

By: Representative Pierce

To: Judiciary A

HOUSE BILL NO. 796

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

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

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

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

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

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

22 (2) Any First Responder:

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

26 (b) Who renders assistance to any person by providing
27 first responder services, shall not be liable for any civil
28 damages for any personal injury or property damage caused to the



29 person as a result of any acts or omissions committed in good
30 faith except:

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

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

37 (3) Any volunteer fire fighter for a volunteer fire
38 department of any fire protection district organized under Section
39 19-5-151 et seq. or any volunteer fire department that is eligible
40 to be designated as a nonprofit corporation under Section
41 501(c)(3) by the United States Internal Revenue Service:

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

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

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

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

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

57 95-9-1. (1) For the purposes of this section, unless the
58 context otherwise requires:

59 (a) "Qualified volunteer" means any person who freely
60 provides services, goods or the use of real or personal property
61 or equipment, without any compensation or charge to any volunteer



62 agency in connection with a volunteer activity. For purposes of
63 this chapter, reimbursement of actual expenses, including travel
64 expenses, necessarily incurred in the discharge of a member's
65 duties, insurance coverage and workers' compensation coverage of
66 volunteers, shall not be considered monetary compensation.

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

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

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

87 (3) A qualified volunteer who renders assistance to a
88 participant in, or a recipient, consumer or user of the services
89 or benefits of a volunteer activity shall not be liable for any
90 civil damages for any personal injury or property damage caused to
91 a person as a result of any acts or omissions committed in good
92 faith except:



93 (a) Where the qualified volunteer engages in acts or
94 omissions which are intentional, willful, wanton, reckless or
95 grossly negligent; or

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

99 **SECTION 3.** Section 1 of this act shall be codified in Title
100 95, Chapter 9, Mississippi Code of 1972.

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

