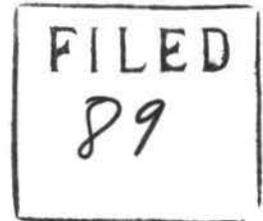


AMBULANCES: Section 20 of Senate Bill No. 57,
CONSTITUTIONAL LAW: 77th General Assembly, First Regu-
GOOD SAMARITAN LAW: lar Session [Section 190.195, RSMo
Supp. 1973], which purports to lim-
it the civil liability of certain persons rendering emergency med-
ical services, violates the provisions of Article III, Section 23
of the Constitution of Missouri and is, therefore, void.

OPINION NO. 89

May 28, 1974

Honorable Donald L. Gann
Representative, District 142
706 North 10th
Ozark, Missouri 65721



Dear Representative Gann:

This opinion is issued in response to your request for an of-
ficial ruling construing a certain provision of Senate Bill No. 57,
77th General Assembly, First Regular Session. Your opinion request
reads in full as follows:

"Would the language in Section 20 of
Senate Bill No. 57 which was passed in the
First Regular Session of the 77th General
Assembly include persons licensed to prac-
tice under Chapters 334-335, RSMo while
acting in emergency cases, or does that
section cover only emergency medical per-
sonnel--that is, the ambulance attendants
only?"

Section 20 of Senate Bill No. 57 [Section 190.195, RSMo Supp.
1973] provides:

"Any person who has been trained to provide
first aid in a standard, recognized training
program may render emergency care or assis-
tance to the level for which he or she has
been trained, at the scene of an emergency
or accident, and shall not be liable for
civil damages for acts or omissions other
than damages occasioned by gross negligence
or by willful or wanton acts or omissions by
such person in rendering such emergency care."

Honorable Donald L. Gann

Your question, in effect, asks whether the language of this section is broad enough to include physicians and surgeons licensed under the provisions of Chapter 334, RSMo 1969, and nurses licensed under the provisions of Chapter 335, RSMo 1969.

We believe that it is. Section 190.195 specifically applies to "any person" who has received certain specific first-aid training. It does not purport to apply only to ambulance attendants and drivers. "Person" is defined by Section 1(10) [Section 190.100(10)] as:

". . . any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States or the state of Missouri." (emphasis added)

It should be noted that when Senate Bill No. 57 intends to apply solely to ambulance attendants and drivers it so states in unequivocal language. For example, Section 19 [Section 190.190] begins, "Any ambulance, attendant or attendant-driver . . ."

In view of the language cited above, it would seem obvious that Section 190.195 was meant to apply, not only to ambulance attendants and drivers, but to any individual who has been trained to provide first aid in a standard, recognized training program. This, of course, would certainly include doctors and nurses licensed under the provisions of Chapters 334 and 335.

Section 190.195 is, in effect, what is commonly known as a "Good Samaritan" law. In fact, the language employed by such section is strikingly similar to language found in the Good Samaritan laws of other states. See Comment, Good Samaritan Legislation: An Analysis and A Proposal, 38 Temple L.Q. 418 (1965).

However, it is our view that in attempting to include a Good Samaritan law in a bill ostensibly dealing exclusively with ambulances, the legislature has violated the provisions of Article III, Section 23 of the Constitution of Missouri. That section provides, with two exceptions not applicable here:

"No bill shall contain more than one subject which shall be clearly expressed in its title, . . ."

Honorable Donald L. Gann

This section is mandatory and requires that the title of an act point to a single subject matter and matters germane thereto. Star Square Auto Supply Co. v. Gerk, 30 S.W.2d 447 (Mo. 1930).

We recognize, of course, that legislative enactments are presumed to be constitutional, and will not be held unconstitutional under this section, unless it is impossible to do so without doing violence to the language and evident intent of the statute. State v. Thomas, 256 S.W. 1028 (Mo. 1923). Also, this section is to be liberally construed, and if the contents of the statute fairly relate to and have a natural connection with the subject expressed in the title, they fall within the title. State v. King, 303 S.W.2d 930 (Mo 1957). Or, to put it another way, when all the provisions of the statute fairly relate to this subject, having natural connection with it, and are the incidents or the means accomplishing it, then the subject is single. Thomas v. Buchanan County, 51 S.W.2d 95 (Mo. Banc 1932).

Notwithstanding the above, it is our opinion that Section 20 does not in any way relate to or have a natural connection with the title or subject matter of Senate Bill No. 57. The title of the bill reads:

"AN ACT

Relating to ambulances, with penalty provisions and effective dates."

The entire bill, with the exception of Section 20, deals exclusively with ambulances, ambulance attendants, attendant-drivers, and mobile emergency medical technicians.

Section 20, however, has nothing to do with ambulances. Instead, it attempts to limit the civil liability of certain persons performing emergency care at the scene of an accident. This attempt, we believe, violates Article III, Section 23, which dictates that matters which are incongruous, disconnected, and without a natural relation to each other, must not be joined in one bill and requires that the title must be a fair index of the matters in the bill. State ex rel. Niedermeyer v. Hackmann, 237 S.W. 742 (Mo. Banc 1922).

Therefore, since Section 20 of Senate Bill No. 57 is unrelated to, and beyond the scope of the bill's title, the matters contained in such section are void. State ex rel. Fire Dist. of Lemay v. Smith, 184 S.W.2d 593 (Mo. Banc 1945).

Honorable Donald L. Gann

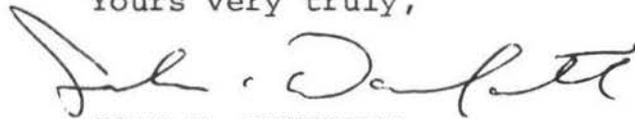
It should be noted that several bills were introduced in the Second Regular Session of the 77th General Assembly which would have expanded the title of Senate Bill No. 57, so as to bring Section 20 within its scope. However, none of these bills passed.

CONCLUSION

It is the conclusion of this office that Section 20 of Senate Bill No. 57, 77th General Assembly, First Regular Session [Section 190.195, RSMo Supp. 1973], which purports to limit the civil liability of certain persons rendering emergency medical services, violates the provisions of Article III, Section 23 of the Constitution of Missouri and is, therefore, void.

The foregoing opinion, which I hereby approve, was prepared by my assistant, Philip M. Koppe.

Yours very truly,

A handwritten signature in cursive script, appearing to read "John C. Danforth".

JOHN C. DANFORTH
Attorney General