

New Mexico Good Samaritan Law

24-10-3

[Persons rendering emergency care; release from liability.]

No person who shall administer emergency care in good faith at or near the scene of an emergency, as defined herein, shall be held liable for any civil damages as a result of any action or omission by such person in administering said care, except for gross negligence; provided that nothing herein shall apply to the administering of such care where the same is rendered for remuneration or with the expectation of remuneration or is rendered by any person or agent of a principal who was at the scene of the accident or emergency because he or his principal was soliciting business or performing or seeking to perform some services for remuneration.

24-10B-9.1 Emergency transportation.

Any person may be transported to an appropriate health care facility by an emergency medical technician, under medical control, when the emergency medical technician makes a good faith judgment that the person is incapable of making an informed decision about his own safety or need for medical attention and is reasonably likely to suffer disability or death without the medical intervention available at such a facility.

CHAPTER 16 Tort Law -- Negligence

INSTRUCTION 13-1617. Sudden emergency.

A person who, without negligence on [his] [her] part, is suddenly and unexpectedly confronted with peril, arising from either the actual presence or the appearance of an imminent danger to [himself] [herself] or another, is not expected nor required to use the same judgment and prudence that is required of [him] [her] in the exercise of ordinary care in calmer and more deliberate moments.

[His] [Her] duty is to exercise only the care that a reasonably prudent person would exercise in the same situation.

If, at that moment, [he] [she] does what appears to [him] [her] to be the best thing to do and if [his] [her] choice and manner of action are the same as might have been followed by any reasonably prudent person under the same conditions, then [he] [she] has done all that the law requires of [him] [her], even though, in the light of after events, it might appear that a different course would have been better and safer.

DIRECTIONS FOR USE

This instruction may apply to any person whose negligence is in issue. The fact that there may be evidence that a person negligently created the sudden emergency does not preclude giving this instruction.