONSE TO AN EMERGENCY; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 28, Title 6, Idaho Code, and to read as follows:

CHAPTER 28

LIABILITY OF OUT-OF-STATE EMERGENCY RESPONDER

6-2801. DEFINITIONS. As used in this chapter:

(1) "Emergency" means the occurrence or imminent threat of a condition threatening life or property which requires emergency assistance.

(2) "Emergency responder" means a person employed by or who is a bona fide member of a governmental entity of another state of the United States including, but not limited to, a legally organized law enforcement agency, a legally organized fire department or a licensed emergency medical service provider, and whose primary duty is to serve or protect the safety or life of any person or to protect property. Emergency responder includes, but is not limited to, peace officers, firefighters, ambulance attendants, emergency medical technicians, search and rescue personnel and park rangers.

6-2802. LIABILITY OF OUT-OF-STATE EMERGENCY RESPONDER. An emergency responder who enters this state in response to an emergency shall not be liable to another person for damages or injury arising from the conduct of the emergency responder in rendering services in response to an emergency unless it is shown that the emergency responder caused injury or damages to such person as a proximate result of his reckless, grossly negligent or intentional misconduct.

SECTION 2. That Section 49-623, Idaho Code, be, and the same is hereby amended to read as follows:

49-623. AUTHORIZED EMERGENCY OR POLICE VEHICLES. (1) The driver of an authorized emergency or police vehicle, when responding to an emergency

1 call, or when in the pursuit of an actual or suspected violator of the law, or  
2 when responding to but not upon returning from a fire alarm, may exercise the  
3 privileges set forth in this section, but subject to the conditions stated.

4 (2) The driver of an authorized emergency or police vehicle may:

5 (a) Park or stand, irrespective of the parking or standing provisions  
6 of this title;

7 (b) Proceed past a red or stop signal or stop sign, but only after  
8 slowing down as may be necessary for safe operation;

9 (c) Exceed the maximum speed limits so long as he does not endanger life  
10 or property;

11 (d) Disregard regulations governing direction of movement or turning  
12 in specified directions.

13 (3) The exemptions granted to an authorized emergency or police vehicle  
14 shall apply when necessary to warn and to make use of an audible signal having  
15 a decibel rating of at least one hundred (100) at a distance of ten (10)  
16 feet and/or is displaying a flashing light visible in a 360 degree arc at a  
17 distance of one thousand (1,000) feet under normal atmospheric conditions.

18 (4) The foregoing provisions shall not relieve the driver of an  
19 authorized emergency or police vehicle from the duty to drive with due regard  
20 for the safety of all persons, nor shall these provisions protect the driver  
21 from the consequences of his reckless disregard for the safety of others.

22 (5) The foregoing provisions shall apply to the driver of an authorized  
23 emergency or police vehicle of another state of the United States who enters  
24 this state in response to an emergency call, or when in the fresh pursuit  
25 of a suspected felon as provided in section 19-701, Idaho Code, or when  
26 responding to but not upon returning from a fire alarm.

27 SECTION 3. That Section 56-1014, Idaho Code, be, and the same is hereby  
28 amended to read as follows:

29 56-1014. LIABILITY. (1) No act or omission of any person who is  
30 duly licensed under sections 56-1011 through 56-1023, Idaho Code, by  
31 the EMS bureau done or omitted in good faith while rendering emergency  
32 medical services to a person or persons who are perceived to need immediate  
33 care in order to prevent loss of life or aggravation of physiological or  
34 psychological illness or injury shall impose any liability upon those  
35 personnel, the supervising physician, the hospital, the organization  
36 providing the service, or upon a federal, state, county, city or other local  
37 governmental unit, or upon employees of such governmental unit, unless  
38 such provider of care or such personnel be shown to have caused injury and  
39 damages to such person or persons as a proximate result of his, her or their  
40 reckless or grossly negligent misconduct, which shall be the sole grounds  
41 for civil liability of such persons in the provision of care or assistance  
42 under sections 56-1011 through 56-1023, Idaho Code, regardless of the  
43 circumstance under which such care or assistance may be provided. This  
44 section shall not relieve the organization or agency operating the service  
45 from the duty of securing, maintaining and operating, the equipment and  
46 licensure designated for use in performing the emergency medical services.

47 (2) The provisions of subsection (1) of this section shall apply to  
48 licensed personnel of another state of the United States who enter this state  
49 in response to an emergency to render emergency medical services to a person

1 who is perceived to need immediate care in order to prevent loss of life or  
2 aggravation of physiological or psychological illness or injury.

3 SECTION 4. An emergency existing therefor, which emergency is hereby  
4 declared to exist, this act shall be in full force and effect on and after its  
5 passage and approval.