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**Veto Message: Governor Hoff
1965 (H.86)**

An act relating to tort liability in the rendering of emergency medical care.

STATE OF VERMONT
Executive Department.
Montpelier, Vt., June 1, 1965

The Speaker read the following veto message from the Governor relative to House bill No. 86:

House of Representatives
Montpelier, Vermont

Re: H. 86. An act relating to tort liability in the rendering of emergency medical care.

I am informed that by action today the House declined to recall this bill upon request of the Senate. Thus a customary courtesy was denied. The Senate, by its Judiciary Committee, was in receipt of an urgent suggestion that the Vermont Trial Lawyers Association be permitted to testify on the Bill.

I assume that the Lawyers Association would have brought to the attention of the General Assembly a number of possibly meritorious technical considerations:

1. The Bill recites technical concepts in language such as may be of vague legal content and uncertain legal definition. Listed below by way of example only are some of the terms subject to this criticism:

- a. "Good faith"—is the norm here subjective or objective?
- b. "Emergency"—is the person who has had time to reflect on what steps should be taken be denied protection because his conduct is not spontaneous? Also, should

immunity be denied because minor injury only appears threatened?

- c. "Voluntarily and gratuitously"—at what point in time does the failure to render a bill for service impose immunity? Also, must the expectation of no payment be limited to those persons who are not covered by our pauper laws—for the requirement of payment in most instances can be imposed on the Town of settlement of the injured indigent.
 - d. "At the scene"—why not extend the immunity until competent medical treatment rendered in expectation of payment is made available?
 - e. "Accident"—will the volunteer be immune even if the event has a known cause; even if the injured has been at fault?
2. The proposed statute contains expressed exemption for willful harm or gross negligence. According to William J. Curran, Director of the Law-Medicine Research Institute at Boston University, if these statutes cover only ordinary negligence, very little actual protection from suit is accorded to the Doctor.
 3. The Bill in question is very broad; only seven States extend immunity this far. (Arkansas, Montana, New Mexico, Oklahoma, Tennessee, Texas, Wyoming.) This in turn brings to question the necessity or desirability of lowering our standard of care of our fellow human beings. Should we reduce our expectation of care of a human being below the conduct required of an ordinary prudent person?

I return herewith, unsigned, the above bill and I suggest to you that the foregoing considerations have prompted me to decline to sign the Bill into law.

Very truly yours,
Philip H. Hoff
Governor"

Governor's Veto Sustained
H.86, 1965

The Governor's veto was overridden in the House:
Yeas 186 Nays 43

The Governor's veto was sustained in the Senate:
Yeas 12 Nays 17

*Note although the Senate achieved the two-thirds majority to override the veto, the House did not achieve the two-thirds necessary and the bill was ruled sustained.

Sources: *Journal of the House*, June 1, 1965 (pages 553-554, and 568-569)
Journal of the Senate, pages 589-590)