

Figure 1 - 50 State Survey

STATE	THE RESCUE DOCTRINE	People	Property	Both	STATUTES
Alabama	<u>Braden v. St. Louis-San Francisco R. Co.</u> , 223 Ala. 659, 137 So. 663 (1931) when our courts and other authorities say that the injury must be known by experience to follow the negligent act in a natural and reasonable sequence, I think that this is so, if it follows as the direct result of some other cause, which is itself the natural and reasonable result of the negligent act. It is not necessary that every detail of result be contemplated if such detail directly follows from a cause which is the ordinary and natural result of the negligence, for such cause is not in that event an independent one. There seems to be no conflict of authority that, if a railroad causes the property of another to be set on fire, and its owner undertakes to extinguish it, he is doing his duty. Therefore, if such effort is of a nature that is ordinarily natural, it should be held to be stimulated and set in motion by the conduct of the railroad. A majority of the cases agree that injuries received in such effort are the proximate result of starting the fire. A review of them is made in 51 Corpus Juris, 1171, 1172, and <u>Illinois Central R. Co. v. Siler</u> , 229 Ill. 390, 82 N. E. 362, 15 L. R. A. (N. S.) 819 et seq., 11 Ann. Cas. 368.	Yes	Yes	Yes	1
Arizona	<u>Espinoza v. Schulenburg</u> , 212 Ariz. 215, 129 P.3d 937 (2006) The rescue doctrine allows an injured rescuer to recover damages from the person whose negligence created the need for rescue. As stated in the forthcoming Restatement of Torts, the doctrine provides that "if an actor's tortious conduct imperils another or the property of another , the scope of the actor's liability includes any physical harm to a person resulting from that person's efforts to aid or protect the imperiled person or property, so long as the harm arises from a risk that inheres in the effort to provide aid." Restatement (Third) of Torts: Liability for Physical Harm § 32 (Proposed Final Draft No. 1, 2005) [hereinafter "Restatement"]. The rescue doctrine declares as a matter of policy that injury to a rescuer is a foreseeable result of the original negligence. Judge Cardozo eloquently stated the justification for the rule as follows: "Danger invites rescue. The cry of distress is the summons to relief. The law does not ignore these reactions of the mind in tracing conduct to its consequences. It recognizes them as normal." <u>Wagner v. Int'l Ry. Co.</u> , 232 N.Y. 176, 133 N.E. 437, 437 (N.Y.1921). By making a volunteer's response foreseeable as a matter of law, the rescue doctrine bridges what otherwise might be a fatal hole in an injured volunteer's suit for damages. Arizona courts have never expressly adopted the rescue doctrine. Cf. <u>Sulphur Springs Valley Elec. Coop. v. Verdugo</u> , 14 Ariz.App. 141, 144, 481 P.2d 511, 514 (1971) (discussing the rescue doctrine in the context of contributory negligence). Generally, however, absent law to the contrary, Arizona courts follow the Restatement . <u>Cunningham v. Goettl Air Conditioning, Inc.</u> , 194 Ariz. 236, 239, ¶ 14, 980 P.2d 489, 492 (1999). We do so here. As Judge Cardozo observed, rescue is a normal, if not always predictable, response to danger. See <u>Wagner</u> , 133 N.E. at 437. The law should encourage people to respond to those in distress. The rescue doctrine does so by allowing the possibility of compensation to those who injure themselves while taking risks to help others.	Yes	Yes	Yes	1
Colorado	<u>Est. of Newton By & Through Newton on Behalf of Newton v. McNew</u> , 698 P.2d 835 (Colo. App. 1984); While there is no established precedent in Colorado on whether the rescue doctrine applies to rescuers of property, the majority of states apply the rule that a duty is owed to one who tries to rescue the property of another. We are persuaded that it is the proper rule to be applied here. See <u>W. Prosser & W. Keeton, Torts § 44</u> (5th ed. 1984)	Yes	Yes	Yes	1
Connecticut	<u>Schmartz v. Harger</u> , 22 Conn. Supp. 308, 171 A.2d 89 (Super. Ct. 1961); Where the plaintiff received personal injuries while attempting to protect or save another person's property from a fire, it has been held, in the more impressive and greater weight of authority, contrary to that in the aforementioned New Hampshire cases, that one who negligently causes such fire is liable for the injuries suffered.	Yes	Yes	Yes	1
Delaware	<u>Burgess v. Rowland</u> , No. 90C-OC-5, 1991 WL 113336 (Del. Super. Ct. June 13, 1991). The Rescue Doctrine illustrates the development of the common law to reflect the courts' recognition of society's interest in encouraging the conservation of life and property . The Rescue Doctrine is a long-standing and well-established legal doctrine. A legislative intent to eliminate this doctrine should not be lightly inferred.	Yes	Yes	Yes	1
Florida	For the rescue doctrine to come into play, the defendant must have been negligent, the person or property to be rescued must have been in imminent peril, and the rescuer must have acted reasonably. <u>Reeves v. North Broward Hosp. Dist.</u> , 821 So. 2d 319 (Fla. Dist. Ct. App. 4th Dist. 2002); The rescue doctrine includes three elements that must be proven by a plaintiff: (1) the defendant was negligent; (2) as a result of the defendant's negligence, the person or property to be rescued was in imminent peril; and (3) the rescuer acted reasonably under the circumstances. <u>Menendez v. West Gables Rehabilitation Hosp., LLC</u> , 123 So. 3d 1178 (Fla. 3d DCA 2013).	Yes	Yes	Yes	1
Georgia	<u>Lorie v. Standard Oil Co.</u> , 186 Ga. App. 753, 368 S.E.2d 765 (1988) The rescue doctrine applies when the defendants' negligent acts or omissions have created a condition or situation which involves imminent and urgent peril to life and property . Under the rescue doctrine, where a defendant's negligent act, of commission or omission, has created a condition or situation which involves urgent and imminent peril and danger, to life or property of himself or of others, those acts of negligence are also negligence in relationship to all others who, in the exercise of ordinary care for their own safety under the circumstances, short of rashness and recklessness, may attempt, successfully or otherwise, to rescue such endangered life or property, by means reasonably appropriate to the purpose. <u>Trammel v. Bradberry</u> , 256 Ga. App. 412, 568 S.E.2d 715 (2002), cert. denied, (Sept. 6, 2002).	Yes	Yes	Yes	1
Illinois	<u>Henry v. Cleveland, C., C. & St. L.R. Co.</u> , 67 F. 426 (C.C.S.D. Ill. 1895); It is not contributory negligence per se for a stranger to go on premises where a fire is raging, which endangers life or safety, if he does so in good faith, for the purpose of saving life or property .	Yes	Yes	Yes	1
Indiana	<u>Heck v. Robey</u> , 659 N.E.2d 498 (Ind. 1995), abrogated by <u>Control Techniques, Inc. v. Johnson</u> , 762 N.E.2d 104 (Ind. 2002) noting that Indiana first adopted the rescue doctrine in <u>Neal v. Home Builders, Inc.</u> , (1953), 232 Ind. 160, 111 N.E.2d 280, holding that " '[o]ne who has, through his negligence, endangered the safety of another may be held liable for injuries sustained by a third person in attempting to save such other from injury.' " 2 Id. at 167, 111 N.E.2d 280 (quoting 65 C.J.S. Negligence § 63); see also <u>Lambert v. Parrish</u> (1986), Ind., 492 N.E.2d 289, 291. We further agree with the Supreme Court of Missouri that the 'rescue doctrine' under any conception of it contemplates a voluntary act by a rescuer who in an emergency attempts a 'rescue' prompted by a spontaneous, humane motive to save human life, and which 'rescue' the rescuer had no duty to attempt in the sense of a legal obligation or in the sense of a duty fastened on him by virtue of his employment. <u>Franciose v. Jones</u> , 907 N.E.2d 139 (Ind. Ct. App.), aff'd on reh'g, 910 N.E.2d 862 (Ind. Ct. App. 2009) noting the trial court instructed the jury that "[a] rescuer is one who undertakes physical activity in a reasonable attempt to rescue persons or property from imminent peril." Tr. Vol. IV p. 223 (emphasis added). As explained above, the jury was presented with ample evidence that Jones acted in an attempt to rescue human life—that is, the lives of approaching motorists. Tr. Vol. II p. 214 ("Uh, well after the—after the gentleman came and offered me his assistance, I decided that this was a reasonable time to—to try and move this vehicle out of the road for the safety of others.")	Yes	Yes	Yes	1

Figure 1 - 50 State Survey

Iowa	Under the rescue doctrine , those who negligently imperil life or property may not only be liable to their victims, but also to the rescuers. <i>Clinkscales v. Nelson Securities, Inc.</i> , 697 N.W.2d 836 (Iowa 2005).	Yes	Yes	Yes	1
Kentucky	<i>Peterson v. Bailey</i> , 571 S.W.2d 630 (Ky. Ct. App. 1978) in the context of a housefire to which the fire department responded and did not fully put out the fire leading the house to burn down after they left - citing Professor Prosser (W. Prosser, Torts s 44 4th Ed. 1971) examines the "rescue doctrine" as applicable to property and makes the following observation: The scope of the risk created may still extend to the possibility that such defensive efforts may be negligent, and so may endanger others. It is only when they are so utterly foolhardy and extraordinary "633 that they cannot be regarded as any normal part of the original risk, that they will be considered a superseding cause (Emphasis Added). Nothing that Bailey or the fire department did can be termed negligent, utterly foolhardy or extraordinary. The mere fact that they acted in a manner contrary to the way that appellant thought they should have acted does not relieve or limit Peterson's liability.	Yes	Yes	Yes	1
Maryland	<i>Boddie v. Scott</i> , 124 Md.App. 375, 381, 388-89, 722 A.2d 407 (1999) electrician severely injured while trying to assist a homeowner with a kitchen fire negligently caused by the homeowner who left cooking oil on a lit stove. Electrician acted to put out the fire and save the home. Court found that he did not voluntarily assume the risk of injury when he picked up the frying pan because there was sufficient evidence from which the jury could find that (1) he was attempting to avert harm to the defendant's property caused by defendant's negligence and (2) he did not act unreasonably under the emergency conditions he faced. In its discussion, the Court quoted PROSSER AND KEETON, § 68 at 491. See <i>Boddie</i> , 124 Md.App. at 381-82, 722 A.2d 407. The authors of the treatise cautioned, § 68 at 491: Those who dash in to save their own property, or the lives or property of others , from a peril created by the defendant's negligence, do not assume the risk where the alternative is to allow the threatened harm to occur. In all of these cases, of course, the danger may be out of all proportion to the value of any benefits involved, and so the plaintiff may be charged with contributory negligence for unreasonably choosing to confront the risk. And where there is a reasonably safe alternative open, the plaintiff's choice of the dangerous way is a free one, and may amount to assumption of risk, negligence or both. <i>Warsham v. James Muscatello, Inc.</i> , 189 Md. App. 620, 985 A.2d 156 (2009), noting there is a narrowly chiseled exception to the defense of assumption of the risk, sometimes called "the rescue doctrine." The exception, which focuses on the element of voluntariness, applies to emergency situations involving imminent peril, in which an individual acts to save the life or property of another. Discussing <i>Boddie</i> at length and distinguishing that case from the instant where a person slipped while voluntarily spreading salt on ice at his employer's place of business.	Yes	Yes	Yes	1
Massachusetts	Mass. Gen. Laws Ann. ch. 231, § 85 (West) Contributory negligence shall not bar recovery in any action by any person or legal representative to recover damages for negligence resulting in death or in injury to person or property , if such negligence was not greater than the total amount of negligence attributable to the person or persons against whom recovery is sought, but any damages allowed shall be diminished in proportion to the amount of negligence attributable to the person for whose injury, damage or death recovery is made. In determining by what amount the plaintiff's damages shall be diminished in such a case, the negligence of each plaintiff shall be compared to the total negligence of all persons against whom recovery is sought. The combined total of the plaintiff's negligence taken together with all of the negligence of all defendants shall equal one hundred per cent. The violation of a criminal statute, ordinance or regulation by a plaintiff which contributed to said injury, death or damage, shall be considered as evidence of negligence of that plaintiff, but the violation of said statute, ordinance or regulation shall not as a matter of law and for that reason alone, serve to bar a plaintiff from recovery. The defense of assumption of risk is hereby abolished in all actions hereunder. The burden of alleging and proving negligence which serves to diminish a plaintiff's damages or bar recovery under this section shall be upon the person who seeks to establish such negligence, and the plaintiff shall be presumed to have been in the exercise of due care. The "rescue doctrine" provides that negligence which creates peril invites rescue and, should the rescuer be hurt in the process, the tortfeasor will be held liable not only to the primary victim but to the rescuer as well. <i>Barnes v. Geiger</i> , (1983) 446 N.E.2d 78, 15 Mass.App.Ct. 365, review denied 448 N.E.2d 767, 389 Mass. 1101. <i>Migliori v. Airborne Freight Corp.</i> , 426 Mass. 629, 636, 690 N.E.2d 413, 417 (1998), Massachusetts recognizes the rescue doctrine in that rescuers are not, as a matter of law, precluded from recovery because they voluntarily placed themselves in danger.	Yes	Yes	Yes	1
Michigan	Under the "rescue doctrine," one who negligently creates a risk of harm may be liable to a volunteer whose intervention is reasonably foreseeable and who is exposed to personal peril in order to avert the danger to others or personal property . <i>Roberts v. Vaughn</i> , 459 Mich. 282, 587 N.W.2d 249 (1998).	Yes	Yes	Yes	1
Minnesota	<i>Henjum v. Bok</i> , 261 Minn. 74, 110 N.W.2d 461 (1961) The so-called rescue doctrine does not affect the ordinary standard of care. The doctrine merely indicates that, where an attempt is being made to save human life or property , a reasonably prudent person will take greater risks than might ordinarily be justified.	Yes	Yes	Yes	1
Montana	<i>Bossard v. Johnson</i> , 265 Mont. 272, 876 P.2d 627 (1994) citing <i>Kiamas v. Mon-Kota</i> (1982), 196 Mont. 357, 639 P.2d 1155, this Court emphasized the necessity of an actual danger of injury to person or property and a definite emergency before the rescue doctrine could be applied, stating: It may be noted that both Justice Cardozo and Professor Prosser emphasize that danger of injury or damage to person or property is the element which invites rescue. "The emergency begets the man."	Yes	Yes	Yes	1
Nebraska	<i>Buchanan v. Prickett & Son, Inc.</i> , 203 Neb. 684, 279 N.W.2d 855 (1979) Rescue Doctrine: Negligence. The rescue doctrine contemplates a voluntary act by one who, in an emergency and prompted by spontaneous human motives to save human life, attempts a rescue which he had no duty to attempt by virtue of the legal obligation or duty fastened on him by his employment. It is not contributory negligence for a volunteer to expose himself to danger in a reasonable effort to save a third person or the property of a third person from harm . The extent of the risk which the volunteer is justified in assuming under the circumstances increases in proportion to the imminence of the danger and the value of the advantage to be realized from meeting the danger and attempting to remove or eliminate the hazard, i. e., the less the danger to the third party, the less risk the volunteer is justified in taking. <i>Moravec v. Moravec</i> , 216 Neb 412, 343 NW2d 762 (1984) (in effort to extinguish fire plaintiff reasonably attempted to rescue property by removing burning kettle of lard from kitchen).	Yes	Yes	Yes	1
New Hampshire	<i>Macie v. Helms</i> , 156 N.H. 222, 934 A.2d 562 (2007). The rescue doctrine allows persons to maintain an action in negligence for injuries suffered in an "effort[]" to protect the personal safety of another." W. Keeton, Prosser and Keeton on the Law of Torts § 44, at 307 (5th ed.1984). In <i>Maxfield v. Maxfield</i> , 102 N.H. 101, 151 A.2d 226 (1959), we extended this doctrine to a plaintiff who was injured in an attempt to rescue her car , which was parked next to the defendant's burning barn.	Yes	Yes	Yes	1

Figure 1 - 50 State Survey

New Mexico	<p><u>Neff v. Woodmen of World Life Ins. Soc.</u>, 1974-NMCA-124, 87 N.M. 68, 529 P.2d 294 quoting Where a defendant's negligent act, of commission or omission, has created a condition or situation which involves urgent and imminent peril and danger, to life or property, of himself or of others, those acts of negligence are also negligence in relationship to all others who, in the exercise of ordinary care for their own safety under the circumstances, short of rashness and recklessness, may attempt, successfully or otherwise to rescue such endangered life or property, by any means reasonably appropriate to the purpose.... quoting <u>Walker Hauling Co. v. Johnson</u>, 110 Ga.App. 620, 139 S.E.2d 496 (1964). NOTING The principles which underlie the rescue doctrine are in harmony with the spirit of Tort Law in New Mexico. However, since the doctrine is not operative under the facts of this case we need not formulate a statement of the doctrine at this time.</p> <p><u>Govich v. N. Am. Sys., Inc.</u>, 1991-NMSC-061, 112 N.M. 226, 814 P.2d 94, We decline to rule there can be no duty owed to one who is summoned to rescue property by reason of danger occasioned by the negligence of another.</p>	Yes	Yes	Yes	1
North Carolina	<p>The "rescue doctrine" requires a tortfeasor to anticipate the possibility some bystander will yield to the meritorious impulse to save life or even property from destruction, and attempt a rescue; if applicable, the doctrine stretches the foreseeability limitation to help bridge the proximate cause gap between defendant's act and plaintiff's injury. <u>Hutton v. Logan</u>, 152 N.C. App. 94, 566 S.E.2d 782 (2002).</p>	Yes	Yes	Yes	1
North Dakota	<p>N.D. Cent. Code Ann. § 32-03.2-02 (West) Contributory fault does not bar recovery in an action by any person to recover damages for death or injury to person or property unless the fault was as great as the combined fault of all other persons who contribute to the injury, but any damages allowed must be diminished in proportion to the amount of contributing fault attributable to the person recovering. . . .</p> <p>Under the so-called "rescue doctrine," test of whether person is justified in risking life or serious injury in attempting to rescue another from danger is whether a reasonably prudent person, under similar circumstances, would have acted as he did, and in light of comparative negligence doctrine, some negligence by plaintiff would not necessarily preclude recovery by plaintiff in connection with rescue. NDCC 9-10-07. <u>Dehn v. Otter Tail Power Co.</u>, 1977, 251 N.W.2d 404.</p>	Yes	Yes	Yes	1
Oregon	<p><u>Calvert v. Qurum</u>, 40 Or. App. 511, 595 P.2d 1264 (1979) The requested instructions imply, in part, that plaintiff would not be held to the standard of reasonable care if plaintiff was engaged in an endeavor to save human life or property. This is not correct. The rescue doctrine does not alter the standard of care. If remains the same. The rescue doctrine operates like the emergency doctrine in that it simply applies the reasonable and prudent person standard to a particular set of circumstances. See Prosser, Torts, s 33 (4th ed. 1971). The question is whether a reasonably prudent person would have acted similarly as the plaintiff did Under the same or similar circumstances.</p> <p><u>Stewart v. Jefferson Plywood Co.</u>, 255 Or. 603, 469 P.2d 783 (1970) it is now fairly well established that one who is injured in an attempt to rescue another person's property which is endangered by defendant's negligence *613 may recover for the injury. In support of the view that the so-called 'rescue doctrine' is applicable where one is injured in attempting to save a third person's property, see <u>Liming v. Illinois Central R. Co.</u>, 81 Iowa 246, 47 N.W. 66 (1890); <u>Walker Hauling Company v. Johnson</u>, 110 Ga.App. 620, 139 S.E.2d 496 (1964). See also , 64 A.L.R. 515, 529 (1929);</p>	Yes	Yes	Yes	1
Pennsylvania	<p><u>Bole v. Erie Ins. Exchange</u>, 616 Pa. 479, 50 A.3d 1256 (2012). The "rescue doctrine" provides that it is not contributory negligence for one to expose oneself to danger in a reasonable effort to save another person or the land or chattels of the rescuer or a third person from harm. The doctrine permits injured rescuers to recover when their recovery would be otherwise barred by the strict application of the defense of contributory negligence. The rescue doctrine is based on the belief that rescuers always should be regarded as foreseeable plaintiffs. Under the rescue doctrine, tortfeasors who place themselves or others in peril are presumed to foresee that people will come to render aid and they cannot argue that a rescue attempt is unforeseeable nor that it is contributory negligence.</p> <p>2 Summ. Pa. Jur. 2d Torts § 20:96 (2d ed.)</p>	Yes	Yes	Yes	1
Tennessee	<p><u>Caldwell v. Ford Motor Co.</u>, 619 S.W.2d 534, 539 (Tenn. Ct. App. 1981) ("An analysis of Tennessee case law establishes that the rescue doctrine applies to attempts to save personal property if the attempt is not rash or reckless.")</p>	Yes	Yes	Yes	1
Washington	<p><u>Black Industries, Inc. v. Emco Helicopters, Inc.</u>, 19 Wash. App. 697, 577 P.2d 610 (Div. 1 1978). The principle is the same whether the plaintiff is attempting to rescue persons or property.</p>	Yes	Yes	Yes	1
Wisconsin	<p><u>Cords v. Anderson</u>, 259 N.W.2d 672, 683 (Wis. 1977) (finding that comparative negligence principles apply in an unreasonable rescue).</p> <p>Wis. Stat. Ann. § 895.045 (West) Contributory Negligence</p> <p>(1) Comparative negligence. Contributory negligence does not bar recovery in an action by any person or the person's legal representative to recover damages for negligence resulting in death or in injury to person or property, if that negligence was not greater than the negligence of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence attributed to the person recovering. The negligence of the plaintiff shall be measured separately against the negligence of each person found to be causally negligent. The liability of each person found to be causally negligent whose percentage of causal negligence is less than 51 percent is limited to the percentage of the total causal negligence attributed to that person. A person found to be causally negligent whose percentage of causal negligence is 51 percent or more shall be jointly and severally liable for the damages allowed. . . .</p>	Yes	Yes	Yes	1
Wyoming	<p><u>Franklin v. Lowe</u>, 389 P.2d 1012 (Wyo. 1964). "The so-called rescue doctrine does not affect the ordinary standard of care. The doctrine merely indicates that, where an attempt is being made to save human life or property, a reasonably prudent person will take greater risks than might ordinarily be justified. Similarly, the emergency rule is only an application of the reasonable man standard of care to a particular situation.</p> <p><u>Dubus v. Dresser Indus.</u>, 649 P.2d 198 (Wyo. 1982), the rescue doctrine provides that one who is injured in reasonably undertaking a necessary rescue may recover from the person whose negligence created the situation giving rise to the rescue. See <u>Britt v. Mangum</u>, 261 N.C. 250, 134 S.E.2d 235 (1964); <u>Talbert v. Talbert</u>, 22 Misc.2d 782, 199 N.Y.S.2d 212 (1960); <u>Brugh v. Bigelow</u>, 310 Mich. 74, 16 N.W.2d 668 (1944), and other cases cited in Annot. 4 A.L.R.3d 558 (1965).3 The rule was also stated in <u>Solgaard v. Guy F. Atkinson Co.</u>, 6 Cal.3d 361, 99 Cal.Rptr. 29, 491 P.2d 821, 824-825 (1971), as follows: " * * * persons injured in the course of undertaking a necessary rescue may, absent rash or reckless conduct on their part, recover from the person whose negligence created the peril which necessitated the rescue."</p>	Yes	Yes	Yes	1

Figure 1 - 50 State Survey

STATE	THE RESCUE DOCTRINE	People	Property	Both	STATUTS
Alaska	<u>Beaumaster v. Crandall</u> , 576 P.2d 988 (Alaska 1978) In addressing the "sudden emergency doctrine" the Supreme Court of Alaska determined that "[a] person who, without negligence on his part, is suddenly and unexpectedly confronted with peril arising from either the actual presence of, or the appearance of, imminent danger to himself or to others, is not expected nor required to use the same judgment and prudence that is required of him in the exercise of ordinary care in calmer and more deliberate moments. His duty is to exercise only the care that an ordinarily prudent person would exercise in the same situation. If at that moment he does what appears to him to be the best thing to do, and if his choice and manner of action are the same as might have been followed by any ordinarily prudent person under the same conditions, he does all the law requires of him, although in the light of after-events, it should appear that a different course would have been better and safer."	Yes	No	No.	2
Arkansas	<u>Cent. Coal & Coke Co. v. Porter</u> , 170 Ark. 498, 280 S.W. 12 (1926), doctrine does not apply to professional rescuers. See <u>Price v. Watkins</u> , 283 Ark. 502, 503-04, 678 S.W.2d 762, 763 (1984); <u>Woodruff Elec. Coop. v. Weis Butane Gas Co.</u> , 225 Ark. 114, 115-16, 279 S.W.2d 564, 565 (1955); <u>Mo. Pac. R.R. v. Cunningham</u> , 214 Ark. 468, 471-72, 217 S.W.2d 240, 241-42 (1949).	Yes	No	No.	2
District of Columbia	<u>Destefano v. Children's Nat. Med. Ctr.</u> , 121 A.3d 59 (D.C. 2015) we have never adopted the doctrine itself, see <u>Gillespie v. Washington</u> , 395 A.2d 18, 20 n. * (D.C.1978) [discussing the doctrine but stating "[w]e do not by our holding here mean to imply an adoption of the rescue doctrine in this jurisdiction"]. The vast majority of jurisdictions recognize, in some form, that "it is commendable to save life," and that therefore "a person who endeavors to avert the consequences of the negligence of another person, by an act which is dangerous but not reckless, is not precluded from recovering damages for injury suffered as a consequence of having interposed." <u>Scott v. John H. Hampshire, Inc.</u> , 246 Md. 171, 227 A.2d 751, 753 (1967), superseded on other grounds by rule, Md. R. 5-701 to -702, as recognized by <u>Ragland v. State</u> , 385 Md. 706, 870 A.2d 609 (2005); see also H.D.W., Annotation, Liability for death of, or injury to, one seeking to rescue another, 158 A.L.R. 189 (2015) (citing cases from forty-three states discussing aspects of the rescue doctrine). We join them in adopting the rescue doctrine.	Yes	No	No.	2
Hawaii	<u>O'Grady v. State</u> , 140 Haw. 36, 398 P.3d 625 (2017), as amended (June 22, 2017) n.7- Aside from superseding causes, other "rule[s] of law relieving the actor from liability," Taylor-Rice, 91 Hawai'i at 74, 979 P.2d at 1100, include cases where "the tortious aspect of the actor's conduct was of a type that does not generally increase the risk of th[e] harm [that it caused]." Third Restatement § 30; certain applications of the "preexisting conditions and unforeseeable harm" rule, id. § 31 & cmt. c.; the limitations to the "rescue doctrine", id. § 32 & cmt. c.; the exception to the rule governing the scope of liability for intentional and reckless tortfeasors, id. § 33 & cmt. f; and the limitations to the rule that makes actors liable for enhanced harm due to efforts of third parties to render medical or other aid, id. § 35 & cmt. c. See also Second Restatement §§ 435-61.	Yes	No	No.	2
Kansas	<u>Bridges v. Bentley by Bentley</u> , 244 Kan. 434, 769 P.2d 635 (1989), Instruction No. 23 states: "A person who is injured while attempting to rescue another from peril in an emergency situation is not negligent merely on the ground that the rescue entails danger to himself. The law has a high regard for human life and efforts to save it. Danger invites rescue. The impulse to respond to an urgent call for aid, without complete regard for one's own safety, is recognized as normal. The law will not impute negligence to an effort to preserve life unless made under such circumstances as to be rash or wanton. Conduct is rash or wanton when it is undertaken in utter disregard of the consequences. We conclude the advent of comparative negligence has not abrogated the rescue doctrine in Kansas.	Yes	No	No.	2
Louisiana	<u>Gary v. Lopez</u> , 460 So. 2d 748 (La. Ct. App. 1984) Louisiana applies rescue doctrine only where attempt has been made to protect human life.	Yes	No	No.	2
Mississippi	<u>Legan & McClure Lumber Co. v. Fairchild</u> , 155 Miss. 271, 124 So. 336 (1929) - We know of no decision of this court bearing directly upon the question as to whether or not the scope of authority of a servant will be enlarged for the purpose of saving human life, but the rule seems to be well established in other jurisdictions that, when an employe has been injured in a reasonable effort to rescue himself or another from a peril created by the negligence of the employer, the latter will be liable in damages for the injury received, provided the rescuer has not acted rashly or exposed himself unnecessarily to danger. 18 R. C. L. 655; <u>Norris v. Atlantic Coast Line R. R. Co.</u> , 152 N. C. 505, 67 S. E. 1017, 27 L. R. A. (N. S.) 1069 and notes; <u>Wagner v. International Ry. Co.</u> , 232 N. Y. 176, 133 N. E. 437, 19 A. L. R. 1 and notes; <u>Atlantic Coast Line R. R. Co. v. Jeffcoat</u> , 214 Ala. 317, 107 So. 456; <u>Eversole v. Wabash R. R. Co.</u> , 249 Mo. 523, 155 S. W. 419; <u>Sann v. Johns Mfg. Co.</u> , 16 App. Div. 252, 44 N. Y. S. 641; <u>Reynolds v. Great Northern Ry. Co.</u> , 159 Minn. 370, 199 N. W. 108. This rule is founded upon reason and justice, as well as authority, and we approve it.	Yes	No	No.	2
Missouri	<u>No. Welch v. Hesston Corp.</u> , 540 S.W.2d 127 (Mo. App. 1976) Unlike a majority of other jurisdictions, Missouri has extended the benefits of this doctrine only to rescuers of persons and not to rescuers of property....	Yes	No.	No.	2
Nevada	<u>Ashwood v. Clark Cnty.</u> , 113 Nev. 80, 930 P.2d 740 (1997), n1 noting that for the rescue doctrine to apply the defendants must first be liable for the injury to the victim being rescued. See <u>Wagner v. International R.R. Co.</u> , 232 N.Y. 176, 133 N.E. 437, 438 (1921) (Cardozo, C.J.); <u>Estate of Keck v. Blair</u> , 71 Wash.App. 105, 856 P.2d 740 (1993).	Yes	No	No.	2
New York	In the landmark case of <u>Wagner v. International Ry. Co.</u> , 232 N.Y. 176, 180, Judge Cardozo stated the now famous doctrine: Danger invites rescue. The cry of distress is the summons to relief. The law does not ignore these reactions of the mind in tracing conduct to its consequences. It recognizes them as normal. It places their effects within the range of the natural and probable. The wrong that imperils life is a wrong to the imperilled victim; it is a wrong also to his rescuer. * * * The risk of rescue, if only it be not wanton, is born of the occasion. The emergency begets the man. The wrongdoer may not have foreseen the coming of a deliverer. He is accountable as if he had. The law has such a high regard for human life that it will not impute negligence to an effort to preserve it, unless made under circumstances constituting "rashness in the judgment of prudent persons." See <u>Rodriguez v. New York State Thruway Authority</u> , 82 A.D.2d 853, 440 N.Y.S.2d 49, 51 (2d Dep't 1981) [quoting <u>Eckert v. Long Island R.R. Co.</u> , 43 N.Y. 502, 503 (1870)]. The doctrine, however, does not apply when the rescuer endangers himself merely to protect another's property. See <u>Wignes v. Bottger</u> , 136 Misc.2d 490, 518 N.Y.S.2d 936 (Sup.Ct., Nassau County, 1987) (doctrine not applicable to rescue of a cat).	Yes	No	No.	2
Ohio	<u>Reese v. Minor</u> , 2 Ohio App. 3d 440, 442 N.E.2d 782 (1981), The rescue doctrine is part of the common law of Ohio. That is, one injured in an attempt to rescue a person in danger may recover from the party negligently causing the danger to the same extent as the person being rescued. Recovery is precluded if the rescue is attempted in a rash or reckless manner. <u>Pennsylvania Co. v. Langendorf</u> (1891), 48 Ohio St. 316, 28 N.E. 172; <u>Pittsburg, Cincinnati, Chicago & St. Louis Ry. Co. v. Lynch</u> (1903), 69 Ohio St. 123, 68 N.E. 703. A rescuer may only recover against one found negligent. The ultimate determination of actionable negligence against an alleged tortfeasor is determined by common law principles. These relate to the scope of the defendant's duty, including the element of foreseeability of the injury, the violation of that duty and proximate cause. <u>Marks v. Wagner</u> , (1977), 52 Ohio App.2d 320, 370 N.E.2d 480 [6 O.O.3d 360].	Yes	No	No.	2

Figure 1 - 50 State Survey

Oklahoma	<p>Okl. Stat. Ann. tit. 76, § 5 (West) Responsibility for Negligence - "Good Samaritan Act". (a) Everyone is responsible, not only for the result of his willful acts, but also for an injury occasioned to another by his want of ordinary care or skill in the management of his property or person, except so far as the latter has, willfully or by want of ordinary care, brought the injury upon himself, and except as hereinafter provided.</p> <p><i>Day v. Waffle House, Inc.</i>, 1987 OK CIV APP 67, 743 P.2d 1111 in actions based on the rescue doctrine under Oklahoma law, an injured party may recover damages for injury sustained in a rescue or attempt from the original tortfeasor if it can be shown that it was the original tortfeasor's negligence that placed the rescued person in peril, and that the rescuer suffered injuries in the rescue or attempt. <i>Carter v. U.S.</i>, supra; <i>Fulton v. St. Louis-S.F. Ry. Co.</i>, supra; <i>Merritt</i>, supra.</p>	Yes	No	No.	2
Rhode Island	<p>11 R.I. Gen. Laws Ann. § 11-56-1 (West) Any person at the scene of an emergency who knows that another person is exposed to, or has suffered, grave physical harm shall, to the extent that he or she can do so without danger or peril to himself or herself or to others, give reasonable assistance to the exposed person. Any person violating the provisions of this section shall be guilty of a petty misdemeanor and shall be subject to imprisonment for a term not exceeding six (6) months, or by a fine of not more than five hundred dollars (\$500), or both.</p> <p><i>Hudson v. GEICO Ins. Agency, Inc.</i>, 161 A.3d 1150 (R.I. 2017) noting that in <i>Quellette v. Carde</i>, 612 A.2d 687, 689-90 (R.I. 1992), this Court considered the public policy concerns supporting the common law rescue doctrine—a canon codified in part by § 11-56-1.4 In <i>Quellette</i>, 612 A.2d at 690, we stated that the "law places a premium on human life, and one who voluntarily attempts to save a life of another should not be barred from complete recovery." This Court declared that, "[t]he [rescue] doctrine was developed to encourage rescue."</p> <p><i>Quellette v. Carde</i>, 612 A.2d 687, 689-90 (R.I. 1992) - Supreme Court of Rhode Island is of the opinion, however, that the comparative-negligence doctrine does not fully protect the rescue doctrine's underlying policy of promoting rescue. No common-law duties changed as a result of the enactment of Rhode Island's comparative-negligence statute, and there is nothing other than an individual's moral conscience to induce a person under no legal duty to undertake a rescue attempt. The law places a premium on human life, and one who voluntarily attempts to save a life of another should not be barred from complete recovery. Only if a person is rash or reckless in the rescue attempt should recovery be limited; accordingly we hold that the rescue doctrine survives the adoption of the comparative-negligence statute and that principles of comparative negligence apply only if a defendant establishes that the rescuer's actions were</p>	Yes	No	No.	2
South Carolina	<p>Yasamine J. Christopherson, <i>The Rescue Doctrine Following the Advent of Comparative Negligence in South Carolina</i>, 58 S.C. L. Rev. 641 (2007). South Carolina's general test is consistent with the rescue doctrine's emphasis on foreseeability. For a rescuer to recover from the original tortfeasor, the rescuer must be foreseeable and must not be an intervening actor who breaks the chain of causation. <i>Brown v. Nat'l Oil Co.</i>, 233 S.C. 345, 105 S.E.2d 81 (1958)</p>	Yes	No	No.	2
South Dakota	<p><i>Thompson v. Summers</i>, 1997 S.D. 103, 567 N.W.2d 387 The basic theory of this doctrine is that the defendant's negligence in placing another in a position of imminent peril is not only a wrong to that person, but also to the rescuing plaintiff. [citations omitted] The rescuer may also recover from the imperiled party if that party's negligence caused the peril. As indicated above, "negligence which creates peril invites rescue and, should the rescuer be hurt in the process, the tortfeasor will be held liable not only to the primary victim, but to the rescuer as well." 57A AmJur2d Negligence § 689 (1989). Judge Cardozo's statement regarding the rescue doctrine is often quoted in these cases: Danger invites rescue. The cry of distress is the summons to relief. The law does not ignore these reactions of the mind in tracing conduct to its consequences. It recognizes them as normal. It places their effects within the range of the natural and probable. The wrong that imperils life is a wrong to the imperiled victim; it is a wrong also to his rescuer. <i>Wagner v. International Ry. Co.</i>, 232 N.Y. 176, 133 N.E. 437, 437 (1921). This theory of "duty" comports with the well-established view of this court.</p>	Yes	No	No.	2
Vermont	<p><i>Wilford v. Salvucci</i>, 117 Vt. 495, 95 A.2d 37 (1953). The rule, known as the rescue doctrine, is well settled that one who sees a person in imminent and serious peril caused by the negligence of another cannot be charged with contributory negligence, as a matter of law, in risking his own injury, provided the attempt is not recklessly or rashly made. Restatement, Torts, Vol. 2, § 472; 38 Am.Jur. 912; 19 A.L.R. 5; 158 A.L.R. 190; 65 C.J.S., Negligence, § 124, p. 736; and cases there cited.</p>	Yes	No	No.	2
Virginia	<p>In Virginia, if a rescuer reasonably believes that another person was in imminent or serious peril caused by the negligence of another, he will not be charged with contributory negligence in risking his own life or serious injury in attempting to rescue that person, and he would have his own cause of action against the negligent defendant for his own injuries. See, e.g., <i>Kimble v. Carey</i>, 279 Va. 652, 691 S.E.2d 790 (2010); <i>Lassiter v. Warinner</i>, 235 Va. 274, 368 S.E.2d 258 (1988); <i>Com. v. Millsaps</i>, 232 Va. 502, 352 S.E.2d 311 (1987); <i>Andrews v. Appalachian Elec. Power Co.</i>, 192 Va. 150, 63 S.E.2d 750 (1951).</p> <p>However, the rescuer himself must not have created this danger in the first place, nor must the rescuer's actions be in reckless disregard of all considerations for his own personal safety. See, e.g., <i>Lassiter v. Warinner</i>, 235 Va. 274, 368 S.E.2d 258 (1988); <i>Nelson v. Pendleton</i>, 214 Va. 139, 198 S.E.2d 593 (1973). <i>Com. v. Millsaps</i>, 232 Va. 502, 352 S.E.2d 311 (1987); <i>Andrews v. Appalachian Elec. Power Co.</i>, 192 Va. 150, 63 S.E.2d 750 (1951).</p>	Yes	No	No.	2
West Virginia	<p><i>Bond v. Baltimore & O.R. Co.</i>, 82 W. Va. 557, 96 S.E. 932 (1918) A person injured in effecting the rescue of another from danger occasioned by the negligence of a third party is not precluded from right of recovery, on the ground of his own immunity from danger, or his voluntary incurrence of risk. If his intervention was not a rash or clearly imprudent act, under the circumstances, he may recover.</p>	Yes	No	No.	2
STATE	THE RESCUE DOCTRINE	People	Property	Both	STATUTES
Idaho	No documents found. Note - Idaho is a comparative negligence state.	No	No	No.	3
Maine	<p><i>Bourgeois v. Great N. Nekoosa Corp.</i>, 1999 ME 10, 722 A.2d 369 We have never adopted the rescue doctrine Were we to adopt it, this would not end any analysis in the present case. Even if the rescue doctrine gives rise to an independent duty of care owed to the rescuer and emotional distress is a foreseeable result of the defendants' negligence, "policy considerations may dictate a cause of action should not be sanctioned no matter how foreseeable the risk." <i>Cameron v. Pepin</i>, 610 A.2d 279, 282 (Me.1992).</p>	No	No	No.	3
Utah	<p><i>Fordham v. Oldroyd</i>, 2007 UT 74, 171 P.3d 411 (Wilkins, A.J. Concurring in part) Absent the adoption of an exception or other special rule, traditional tort law governs. One relevant exception that courts in some states have adopted is the "rescue doctrine." The rescue doctrine, as distinguished from a professional rescuer rule, allows an injured rescuer to recover damages from the person whose negligence created the need for rescue. The professional rescuer rule, on the other hand, "evolved as an exception to the rescue doctrine," making it so a "rescuer who could otherwise recover [under the rescue doctrine] cannot do so if she is performing her duties as a professional." The professional rescuer rule "limits the expansion of tort liability created by the rescue doctrine." We have not adopted the "rescue doctrine." Consequently, it becomes even more awkward to create an exception to the doctrine we have not adopted.</p>	No	No	No.	3

Figure 1 - 50 State Survey

STATE	THE RESCUE DOCTRINE	People	Property	Both	STATUS
California	<p><u>Tucker v. CBS Radio Stations, Inc.</u>, 194 Cal. App. 4th 1246, 124 Cal. Rptr. 3d 245 (2011) where rescue is undertaken and the motive was not only to save property but to prevent potential harm to others - i.e. train hitting car and derailling causing multitude of injuries - the rescue doctrine may apply.</p> <p>"[P]ersons injured in the course of undertaking a necessary rescue may, absent rash or reckless conduct on their part, recover from the person whose negligence created the peril which necessitated the rescue." In order to assert the rescue doctrine, the rescuer must show that there was someone in peril and that he acted to rescue such person from the peril. (<u>Henshaw v. Belyea</u>, (1934) 220 Cal. 458, 463-464, 31 P.2d 348 (Henshaw).)</p>	Yes	Yes	Yes	4
New Jersey	<p><u>Samolyk v. Berthe</u>, 251 N.J. 73, 276 A.3d 108 (2022): we decline to expand the rescue doctrine to include injuries sustained to protect property, except in settings in which the plaintiff has acted to shield human life.</p>	Yes	Yes - if reasonable measures ultimately intended to protect a human life.	No.	4
Texas	<p>A party acting to save another from imminent peril is not to be held accountable for the party's own acts, as is someone who acts on careful choice after deliberation. The rule of ordinary care is not applied to the act of a rescuer. Rescuers are not held to the same standard of reasonableness in an emergency situation as they would be if no emergency were present; instead, so long as the acts of the rescuer are reasonable under the circumstances, the choices made with respect to the rescue will not be questioned. The fact that the rescuer is engaged in a rescue attempt does not do away with his or her common-law duty to exercise at least some care for his or her own safety, however, and the rescuer's standard of conduct is determined in the perspective of the specific factual circumstances facing it on the occasion in question.</p> <p><u>Keystone-Fleming Transport, Inc. v. City of Tahoka</u>, 315 S.W.2d 656 (Tex. Civ. App. Amarillo 1958), writ refused n.r.e.</p> <p>The test for "reckless conduct," for purposes of exception to grant of immunity for persons giving disaster assistance, is not satisfied with proof of ordinary negligence or a momentary judgment lapse. <u>George v. Price</u>, 321 S.W.3d 164 (Tex. App. Eastland 2010).</p> <p><u>Watanabe v. Summit Path Partners, LLC</u>, 650 S.W.3d 112 (Tex. App. 2021) "Public policy favors public-spirited citizens volunteering to rescue persons apparently in dangerous circumstances, as well as attempting to prevent the spread of dangerous conditions that may arise on the property of others." <u>Pifer v. Muse</u>, 984 S.W.2d 739, 741 (Tex. App.—Texarkana 1998, no pet.). "[W]hen a dangerous condition arises on an absent owner's property that threatens the safety of another party or the public generally, the law will imply that the owner would acquiesce in passersby or other witnesses going upon his property in an attempt to rescue persons in danger or to reduce the risk to the property and the public generally." n8 -- This is an extension of the public policy embodied in the rescue doctrine, which was historically applied to questions of foreseeability and contributory negligence before the enactment of the proportionate responsibility statute. See <u>Pifer v. Muse</u>, 984 S.W.2d 739, 742-43 (Tex. App.—Texarkana 1998, no pet.); <u>Boss v. Prince's Drive-Ins</u>, 401 S.W.2d 140 (Tex. Civ. App.—Waco 1966, writ ref'd n.r.e.).</p>	Yes	Yes - if the danger threatens the safety of another party or the public generally.	Yes	4