

Offered: 3/21/88
Referred: Judiciary

5-1484L

Original sponsor: Duncan

1 IN THE SENATE
2
3 CS FOR SENATE BILL NO. 448 (C&RA)
4 IN THE LEGISLATURE OF THE STATE OF ALASKA
5 FIFTEENTH LEGISLATURE - SECOND SESSION
6 A BILL
7 For an Act entitled: "An Act relating to civil liability of certain volun-
8 teers and civil liability for emergency aid; and
9 providing for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. AS 09.65.090 is amended by adding new subsections to read:
12 (c) An organization and its members are not liable for civil
13 damages as a result of an act or omission in providing first aid,
14 search, rescue, or other emergency services, regardless of whether the
15 organization or members are under a preexisting duty to render assis-
16 tance, if
17 (1) the organization exists for the purpose of providing
18 the service rendered; and
19 (2) the member provides the service while acting as a
20 volunteer member of the organization.
21 (d) The immunity provided under this section does not apply to
22 civil damages that result from providing or attempting to provide any
23 of the following advanced life support techniques unless the person
24 who provided them was authorized by law to provide them:
25 (1) electric cardiac defibrillation;
26 (2) administration of antiarrhythmic agents;
27 (3) intravenous therapy;
28 (4) intramuscular therapy; or
29 (5) use of endotracheal intubation devices or esophageal
airway devices.

1 (e) In this section, "volunteer" means a person who is paid not
2 more than \$500 a year, not including reimbursement for expenses ac-
3 tually incurred, for providing emergency services.

4 * Sec. 2. AS 09.65 is amended by adding a new section to read:

5 Sec. 09.65.098. CIVIL LIABILITY OF CERTAIN VOLUNTEERS. (a) A
6 person working as a volunteer for the state, for a municipality, or
7 for a nonprofit entity is not liable for civil damages as a result of
8 an act or omission while acting in good faith and within the person's
9 official functions and duties.

10 (b) This section does not preclude liability for civil damages
11 as a result of gross negligence, recklessness, or intentional miscon-
12 duct.

13 (c) This section does not affect

14 (1) a civil action brought by the state, a municipality, or
15 a nonprofit entity against, respectively, a volunteer of the state,
16 the municipality, or the entity;

17 (2) the liability of the state, a municipality, or a non-
18 profit entity with respect to injury caused to a person.

19 (d) In this section,

20 (1) "municipality" has the meaning given in AS 01.10.060
21 and includes a public corporation established by a municipality;

22 (2) "nonprofit entity" means an entity

23 (A) incorporated under AS 10.20; or

24 (B) exempt from taxation under 26 U.S.C. 501(c)(3)

25 (Internal Revenue Code of 1954);

26 (3) "volunteer" means a person who is paid not more than
27 \$500 a year, not including reimbursement for expenses actually incur-
28 red, for services performed for the state, a municipality, or a non-
29 profit entity.

1 * Sec. 3. This Act takes effect July 1, 1988.