

Introduced: 1/9/84
Referred: Judiciary

1 IN THE HOUSE

BY FURNACE

2 HOUSE BILL NO. 450

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to obligations and liabilities of
7 persons at accident and emergency scenes."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.65.090 is repealed and reenacted to read:

10 Sec. 09.65.090. CIVIL LIABILITY FOR EMERGENCY AID. (a) A
11 person, other than a paid professional acting in an official capacity,
12 who renders emergency care or emergency counseling to an injured, ill
13 or emotionally distraught person is not liable for civil damages as a
14 result of an act or omission in rendering emergency care or counseling
15 if the person rendering the emergency care or counseling

16 (1) reasonably believes the person aided is in need of
17 emergency care or counseling to avoid serious harm or death;

18 (2) acts at the scene of an emergency or during transporta-
19 tion to a hospital or similar facility; and

20 (3) does not act with gross negligence.

21 (b) A paid professional acting in an official capacity in a
22 situation described in (a) of this section is liable for civil damages
23 if the professional fails to meet the standard of care of a reasonably
24 prudent person with similar training and experience.

25 (c) In this section

26 (1) "paid professional" means a person trained and com-
27 pensated to render emergency care or emergency counseling, including a
28 physician, nurse, peace officer, emergency medical technician and fire
29 fighter but not including a volunteer fire fighter, volunteer peace

1 officer, volunteer rescuer, volunteer ambulance attendant or other
2 person acting without compensation or the expectation of compensation;

3 (2) "compensation" means payment for work done in the scope
4 of employment but does not include nominal payments, reimbursement for
5 expenses, or insurance or pension benefits.

6 * Sec. 2. AS 11.76 is amended by adding a new section to read:

7 Sec. 11.76.130. DUTY TO ASSIST INJURED OR ENDANGERED PERSON.

8 (a) The operator of a vehicle involved in an accident resulting in
9 injury to a person shall render reasonable assistance to the injured
10 or endangered person to the extent the operator can do so without
11 significant danger to self or others.

12 (b) A person other than a vehicle operator under (a) of this
13 section, whether at the scene of an emergency at its occurrence or
14 encountering the emergency thereafter, shall give reasonable assis-
15 tance to an injured or endangered person if

16 (1) the person with a duty under this subsection knows that
17 a person is injured or endangered;

18 (2) the person with a duty under this subsection is able to
19 render assistance without significant danger to self or others; and

20 (3) others are not already rendering sufficient assistance.

21 (c) The duty under (a) or (b) of this section does not apply to
22 an injured or handicapped person physically incapable of compliance
23 with the requirement to render reasonable assistance.

24 (d) The rendering of reasonable assistance required by (a) and
25 (b) of this section is not evidence of the liability of the person
26 rendering assistance for the injuries of others at the accident or
27 emergency scene.

28 (e) The duty to render assistance under (a) and (b) of this
29 section may be suspended by law enforcement, rescue or emergency

1 medical personnel taking control of an emergency scene.

2 (f) A person convicted of a violation of (a) of this section is
3 punishable by imprisonment for not more than 10 years, by a fine of
4 not more than \$10,000, or by both.

5 (g) A person convicted of a violation of (b) of this section is
6 guilty of a class B misdemeanor.

7 (h) In this section, "vehicle" has the meaning given in
8 AS 28.35.260.

9 * Sec. 3. AS 28.35.050(a) is amended to read:

10 (a) An operator of a vehicle involved in an accident resulting
11 in injury to or death of a person shall immediately stop the vehicle
12 at the scene of the accident or as close to it as possible and return
13 to, and remain at, the scene until the operator [HE] has fulfilled the
14 requirements of AS 11.76.130 and AS 28.35.060.

15 * Sec. 4. AS 28.35.060 is repealed and reenacted to read:

16 Sec. 28.35.060. DUTY OF OPERATOR TO GIVE INFORMATION. (a) The
17 operator of a vehicle involved in an accident resulting in (1) injury
18 to or death of a person or (2) damage to a vehicle that is driven or
19 attended by a person, shall give the operator's name, address and
20 license number to the person struck or injured, or to the operator, or
21 occupant of, or to the person attending, any other vehicle involved in
22 the accident.

23 (b) The duty under (a) of this section is in addition to the
24 duty to render assistance under AS 11.76.130, but does not apply to an
25 injured or handicapped person physically incapable of compliance with
26 the requirement.

27 (c) The giving of information required in (a) of this section is
28 not evidence of the liability of an operator for the accident.

29 (d) A person convicted of a violation of (a) of this section is

1 punishable by imprisonment for not more than one year, by a fine of
2 not more than \$500, or by both.
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