House Engrossed

**FILED**

**JANICE K. BREWER**
**SECRETARY OF STATE**

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

**CHAPTER 115**

# HOUSE BILL 2195

AN ACT

AMENDING SECTION 9-500.02, ARIZONA REVISED STATUTES; RELATING TO EMERGENCY ASSISTANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 9-500.02, Arizona Revised Statutes, is amended to read:

9-500.02. Emergency medical aid or assistance to other public bodies; limitation on liability

A. A city or town or its officers and employees, a private fire or ambulance company whose services are procured by a city or town or its officers and employees or a property owner, its officers or employees or a tenant or a licensed health care provider as defined in section 12-561 who performs emergency medical aid, when rendering emergency medical aid provided by an emergency medical technician, an intermediate emergency medical technician or a paramedic who is certified by the director of the department of health services pursuant to section 36-2205 is not liable for civil or other damages to the recipient of the emergency medical aid as the result of any act or omission in rendering such aid or as the result of any act or failure to act to provide or arrange for further medical treatment or care for the sick or injured person. This subsection does not apply if the person providing emergency medical aid is guilty of gross negligence or intentional misconduct. The immunity provided for in this subsection does not extend to an emergency medical technician, an intermediate emergency medical technician or a paramedic while operating a motor vehicle.

B. A city or town, an employee of a city or town or a licensed health care provider if requested by a public body to assist at a traffic accident on a public right-of-way or to render emergency aid at an emergency occurrence outside of the corporate limits of such city or town is not liable for any civil or other damages as the result of any act or omission by the city or town or an employee of the city or town at the traffic accident, rendering emergency care or as the result of any act or failure to act to provide or arrange for further medical treatment or care for an injured person. This subsection does not apply if the city or town, an employee of the city or town or a licensed health care provider, while providing assistance at such a traffic accident, rendering such emergency care or acting or failing to act to provide such further medical treatment or care, is guilty of gross negligence.

C. The provisions of this section shall not abrogate the right of an employee who is injured while performing services as provided in subsection A of this section to recover benefits for which he may be eligible under title 23, chapter 6 from the city or town.

D. Nothing in this section limits a plaintiff's right to recover civil damages from any applicable uninsured motorist coverage or underinsured motorist coverage.

E. The provisions of this section do not apply to services provided in an emergency room.

F. THE PROVISIONS OF THIS SECTION APPLY TO ALL ACTIONS BROUGHT UNDER SECTIONS 46-455 AND 46-456, REGARDLESS OF WHETHER THE ACTION IS BROUGHT BY THE RECIPIENT OF THE EMERGENCY MEDICAL AID OR BY SOME OTHER AUTHORIZED PERSON, ORGANIZATION OR GOVERNMENTAL ENTITY.



APPROVED BY THE GOVERNOR APRIL 19, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2004.