

1 HOUSE BILL 372

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Tim D. Lewis

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO CIVIL LIABILITY; AMENDING SECTIONS OF THE NMSA 1978  
12 TO PROVIDE IMMUNITY TO PERSONS WHO COME TO THE AID OR RESCUE OF  
13 ANOTHER REGARDLESS OF REMUNERATION OR EXPECTATION OF  
14 REMUNERATION.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 **SECTION 1.** Section 24-10-3 NMSA 1978 (being Laws 1963,  
18 Chapter 59, Section 1, as amended) is amended to read:

19 "24-10-3. PERSONS COMING TO AID OR RESCUE OF ANOTHER--  
20 RENDERING EMERGENCY CARE--RELEASE FROM LIABILITY.--[No]

21 A. A person who comes to the aid or rescue of  
22 another person by providing care or assistance in good faith at  
23 or near the scene of an emergency, as defined in Section  
24 24-10-4 NMSA 1978, shall not be held liable for any civil  
25 damages as a result of any action or omission by that person in

.184807.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
[bracketed material] = delete

1 providing that care or assistance, except when liable for an  
2 act of gross negligence [~~but nothing in this section applies to~~  
3 ~~the provision of emergency care or assistance when it is~~  
4 ~~rendered for remuneration or with the expectation of~~  
5 ~~remuneration or is rendered by a person or agent of a principal~~  
6 ~~who was at the scene of the accident or emergency because he or~~  
7 ~~his principal was soliciting business or performing or seeking~~  
8 ~~to perform some services for remuneration].~~

9 B. This section applies regardless of whether  
10 compensation is provided, expected or promised in return for  
11 care or assistance or whether the person rendering aid or  
12 rescue was at the scene of the accident or emergency because  
13 that person was soliciting business or performing or seeking to  
14 perform a service in return for remuneration."

15 SECTION 2. Section 24-10-4 NMSA 1978 (being Laws 1963,  
16 Chapter 59, Section 2, as amended) is amended to read:

17 "24-10-4. EMERGENCY DEFINED.--As used in [~~Sections~~]  
18 Section 24-10-3 [~~and 24-10-4~~] NMSA 1978, "emergency" means an  
19 unexpected occurrence of injury or illness occurring in public  
20 or private places to a person that results from:

- 21 A. motor vehicle accidents and collisions;
- 22 B. acts of God; [~~and~~]
- 23 C. an event giving rise to a proclamation declaring  
24 an emergency pursuant to the All Hazard Emergency Management  
25 Act; and

underscoring material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

[~~G.~~] D. other accidents and events of similar nature."