

Liability: Providing Care, Assistance, or Advice Relating to Hazardous Materials

Tenn. Code Ann. 68-131-202

An individual who, in good faith, without compensation, and with the proper level of expertise, provides emergency care, assistance, or advice at the scene of an actual or impending accident involving hazardous materials will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness.

General provisions

(a) Any person, including medical personnel, who in good faith and without compensation renders emergency care, assistance or advice, or who provides care, assistance or advice upon the request of any police or fire department, rescue or emergency squad, or any governmental agency at the scene of an accident or an existing or impending disaster involving the use, handling, transportation, transmission or storage of hazardous materials shall not be liable for damages as a result of conduct in rendering such care, assistance or advice, unless the damage was caused by the gross negligence of the actor. Gross negligence also includes rendering care, assistance or advice with respect to matters in which the person rendering such care, assistance or advice does not possess the technical knowledge or skills concerning such matters.

(b) This part shall not apply to police, fire or other public officials or emergency service personnel who render emergency care, assistance or advice while on duty. This part shall not be construed to impose a level of liability upon police, fire, or other public officials or emergency service personnel greater than or in addition to the level of liability that may otherwise be provided by law.