HOUSE BILL NO. 796

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2003

By: Representative Pierce
To: Judiciary A

To: Judiciary A

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AN ACT TO PROVIDE CIVIL LIABILITY IMMUNITY TO VOLUNTEER FIRE
FIGHTERS AND FIRST RESPONDERS; TO AMEND SECTION 95-9-1,
MISSISSIPPI CODE OF 1972, TO ADD FIRST RESPONDERS TO THE LIST OF
THOSE WHO ARE IMMUNE FROM CIVIL LIABILITY FOR VOLUNTEER
ACTIVITIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) As used in this section, unless the context
otherwise requires, the term "First Responder" means a person who
uses a limited amount of equipment to perform the initial
assessment of and intervention with sick, wounded or otherwise
incapacitated persons, who:

(a) Is trained to assist other emergency medical
services personnel by successfully completing an approved "First
Responder: National Standard Curriculum" training program, as
developed and promulgated by the United States Department of
Transportation;

(b) Is nationally registered as a First Responder by
the National Registry of Emergency Medical Technicians; and

(c) From and after July 1, 2004, is certified as a
First Responder by the Mississippi State Department of Health,
Division of Emergency Medical Services.

(2) Any First Responder:

(a) Shall not be held vicariably liable for the
negligence of another in connection with or as a consequence of
his or her providing of first responder services;

(b) Who renders assistance to any person by providing
first responder services, shall not be liable for any civil
damages for any personal injury or property damage caused to the
person as a result of any acts or omissions committed in good faith except:

(i) Where the First Responder engages in acts or omissions that are intentional, willful, wanton, reckless or grossly negligent; or

(ii) Where the First Responder negligently operates a motor vehicle, aircraft, boat or other powered mode of conveyance.

(3) Any volunteer fire fighter for a volunteer fire department of any fire protection district organized under Section 19-5-151 et seq. or any volunteer fire department that is eligible to be designated as a nonprofit corporation under Section 501(c)(3) by the United States Internal Revenue Service:

(a) Shall not be held vicariously liable for the negligence of another in connection with or as a consequence of his or her fire fighting activities;

(b) Who renders assistance to any person by providing fire fighting services shall not be liable for any civil damages for any personal injury or property damage caused to a person as a result of any acts or omissions committed in good faith except:

(i) Where the volunteer fire fighter engages in acts or omissions that are intentional, willful, wanton, reckless or grossly negligent; or

(ii) Where the volunteer fire fighter negligently operates a motor vehicle, aircraft, boat or other powered mode of conveyance.

SECTION 2. Section 95-9-1, Mississippi Code of 1972, is amended as follows:

95-9-1. (1) For the purposes of this section, unless the context otherwise requires:

(a) "Qualified volunteer" means any person who freely provides services, goods or the use of real or personal property or equipment, without any compensation or charge to any volunteer
agency in connection with a volunteer activity. For purposes of this chapter, reimbursement of actual expenses, including travel expenses, necessarily incurred in the discharge of a member's duties, insurance coverage and workers' compensation coverage of volunteers, shall not be considered monetary compensation.

(b) "Volunteer agency" means any department, institution, community volunteer organization or any nonprofit corporation designated 501(c)(3) by the United States Internal Revenue Service, except an agency established primarily for the recreational benefit of its stockholders or members. Volunteer agency shall also include any volunteer fire fighter association which is eligible to be designated as a nonprofit corporation under 501(c)(3) by the United States Internal Revenue Service.

(c) "Volunteer activity" means any activity within the scope of any project, program or other activity regularly sponsored by a volunteer agency with the intent to effect a charitable purpose, or other public benefit including, but not limited to, fire protection, rescue services, the enhancement of the cultural, civic, religious, educational, scientific or economic resources of the community, equine activity as provided in Sections 95-11-1 et seq., or first responder services provided by a First Responder, as defined in Section 1 of this act.

(2) A qualified volunteer shall not be held vicariously liable for the negligence of another in connection with or as a consequence of his volunteer activities.

(3) A qualified volunteer who renders assistance to a participant in, or a recipient, consumer or user of the services or benefits of a volunteer activity shall not be liable for any civil damages for any personal injury or property damage caused to a person as a result of any acts or omissions committed in good faith except:
(a) Where the qualified volunteer engages in acts or omissions which are intentional, willful, wanton, reckless or grossly negligent; or

(b) Where the qualified volunteer negligently operates a motor vehicle, aircraft, boat or other powered mode of conveyance.

SECTION 3. Section 1 of this act shall be codified in Title 95, Chapter 9, Mississippi Code of 1972.

SECTION 4. This act shall take effect and be in force from and after July 1, 2003.