

LFC Requester:	David Lucero
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:
Original **Amendment**
Correction **Substitute**

Date January 27, 2015
Bill No: S 189

Sponsor: Sue Wilson Beffort **Agency Code:** Attorney General's Office
Short GOOD SAMARITAN **Person Writing** Marco P. Serna
Title: LIABILITY **Phone:** 505-222-9069 **Email** mserna@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis:

Senate Bill 189 is an Act that introduces a new standard under the Cardiac Arrest Response Act, by which civil liability can be imposed on a “good Samaritan” pursuant to Section 24-10C-03 NMSA 1978 as well as “persons” (definition proposed in Senate Bill 189) applicable to Section 24-10C-07 NMSA 1978. The new standard, “without gross negligence/proximate cause,” replace the current “good faith /reasonableness” standard. Effectively, Senate Bill 189 requires a two pronged test to determine civil liability. First, was there in fact gross negligence in a given case? If yes, then determine whether that gross negligence was the proximate cause of the injury or death of an individual. If no, then there is no civil liability pursuant to the Act.

The new standard of liability presented in Senate Bill 189 provides more protection to the “good Samaritan” and extends the same liability protection to a “corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture or any legal or commercial entity” as defined under “person.”

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

NONE

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A