



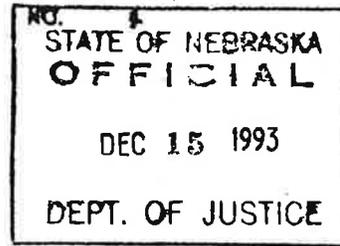
STATE OF NEBRASKA
Office of the Attorney General

2115 STATE CAPITOL BUILDING
 LINCOLN, NEBRASKA 68509-8920
 (402) 471-2682
 TDD (402) 471-2682
 CAPITOL FAX (402) 471-3297
 1235 K ST. FAX (402) 471-4725

DON STENBERG
 ATTORNEY GENERAL

L. STEVEN GRASZ
 SAM GRIMMINGER
 DEPUTY ATTORNEYS GENERAL

#93101



DATE: December 10, 1993

SUBJECT: Scope of Coverage of Neb. Rev. Stat. § 35-107 (1988).

REQUESTED BY: Senator Floyd P. Vrtiska, District No. 1
 Nebraska Legislature

WRITTEN BY: Don Stenberg, Attorney General
 Lisa D. Martin-Price, Assistant Attorney General

You have asked whether Neb. Rev. Stat. § 35-107 (1988), applies to Emergency Medical Technicians (EMTs) so long as they are volunteers. Our reading of this statute indicates that it would indeed include Emergency Medical Technicians as set forth more fully below.

Neb. Rev. Stat. § 35-107 provides in pertinent part:

No member of a volunteer fire department or of a volunteer first-aid, rescue, or emergency squad which provides emergency public first-aid and rescue services shall be liable in any civil action to respond in damages as a result of his acts of commission or omission arising out of and in the course of his rendering in good faith any such services. . . .

Nothing in the section shall be deemed to grant any such immunity to any person causing damage by his willful or wanton act of commission or omission.

David K. Arterburn
 L. Jay Bartel
 J. Kirk Brown
 David T. Bydalek
 Laurie Smith Camp
 Delores N. Coe-Barbee
 Dale A. Comer

James A. Elworth
 Lynne R. Fritz
 Royce N. Harper
 Mary L. Hewitt
 Lauren Lee Hill
 William L. Howland
 Marilyn B. Hutchinson

Kimberly A. Klein
 Donald A. Kohtz
 Joseph P. Loudon
 Charles E. Lowe
 Lisa D. Martin-Price
 Lynn A. Melson
 Harold I. Mosher

Fredrick F. Neld
 Marie C. Pawol
 Kenneth W. Payne
 Paul N. Potadle
 Jan E. Remppe
 James H. Spears
 Mark D. Starr

John R. Thompson
 Barry Waid
 Terri M. Weeks
 Alfonza Whitaker
 Melanie J. Whittamore-Mantzios
 Linda L. Willard

Senator Floyd P. Vrtiska
December 10, 1993
Page -2-

After reviewing this statute, it is clear that Emergency Medical Technicians would be covered by the provisions of this statute, provided they are a member of a "volunteer first-aid, rescue, or emergency squad" providing "emergency public first-aid and rescue services," and provided they had not caused damages by "willful or wanton act of commission or omission."

While you have not mentioned it, in the event that it would have some bearing upon your question, we wanted to bring to your attention the provisions set forth in Neb. Rev. Stat. § 71-5111 (1990), which deal with the immunity from liability of certified Emergency Medical Technicians.

Sincerely,

DON STENBERG
Attorney General

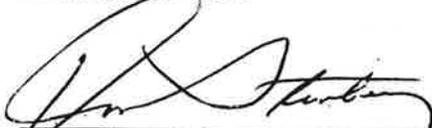


Lisa D. Martin-Price
Assistant Attorney General

cc: Patrick O'Donnell
Clerk of the Legislature

18-1073-7.24

APPROVED BY:



DON STENBERG, Attorney General