



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 561 (Substitute S-1 as reported)
Sponsor: Senator Michelle A. McManus
Committee: Judiciary

(as enrolled)

Date Completed: 1-17-06

RATIONALE

For almost 20 years, the Good Samaritan law has granted limited immunity from liability to registered members of the National Ski Patrol who render care at the scene of an emergency while acting as a member of the National Ski Patrol system. Originally, the mission of the National Ski Patrol focused on the provision of first aid to injured skiers, as well as the promotion of safe skiing. Recently, however, the National Ski Patrol system underwent organizational restructuring and now strictly provides education and training. Consequently, some people are concerned that the immunity provision for National Ski Patrol members will apply only when a member is conducting or participating in a training session, and not while patrolling the ski slopes. It has been suggested that the Good Samaritan law be revised to grant immunity to Ski Patrol members who provide emergency care while on patrol.

CONTENT

The bill would amend the Good Samaritan law to revise a provision granting members of the National Ski Patrol system immunity from liability for civil damages as a result of acts or omissions in rendering emergency care.

Under the Good Samaritan law, if a person is a registered member of the National Ski Patrol system and, in good faith and while acting as a member of that system, renders emergency care at the scene of an emergency, the person is not liable for civil damages as a result of his or her acts or omissions in rendering the emergency care,

except acts or omissions amounting to gross negligence or willful and wanton misconduct.

Under the bill, the immunity would apply to a person who rendered emergency care at the scene of an emergency while "on patrol" (rather than while "acting") as a member of the National Ski Patrol system.

MCL 691.1507

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Since the National Ski Patrol is now exclusively a training organization, the current immunity provision may no longer be broad enough to cover a ski patrol member responding to an emergency on the State's ski slopes. Instead, the provision could be construed to apply only to members conducting or participating in a training session. By referring to National Ski Patrol members who render emergency care while "on patrol", the bill would ensure that liability protections in place for almost 20 years would continue.

Response: By providing for immunity only when a Ski Patrol member was "on patrol", the bill potentially could limit liability protection. For example, if a member gave first aid to a new recruit during a training exercise, this activity presumably would be covered under the existing law because the person was acting as a member of the National Ski Patrol. The member would not

be “on patrol”, however, and arguably would not be covered under language of the bill.

Supporting Argument

When the immunity provision for National Ski Patrol members was enacted in 1987, supporters of the legislation pointed out that liability concerns among volunteers could force ski resorts to employ emergency medical technicians to patrol the slopes. Increased costs to the industry then would result in higher user fees. It was suggested that immunity from liability would encourage National Ski Patrol members to continue providing emergency first aid, and would assist the organization in recruiting volunteers.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Stephanie Yu

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.