

911 RESPONSIBILITIES IN AN EMERGENCY

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: \_\_\_\_\_

LONG TITLE

General Description:

This bill creates a duty to contact emergency services in an emergency.

Highlighted Provisions:

This bill:

- defines terms;
makes it a class B misdemeanor to fail to contact emergency services in the event of a crime or another emergency subject to certain exceptions;
prohibits a prosecutor from basing charges for commission of an offense other than the offense created in this bill on an individual's failure to contact emergency services;
amends provisions of the Good Samaritan Act to provide immunity from liability to an individual who contacts emergency services in accordance with the requirements of this bill;
addresses civil liability issues related to this bill; and
makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 AMENDS:

29 **78B-4-501**, as last amended by Laws of Utah 2018, Chapter 62

30 ENACTS:

31 **76-9-1101**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **76-9-1101** is enacted to read:

35 **76-9-1101. Failure to provide assistance.**

36 (1) As used in this section:

37 (a) (i) "Assistance" means making reasonable effort to contact paramedics, fire  
38 protection, law enforcement, or other appropriate emergency services.

39 (ii) "Assistance" does not include action that places the individual taking the action, or  
40 another individual, in danger.

41 (b) "Emergency" means that an individual is suffering from serious bodily injury and is  
42 in need of assistance.

43 (c) "Legal privilege" means any privilege designated by common law, statute, or rule of  
44 evidence.

45 (d) "Serious bodily injury" means injury that involves a substantial risk of death ~~H~~→ ,  
45a **unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted**  
45b **loss or impairment of the function of a bodily member, organ, or mental faculty** ←~~H~~ .

46 (2) An individual is guilty of a class B misdemeanor if the individual:

47 (a) observes that a crime has occurred or is occurring or that an emergency is  
48 occurring;

49 (b) has personal knowledge that another individual is suffering serious bodily injury  
50 resulting from a crime or emergency;

51 (c) is able to provide reasonable assistance to the individual described in Subsection  
52 (2)(b); and

53 (d) willfully fails to provide reasonable assistance to the individual described in  
54 Subsection (2)(b).

55 (3) An individual is not guilty of violating Subsection (2) if the individual reasonably  
56 believes another individual has, or likely has, already provided or is providing reasonable  
57 assistance to the individual described in Subsection (2)(b).

58 (4) Notwithstanding any contrary provision of law, a prosecutor may not use an

59 individual's violation of Subsection (2) as the basis for charging the individual with another  
 60 offense.

61 (5) This section does not create an independent basis for civil liability for failure to  
 62 provide the assistance described in this section.

63 (6) The fact that an individual is charged with ~~H~~→ **or convicted of** ←~~H~~ a crime under this  
 63a section may not be  
 64 used to establish that the individual violated a duty on which a claim for personal injuries may  
 65 be based.

66 (7) Subsection (2) does not apply to the extent that an individual is prohibited from  
 67 providing assistance by a legal privilege.

68 Section 2. Section **78B-4-501** is amended to read:

69 **78B-4-501. Good Samaritan Law.**

70 (1) As used in this section:

71 (a) "Child" means an individual of such an age that a reasonable person would perceive  
 72 the individual as unable to open the door of a locked motor vehicle, but in any case younger  
 73 than 18 years of age.

74 (b) "Emergency" means an unexpected occurrence involving injury, threat of injury, or  
 75 illness to a person or the public, including motor vehicle accidents, disasters, actual or  
 76 threatened discharges, removal or disposal of hazardous materials, and other accidents or  
 77 events of a similar nature.

78 (c) "Emergency care" includes actual assistance or advice offered to avoid, mitigate, or  
 79 attempt to mitigate the effects of an emergency.

80 (d) "First responder" means a state or local:

81 (i) law enforcement officer, as defined in Section [53-13-103](#);

82 (ii) firefighter, as defined in Section [34A-3-113](#); or

83 (iii) emergency medical service provider, as defined in Section [26-8a-102](#).

84 (e) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

85 (2) A person who renders emergency care at or near the scene of, or during, an  
 86 emergency, gratuitously and in good faith, or as required under Section [76-9-1101](#), is not liable  
 87 for any civil damages or penalties as a result of any act or omission by the person rendering the  
 88 emergency care, unless the person is grossly negligent or caused the emergency.

89 (3) (a) A person who gratuitously, and in good faith, assists a governmental agency or

90 political subdivision in an activity described in Subsections (3)(a)(i) through (iii) is not liable  
91 for any civil damages or penalties as a result of any act or omission, unless the person  
92 rendering assistance is grossly negligent in:

93 (i) implementing measures to control the causes of epidemic and communicable  
94 diseases and other conditions significantly affecting the public health, or necessary to protect  
95 the public health as set out in Title 26A, Chapter 1, Local Health Departments;

96 (ii) investigating and controlling suspected bioterrorism and disease as set out in Title  
97 26, Chapter 23b, Detection of Public Health Emergencies Act; and

98 (iii) responding to a national, state, or local emergency, a public health emergency as  
99 defined in Section [26-23b-102](#), or a declaration by the president of the United States or other  
100 federal official requesting public health-related activities.

101 (b) The immunity in this Subsection (3) is in addition to any immunity or protection in  
102 state or federal law that may apply.

103 (4) (a) A person who uses reasonable force to enter a locked and unattended motor  
104 vehicle to remove a confined child is not liable for damages in a civil action if all of the  
105 following apply:

106 (i) the person has a good faith belief that the confined child is in imminent danger of  
107 suffering physical injury or death unless the confined child is removed from the motor vehicle;

108 (ii) the person determines that the motor vehicle is locked and there is no reasonable  
109 manner in which the person can remove the confined child from the motor vehicle;

110 (iii) before entering the motor vehicle, the person notifies a first responder of the  
111 confined child;

112 (iv) the person does not use more force than is necessary under the circumstances to  
113 enter the motor vehicle and remove the confined child from the vehicle; and

114 (v) the person remains with the child until a first responder arrives at the motor vehicle.

115 (b) A person is not immune from civil liability under this Subsection (4) if the person  
116 fails to abide by any of the provisions of Subsection (4)(a) or commits any unnecessary or  
117 malicious damage to the motor vehicle.