

1 HOUSE BILL NO. 63

2 INTRODUCED BY S. KERNS

3 BY REQUEST OF THE DEPARTMENT OF MILITARY AFFAIRS
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5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE CIVIL AND CRIMINAL LIABILITY LAWS
6 RELATED TO MEMBERS OF THE ARMED FORCES AND THE MONTANA NATIONAL GUARD; LIMITING
7 CIVIL LIABILITY FOR EMERGENCY CARE RENDERED AT THE SCENE BY MEMBERS OF THE NATIONAL
8 GUARD; PROVIDING AN AFFIRMATIVE DEFENSE IN CRIMINAL ACTIONS OF JUSTIFIABLE USE OF
9 FORCE IN DEFENSE OF MILITARY EQUIPMENT AND INFORMATION; AND AMENDING SECTION 27-1-
10 714, MCA."
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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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14 **Section 1.** Section 27-1-714, MCA, is amended to read:

15 **"27-1-714. Limits on liability for emergency care rendered at scene of accident or emergency.**

16 (1) Any person licensed as a physician and surgeon under the laws of the state of Montana, any volunteer
17 firefighter or officer of any nonprofit volunteer fire company, any search and rescue volunteer, or any other
18 person who in good faith renders emergency care or assistance without compensation except as provided in
19 subsection (2) at the scene of an emergency or accident is not liable for any civil damages for acts or omissions
20 other than damages occasioned by gross negligence or by willful or wanton acts or omissions by the person in
21 rendering the emergency care or assistance.

22 (2) Subsection (1) includes:

23 (a) a person properly trained under the laws of this state who operates an ambulance to and from
24 the scene of an emergency or renders emergency medical treatment on a volunteer basis so long as the total
25 reimbursement received for the volunteer services does not exceed 25% of the person's gross annual income
26 or \$3,000 a calendar year, whichever is greater. Reimbursement for search and rescue expenses is not
27 compensation for purposes of this section.

28 (b) a member of the army national guard or air national guard acting in an official capacity.

