

HOUSE BILL 834

Introduced by Spring

2/13	Introduced
2/13	Referred to Judiciary
2/14	First Reading
2/22	Hearing
2/22	Tabled in Committee

1 HOUSE BILL NO. 834
2 INTRODUCED BY Spring
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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
5 RELATING TO THE LIMITATION ON LIABILITY FOR EMERGENCY CARE
6 RENDERED AT THE SCENE OF AN ACCIDENT OR EMERGENCY; EXTENDING
7 THE LIMITS ON LIABILITY TO HOSPITALS AND LONG-TERM CARE
8 FACILITIES; ELIMINATING THE REQUIREMENT OF NONCOMPENSATION
9 AS A PREREQUISITE FOR THE LIMITATION ON LIABILITY; EXTENDING
10 THE SCOPE OF THE LIMITATION ON LIABILITY TO ENCOMPASS
11 EMERGENCIES OCCURRING IN HOSPITALS, LONG-TERM CARE
12 FACILITIES, AND PHYSICIANS' OFFICES AND HOMES; AND AMENDING
13 SECTION 27-1-714, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 Section 1. Section 27-1-714, MCA, is amended to read:

17 "27-1-714. Limits on liability for emergency care
18 rendered at scene of accident or emergency. (1) Any hospital
19 or long-term care facility or a person licensed as a
20 physician and surgeon under the laws of the state of Montana
21 or an agent or employee of a hospital, long-term care
22 facility, or physician and surgeon, any volunteer
23 firefighter or officer of any nonprofit volunteer fire
24 company, or any other person who in good faith renders
25 emergency care or assistance without compensation except as

1 provided in subsection (2) at the scene of an emergency or
2 accident is not liable for any civil damages for acts or
3 omissions other than damages occasioned by gross negligence
4 or by willful or wanton acts or omissions by such person in
5 rendering such emergency care or assistance.

6 (2) Subsection (1) includes a person properly trained
7 under the laws of this state who operates an ambulance to
8 and from the scene of an emergency or renders emergency
9 medical treatment on a volunteer basis so long as the total
10 reimbursement received for such volunteer services does not
11 exceed 25% of his gross annual income or \$3,000 a calendar
12 year, whichever is greater.

13 (3) If a nonprofit subscription fire company refuses to
14 fight a fire on nonsubscriber property, such refusal does
15 not constitute gross negligence or a willful or wanton act
16 or omission.

17 (2) As used in this section, "scene of an emergency or
18 accident" includes but is not limited to hospitals,
19 long-term care facilities, and the offices and homes of
20 physicians if the hospital, long-term care facility, or
21 physician seeking the benefit of this section had no
22 continuous patient relationship requiring care for the
23 injured party at the time of the rendering of the care in
24 question."

-End-

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INTRODUCED BILL
HB 834

