



[Good Samaritan Laws in Illinois and Indiana: Do You Risk a Lawsuit If You Stop to Help Someone at the Scene of an Accident?](#)

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You're driving home from work, or maybe it's the end of a long weekend and you're part of a parade of cars filled with families returning home. Or maybe you're at work, in a mine, in a mill, on a train, or in a factory. You could even be at school or at the stadium for a game.

Suddenly, without warning: there's an accident. A serious, scary accident where someone is seriously hurt. They're in need – and if someone doesn't help them, they may die.

This scenario becomes reality every day, in every state, in this country. Tragedies happen. Shockingly, however, not every state protects its citizens in the same way when they step up to render aid in an emergency. In fact, without [Good Samaritan Laws](#) in place, these do-gooders were sometimes later sued (yes, sued) for trying to help in a crisis.

For example, this winter in [Fort Wayne, Indiana, there was a horrific car crash](#) and an off-duty state trooper stopped to help the woman trapped inside her car. It was only when a stranger, an ordinary citizen and good guy, stopped to help the trooper that they were able to set the woman free.

Illinois Good Samaritan Law

In 2011, the [Illinois Good Samaritan Act was amended to clarify](#) that the Illinois General Assembly's purpose in passing the law was to " ...establish numerous protections for the generous and compassionate acts of its citizens who volunteer their time and talents to help others. These protections ...shall be liberally construed to encourage persons to volunteer their time and talents."

The overall Good Samaritan Law for Illinois is found in **210 ILCS 50**, where it provides:

Sec. 3.150. Immunity from civil liability.

(a) Any person, agency or governmental body certified, licensed or authorized pursuant to this Act or rules thereunder, who in good faith provides emergency or non-emergency medical services during a Department approved training course, in the normal course of conducting their duties, or in an emergency, shall not be civilly liable as a result of their acts or omissions in providing such services unless such acts or omissions, including the bypassing of nearby hospitals or medical facilities in accordance with the protocols developed pursuant to this Act, constitute willful and wanton misconduct.

(b) No person, including any private or governmental organization or institution that administers, sponsors, authorizes, supports, finances, educates or supervises the functions of emergency medical services personnel certified, licensed or authorized pursuant to this Act, including persons participating in a Department approved training program, shall be liable for any civil damages for any act or omission in connection with administration, sponsorship, authorization, support, finance, education or supervision of such emergency medical services personnel, where the act or omission occurs in connection with activities within the scope of this Act, unless the act or omission was the result of willful and wanton misconduct.

(c) Exemption from civil liability for emergency care is as provided in the Good Samaritan Act.

(d) No local agency, entity of State or local government, or other public or private organization, nor any officer, director, trustee, employee, consultant or agent of any such entity, which sponsors, authorizes, supports, finances, or supervises the training of persons in the use of cardiopulmonary resuscitation, automated external defibrillators, or first aid in a course which complies with generally recognized standards shall be liable for damages in any civil action based on the training of such persons unless an act or omission during the course of instruction constitutes willful and wanton misconduct.

(e) No person who is certified to teach the use of cardiopulmonary resuscitation, automated external defibrillators, or first aid and who teaches a course of instruction which complies with generally recognized standards for the use of cardiopulmonary resuscitation, automated external defibrillators, or first aid shall be liable for damages in any civil action based on the acts or omissions of a person who received such instruction, unless an act or omission during the course of such instruction constitutes willful and wanton misconduct.

(f) No member or alternate of the State Emergency Medical Services Disciplinary Review Board or a local System review board who in good faith exercises his responsibilities under this Act shall be liable for damages in any civil action based on such activities unless an act or omission during the course of such activities constitutes willful and wanton misconduct.

(g) No EMS Medical Director who in good faith exercises his responsibilities under this Act shall be liable for damages in any civil action based on such activities unless an act or omission during the course of such activities constitutes willful and wanton misconduct.

(h) Nothing in this Act shall be construed to create a cause of action or any civil liabilities.

Indiana Good Samaritan Law

Indiana's Good Samaritan Law is not the same as that of Illinois. Indiana focuses upon protecting emergency medical professionals, whether they are licensed in Indiana or elsewhere, as they do their work at the scene of an emergency.

Indiana's Good Samaritan Law is found at **IC 16-31-6-1**, where it provides:

IC 16-31-6

Chapter 6. Immunity From Liability

IC 16-31-6-1

Emergency medical technician services

Sec. 1. (a) A certified emergency medical technician or a certified emergency medical technician-basic advanced who provides emergency medical services to an emergency patient is not liable for an act or omission in providing those services unless the act or omission constitutes negligence or willful misconduct. If the emergency medical technician or emergency medical technician-basic advanced is not liable for an act or omission, no other person incurs liability by reason of an agency relationship with the emergency medical technician or emergency medical technician-basic advanced.

(b) This section does not affect the liability of a driver of an ambulance for negligent operation of the ambulance.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003, SEC.33.

IC 16-31-6-2

Use of defibrillators

Sec. 2. (a) Except for an act of negligence or willful misconduct, a certified first responder who uses an automatic or semiautomatic defibrillator on an emergency patient according to the training procedures established by the commission under IC 16-31-2-9 is immune from civil liability for acts or omissions when rendering those services.

(b) If the first responder is immune from civil liability for the first responder's act or omission, a person who has only an agency relationship with the first responder is also immune from civil liability for the act or omission.

As added by P.L.2-1993, SEC.14.

IC 16-31-6-3

Advanced life support

Sec. 3. An act or omission of a paramedic or an emergency medical technician-intermediate done or omitted in good faith while providing advanced life support to a patient or trauma victim does not impose liability upon the paramedic or emergency medical technician-intermediate, the authorizing physician, the hospital, or the officers, members of the staff, nurses, or other employees of the hospital or the local governmental unit if the advanced life support is provided:

(1) in connection with an emergency;

(2) in good faith; and

(3) under the written or oral direction of a licensed physician;

unless the act or omission was a result of negligence or willful misconduct.

As added by P.L.2-1993, SEC.14. Amended by P.L.205-2003,

SEC.34.

IC 16-31-6-4

Life support provided in connection with disaster emergency

Sec. 4. (a) This section does not apply to an act or omission that was a result of gross negligence or willful or intentional misconduct.

(b) An act or omission of a paramedic, an emergency medical technician-intermediate, an emergency medical technician-basic advanced, an emergency medical technician, or a person with equivalent certification from another state that is performed or made while providing advanced life support or basic life support to a patient or trauma victim does not impose liability upon the paramedic, the emergency medical technician-intermediate, the emergency medical technician-basic advanced, an emergency medical technician, the person with equivalent certification from another state, a hospital, a provider organization, a governmental entity, or an employee or other staff of a hospital, provider organization, or governmental entity if the advanced life support or basic life support is provided in good faith:

(1) in connection with a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and

(2) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.