

Bill as
Introduced

HB 415 - AS INTRODUCED

2015 SESSION

15-0080
09/10

HOUSE BILL

415

AN ACT limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

SPONSORS: Rep. White, Graf 13; Rep. Rollins, Sull 6; Rep. Ladd, Graf 4

COMMITTEE: Judiciary

ANALYSIS

This bill limits the liability of out-of-state emergency services entities responding to incidents in New Hampshire.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 New Section; Liability Limited for Certain Out-of-State Emergency Services Entities. Amend
- 2 RSA 508 by inserting after section 12-b the following new section:
- 3 508:12-c Liability Limited for Certain Out-of-State Emergency Services Entities. When an out-
- 4 of-state police officer, firefighter, or other emergency services entity responds to an emergency in
- 5 New Hampshire and such entity would have liability limitations under New Hampshire laws,
- 6 including RSA 153-A:19, RSA 154:1-d, RSA 508:12, RSA 508:12-b, RSA 508:17, and RSA 508:17-a if
- 7 it was a New Hampshire police officer, firefighter, or emergency medical care provider, the out-of-
- 8 state entity shall be subject to the New Hampshire liability limitations; provided that the laws of the
- 9 state from which the police officer, firefighter, or emergency services entity responds offer the same
- 10 liability protections to New Hampshire police officers, firefighters, or emergency medical care
- 11 providers.
- 12 2 Effective Date. This act shall take effect January 1, 2016.

HB 415 - AS AMENDED BY THE HOUSE

4Mar2015... 0421h

2015 SESSION

15-0080
09/10

HOUSE BILL **415**

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HB 415 - AS AMENDED BY THE HOUSE

4Mar2015... 0421h

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- 3 508:12-c Liability Limited for Certain Out-of-State Emergency Services. When a police officer,
- 4 firefighter, or other emergency services worker from an out-of-state entity responds to an emergency
- 5 in New Hampshire, such out-of-state entity and its employees and volunteers shall have all the same
- 6 liability limitations to which a New Hampshire entity, police officer, firefighter, or emergency
- 7 services worker would be entitled under New Hampshire laws.
- 8 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 170
HB 415 - FINAL VERSION

4Mar2015... 0421h

2015 SESSION

15-0080
09/10

HOUSE BILL **415**

AN ACT limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

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COMMITTEE: Judiciary

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CHAPTER 170
HB 415 – FINAL VERSION

4Mar2015... 0421h

15-0080
09/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 170:1 New Section; Liability Limited for Certain Out-of-State Emergency Services Entities.

2 Amend RSA 508 by inserting after section 12-b the following new section:

3 508:12-c Liability Limited for Certain Out-of-State Emergency Services. When a police officer,
4 firefighter, or other emergency services worker from an out-of-state entity responds to an emergency
5 in New Hampshire, such out-of-state entity and its employees and volunteers shall have all the same
6 liability limitations to which a New Hampshire entity, police officer, firefighter, or emergency
7 services worker would be entitled under New Hampshire laws.

8 170:2 Effective Date. This act shall take effect upon its passage.

9

10 Approved: June 26, 2015

11 Effective Date: June 26, 2015

Committee Minutes

SENATE CALENDAR NOTICE
JUDICIARY

Senator Sharon Carson Chairman
Senator Sam Cataldo V Chairman
Senator Gary Daniels
Senator Bette Lasky
Senator David Pierce

For Use by Senate Clerk's
Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: April 21, 2015

HEARINGS

Tuesday

5/12/2015

JUDICIARY

SH 100

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

<p>9:00 AM HB472 ✓</p> <p>9:20 AM HB415 ✓</p> <p>9:35 AM HB418</p> <p>9:50 AM HB309</p> <p>10:05 AM HB315</p> <p>10:20 AM HB287</p>	<p>relative to the parole board and parole board procedures.</p> <p>limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire. (New Title) relative to waiver of rights to devised or inherited real property.</p> <p>permitting landlords to remove tenants' property in certain circumstances.</p> <p>relative to termination of tenancy.</p> <p>allowing citizens to record by audio or video a traffic stop by law enforcement officers.</p>
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Sponsors:

HB472

Rep. John Sytek

Rep. Robert Cushing

Sen. Donna Soucy

HB415

Rep. Andrew White

Rep. Skip Rollins

Rep. Rick Ladd

HB418

Rep. James Webb

Rep. Herbert Richardson

Rep. Frank Kotowski

Rep. Barbara Shaw

Sen. Russell Prescott

Sen. Sharon Carson

Sen. John Reagan

Sen. David Boutin

Rep. Laura Pantelakos

Sen. Nancy Stiles

Rep. Joseph Lachance

Rep. J. Tracy Emerick

Rep. Beverly Ferrante

Rep. James Grenier

Rep. G. Thomas Cardon

HB309

Rep. Warren Groen

Rep. Richard Gordon

HB315

Rep. Steven Beaudoin

Rep. Allen Cook

Rep. Linda Gould

HB287

Rep. David Bickford

Rep. John Burt

SENATE JUDICIARY COMMITTEE

Susan Duncan, Senior Legislative Aide

HB 415 – *AN ACT limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.*

Hearing Date: May 12, 2015

Time Opened: 9:27 a.m.

Time Closed: 9:35 a.m.

Members of the Committee Present: Senators Carson, Cataldo, Lasky, Pierce and Daniels

Members of the Committee Absent: No one

Bill Analysis: This bill limits the liability of out-of-state emergency services entities responding to incidents in New Hampshire.

Sponsors: Representative Andrew White; Representatives Rollins and Ladd

Who supports the bill: Representative A. White; Doug Patch on behalf of NH Association of Fire Chiefs; Attorney Cordell Johnston on behalf of the NH Municipal Association; Representative Linda Kenison; Senator Pierce; Deb Pendergast on behalf of NH Fire and EMS

Who opposes the bill: No one

Summary of testimony presented in support:

Representative White

Explained that this extends the same liability protection that is extended to New Hampshire's first responders who go to out-of-state emergencies. He said that he was shocked to learn that we do not already have this on our books. Senator Daniels asked if someone from Massachusetts responds across the border into New Hampshire, are they covered? Representative White responded that the States of Maine and Vermont and the Commonwealth of Massachusetts all extend this to New Hampshire's first-responders, but we do not extend liability protection when they cross the border into NH. He said that this legislation does not expand anything. Senator Daniels asked again if this just makes it reciprocal. Representative White responded "yes."

Attorney Cordell Johnston

Explained that this is one of NHMA's policy bills that they requested please be filed. He said that their concern is that if we do not extend the same protections, then when there is a near-border incident, first-responders could be afraid to respond. He said that there was a border incident (Vermont – New Hampshire) and the Vermont responders ended up being sued, even though they were a member of the local Mutual Aid group. Senator Lasky asked about the House amendment. Attorney Johnston responded that it just helped make the language clearer. They had originally listed various RSAs, but the concern was that if you accidentally omitted one, then there could be problems.

Deb Pendergast

Testified in support. She explained that New Hampshire has many small fire and emergency response departments and that these small departments rely heavily on Mutual Aid, especially when there are large incidents.

Testimony in opposition: None

Fiscal Note: No fiscal note is attached.

Action: The Committee took the bill under advisement.

sfd

Date hearing report completed: May 13, 2015
[file: HB 0415 report]

Speakers

Testimony



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
COMMISSIONER

5-7-15

LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

HB 415: Limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire
– As amended by House amendment 0421h

Position: In Favor

Dear Honorable Members of the Committee:

There are a number of laws in the RSA's that protect emergency services such as police departments, fire departments, emergency medical providers, and volunteer organizations that respond to emergencies, from liability if they act reasonably, in good faith and without gross negligence. The wording varies according to the 6 specific statutes referred to.

This bill as amended simply extends to out of state police officers, firefighters, or emergency services workers when operating across the border in NH the same protection as a New Hampshire entity, police officer, firefighter or emergency services worker would have under the circumstances.

Given that New Hampshire borders on three other states, and given the frequency with which emergencies occur on or near the borders and result on our calling the neighboring state for aid, or them calling us, this seems to be a reasonable protection to share. Therefore, the Department of Safety supports this bill.

Committee Report

New Hampshire General Court - Bill Status System

Docket of HB415

Docket Abbreviations

Bill Title: limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire.

Official Docket of HB415:

Date	Body	Description
1/8/2015	H	Introduced and Referred to Judiciary; HJ 12 , PG. 222
2/11/2015	H	Public Hearing: 2/17/2015 1:00 PM LOB 208
2/11/2015	H	==RESCHEDULED== Public Hearing: 2/17/2015 2:00 PM LOB 208
2/24/2015	H	Executive Session: 2/17/2015 LOB 208
2/24/2015	H	Committee Report: Ought to Pass with Amendment #2015-0421h for Mar 4 (Vote 15-0; CC); HC18 , PG. 347
3/4/2015	H	Amendment #0421h: AA VV; HJ 22 , PG. 563
3/4/2015	H	Ought to Pass with Amendment #0421h: MA VV; HJ 22 , PG. 563
3/5/2015	S	Introduced and Referred to Judiciary; SJ 8
4/21/2015	S	Hearing: 5/12/15, Room 100, SH, 9:20 a.m.; SC19
5/21/2015	S	Committee Report: Ought to Pass, 5/28/15; Vote 5-0; CC; SC23
5/28/2015	S	Ought to Pass: MA, VV; OT3rdg; SJ 16
6/18/2015	S	Enrolled (In recess 6/11/2015); SJ 19
6/18/2015	H	Enrolled (in recess of 6/11/2015); HJ 46 , PG. 1993
6/30/2015	H	Signed by the Governor on 6/26/2015; Chapter 170; Effective Date 6/26/2015

NH House

NH Senate

Other Referrals

HB 415 - limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire

COMMITTEE REPORT FILE INVENTORY

ORIGINAL REFERRAL RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- DOCKET (Submit only the latest docket found in Bill Status)
- COMMITTEE REPORT
- CALENDAR NOTICE
- HEARING REPORT
- PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

SIGN-UP SHEET(S) (2)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # _____ - AMENDMENT # _____
 - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

House Calendar remarks

DATE DELIVERED TO SENATE CLERK

Aug. 11, 2015

BY:

Susan J. Duval
COMMITTEE AIDE

HB 415, limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire. OUGHT TO PASS WITH AMENDMENT. Rep. Linda B. Kenison for Judiciary. New Hampshire emergency services responders have limited liability in responding to incidents in New Hampshire. New Hampshire towns bordering Maine, Massachusetts and Vermont have interstate mutual aid emergency services compacts. This bill would provide the same limited liability afforded to New Hampshire emergency services responders to out-of-state emergency services responders responding to incidents in New Hampshire. There was no opposition to this bill. Vote 15-0.