

ASSEMBLY, No. 439

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblyman ROMA

1 AN ACT concerning immunity from liability for civil damage under
2 certain circumstances for certain off-duty law enforcement officers
3 and firefighters, and amending P.L.1963, c.140.

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

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8 1. Section 1 of P.L.1963, c.140 (C.2A:62A-1) is amended to read
9 as follows:

10 1. Any individual, including (a) a person licensed to practice any
11 method of treatment of human ailments, disease, pain, injury,
12 deformity, mental or physical condition, or licensed to render services
13 ancillary thereto, or (b) any person who is a volunteer member of a
14 duly incorporated first aid and emergency or volunteer ambulance or
15 rescue squad association, or (c) any municipal, county or State law
16 enforcement officer or firefighter, whether volunteer or paid, who in
17 good faith renders emergency care at the scene of an accident or
18 emergency to the victim or victims thereof, or while transporting the
19 victim or victims thereof to a hospital or other facility where treatment
20 or care is to be rendered, shall not be liable for any civil damages as a
21 result of any acts or omissions by such person in rendering the
22 emergency care.

23 (cf: P.L.1987, c.296, s.1)

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25 2. This act shall take effect immediately.

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STATEMENT

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30 This bill clarifies that the immunity granted under the Good
31 Samaritan Act (N.J.S.2A:62A-1 et seq.) specifically covers municipal,
32 county and State law enforcement officers and volunteer and paid

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

Matter underlined thus is new matter.

1 firemen who render emergency assistance at accident scenes.

2 Under the common law, while a person was under no obligation to
3 provide emergency assistance at the scene of an accident, a person
4 could be held civilly liable if he choose to do so and then acted in a
5 negligent manner. In order to encourage individuals to render
6 assistance at accident scenes, many states including New Jersey
7 enacted Good Samaritan Acts which provide civil immunity in
8 emergency situations.

9 New Jersey's Good Samaritan Act currently provides immunity to
10 any individual who in good faith renders emergency care at an accident
11 scene. Under the current law, health care professionals and volunteer
12 first aid and emergency squad workers specifically are included.
13 However, in *Praet v. Borough of Sayreville* 218 N.J. Super. 218 (App.
14 Div. 1987), the appellate division held that the provisions of the Good
15 Samaritan Act did not apply to municipal police officers on the
16 grounds that law enforcement officers have a duty to render
17 emergency assistance at accident scenes. This bill is intended to
18 reverse the holding in the *Praet* case.

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23 Provides immunity from liability for certain law enforcement officers
24 and firefighters.