

ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 439

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 1996

The Assembly Law and Public Safety Committee favorably reports Assembly Bill No. 439.

Assembly Bill No. 439 amends section 1 of the "Good Samaritan Act," P.L.1963, c.140 (C.2A:62A-1 et seq.) to extend the immunity from liability for civil damages accorded under that act to municipal, county and State law enforcement officers and firefighters, both volunteer and paid, who render emergency assistance at the scene of an accident.

Under common law, while a person is under no obligation to provide emergency assistance at the scene of an accident, a individual who does choose to do so may be held civilly liable if he is found to have acted in a negligent manner. To encourage individuals to render assistance at accident scenes, New Jersey, and many other states, have adopted "Good Samaritan" acts to provide civil immunity for individuals who in good faith render emergency care at the scene of an accident or in an emergency.

In its present form, New Jersey's "Good Samaritan Act" provides immunity to any individual, including health care professionals, and specifically the members of volunteer first aid, rescue, and ambulance squads, who in good faith render emergency care at the scene of an accident or in an emergency or who, in the case of volunteer members of first aid, rescue, and ambulance squads, transport the victims of an accident or emergency to a hospital or other facility for treatment.

This bill, by adding municipal, county and State law enforcement officers and firefighters to those specifically afforded immunity under the "Good Samaritan Act," would reverse the appellate court's holding in Praet v. Borough of Sayreville 218 N.J. Super. 218 (App. Div. 1987) that the "Good Samaritan Act" did not apply to municipal police officers on the grounds that law enforcement officers have a duty to render emergency assistance at accident scenes.

This bill was pre-filed for introduction in the 1996 legislative session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.