

Good Samaritan Law

27-1-714, MCA

An individual who, in good faith and without compensation, provides emergency care at the scene of an emergency or accident, will not be held legally responsible for acting or failing to act.

This section includes persons trained to operate an ambulance or trained to provide emergency medical care on a volunteer basis.

Generally, Good Samaritan laws only offer protection for those individuals who provide care during spontaneous emergencies unrelated to volunteer deployment.

Limits on liability for emergency care rendered at scene of accident or emergency

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

(2) Subsection (1) includes a person properly trained under the laws of this state who operates an ambulance to and from the scene of an emergency or renders emergency medical treatment on a volunteer basis so long as the total reimbursement received for the volunteer services does not exceed 25% of the person's gross annual income or \$ 3,000 a calendar year, whichever is greater.

(3) If a nonprofit subscription fire company refuses to fight a fire on nonsubscriber property, the refusal does not

constitute gross negligence or a willful or wanton act or omission.