

2A:62A-5

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:62A-5

(Emergencies - immunity from civil liability for persons providing assistance)

LAWS OF: 1983

CHAPTER: 57

Bill No.: S534

Sponsor(s): Dorsey

Date Introduced: Pre-filed

Committee: Assembly: Judiciary, Law, Public Safety & Defense

Senate: Judiciary

Amended during passage Yes // Amendments denoted by asterisks

according to Governor's recommendations:

Date of Passage: Assembly: Oct. 25, 1982 Re-enacted 1-27-83

Senate: May 17, 1982 Re-enacted 12-20-82

Date of Approval: Feb. 7, 1983

Following statements are attached if available:

Sponsor statement: Yes //

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message Yes //

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

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2-7-83

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## SENATE, No. 534

## STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Senator DORSEY

AN ACT providing immunity from liability to respond in damages to persons who provide certain services in response to certain emergencies and supplementing Title 2A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Notwithstanding any provisions of law to the contrary, no  
2 person who provides assistance\*\*\*, *free of charge except for reim-*  
2A *bursement of expenses,\*\** upon request of any police agency,  
3 fire company, first aid, rescue or emergency squad or other agency  
4 or unit of government in the event of an accident or other emergency  
5 situation involving the use, handling, transportation, transmission  
6 or storage of liquefied petroleum gas or liquefied natural gas shall  
7 be liable in any civil action **\*[to respond in]\*** *\*for\** damages as a  
8 result of his acts of commission or omission arising out of and in  
9 the course of his rendering *\*assistance\** in good faith **\*[the**  
10 *assistance]\**. Nothing herein shall be deemed to grant immunity to  
11 any person causing *\*\*such accidents or emergency situations or*  
12 *any\*\** damage **\*\*[ as a result]\*\*** *\*\*resulting therefrom in the*  
12A *course\*\** of his **\*[business]\*** *\*\*business\*\** activities or **\*\*[by his]\*\***  
12B *\*\*to persons who by a\*\** willful **\*\*\*[or]\*\*\*** *\*\*\*,\*\*\** wanton **\*\*or**  
12C *grossly negligent\*\*\** act of commission or omission *\*\*cause damage*  
12D *in responding to such accidents and emergency situations\*\**.

13 *\*As used in this act, "person" means an individual, firm or cor-*  
14 *poration with knowledge and training in the storage, handling,*  
15 *transportation, operation and utilization of liquefied petroleum gas*  
16 *or liquefied natural gas.\**

1 2. This act shall take effect immediately.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter printed in italics thus is new matter.**

**Matter enclosed in asterisks or stars has been adopted as follows:**

**\*—Senate committee amendments adopted March 29, 1982.**

**\*\*—Assembly committee amendments adopted June 28, 1982.**

**\*\*\*—Senate amendments adopted in accordance with Governor's recommendations December 13, 1982.**

SENATE, No. 534

STATE OF NEW JERSEY

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By Senator DORSEY

AN ACT providing immunity from liability to respond in damages to persons who provide certain services in response to certain emergencies and supplementing Title 2A of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Notwithstanding any provisions of law to the contrary, no  
2 person who provides assistance upon request of any police agency,  
3 fire company, first aid, rescue or emergency squad or other agency  
4 or unit of government in the event of an accident or other emergency  
5 situation involving the use, handling, transportation, transmission  
6 or storage of liquefied petroleum gas or liquefied natural gas shall  
7 be liable in any civil action to respond in damages as a result  
8 of his acts of commission or omission arising out of and in the  
9 course of his rendering in good faith the assistance. Nothing  
10 herein shall be deemed to grant immunity to any person causing  
11 damage as a result of his business activities or by his willful or  
12 wanton act of commission or omission.

1 2. This act shall take effect immediately.

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STATEMENT

The purpose of this bill is to provide immunity from civil liability—good samaritan immunity—to persons who provide assistance to police or other agencies in responding to accidents or other emergencies involving liquefied petroleum gas or liquefied natural gas. Persons in the industry work closely with the LP Gas Squad of the Division of State Police in responding to such emergencies.

This bill would not extend good samaritan immunity to persons who cause such emergencies as a result of business activities or to persons who willfully or wantonly cause damage in responding to such emergencies.

ASSEMBLY JUDICIARY, LAW, PUBLIC SAFETY AND  
DEFENSE COMMITTEE

STATEMENT TO

**SENATE, No. 534**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 28, 1982

This bill operates on the rationale that persons who have expertise in the liquefied gas industry are often called upon by the police and other agencies to provide assistance in cases of emergency involving liquefied petroleum or liquefied natural gas. This bill would, therefore, extend the "good samaritan concept" and grant immunity from civil liability to persons who provide such assistance. The Assembly Committee amendments provide that immunity granted under this bill would not extend to persons who cause such emergencies as a result of his business activities or to persons who willfully or wantonly cause damage in responding to such emergencies. The term "person" as used in the bill means "an individual, firm or corporation with knowledge and training in the storage, handling, transportation, operation and utilization of liquefied petroleum gas or liquefied natural gas."

**SENATE JUDICIARY COMMITTEE**

STATEMENT TO

**SENATE, No. 534**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 29, 1982

This bill operates on the rationale that persons who have expertise in the liquefied gas industry are often called upon by the police and other agencies to provide assistance in cases of emergency involving liquefied petroleum or liquefied natural gas. This bill would, therefore, extend the "good samaritan concept" and grant immunity from civil liability to persons who provide such assistance. The immunity granted under this bill would not extend to persons who cause such emergencies as a result of his activities or to persons who willfully or wantonly cause damage in responding to such emergencies. The major committee amendment defines the term "person" as used in the bill to mean "an individual, firm or corporation with knowledge and training in the storage, handling, transportation, operation and utilization of liquefied petroleum gas or liquefied natural gas." The remainder of the amendments clarified the wording of the bill.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

December 13, 1982

SENATE BILL NO. 534 (2nd OCR)

To the Senate:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I herewith return Senate Bill No. 534 (2nd OCR) with my recommendations for reconsideration.

The purpose of this bill is to provide immunity from civil liability - Good Samaritan immunity - to trained persons who provide assistance to police or other agencies in responding to accidents or other emergencies involving liquefied petroleum gas or liquefied natural gas. Persons in the industry often work closely with the LP Gas Squad of the Division of State Police in responding to such emergencies.

This bill would not extend Good Samaritan immunity to persons who cause such accidents, emergencies or other damage in the course of business activities or to persons who willfully or wantonly cause damage in responding to such emergencies.

I believe that the concept of the bill is generally desirable. LP Gas dealers, shippers, transporters, and others are sometimes hesitant to assist in liquid gas emergencies because they are fearful of lawsuits if anything goes wrong.

I also believe, however, that immunity statutes should be narrowly drawn. First, they should not apply to egregious acts. Thus, in this instance, I believe that immunity should not be granted to those who commit grossly negligent acts that cause harm. In fact, the industry itself agrees that it seeks immunity only in instances of ordinary negligence and not for conduct which steps into the realm of the unconscionable.

Moreover, I believe that it should be made clear that immunity attaches only for Good Samaritan acts, i.e., those that are provided free of profit. Again, the industry itself agrees that it seeks immunity only for volunteer services rendered for free or on an expense-only basis.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

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Accordingly, I herewith return Senate Bill No. 534 (2nd OCR) and recommend that it be amended as follows:

Page 1, Section 1, Line 2: After "assistance" insert ", free of charge except for reimbursement of expenses,"

Page 1, Section 1, Line 12B: After "willful", delete "or" and insert ","; after "wanton" insert "or grossly negligent"

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seai]

Attest:

/s/ W. Cary Edwards

Chief Counsel to the Governor