

RCW 4.24.800 Liability immunity—Charitable donation of eyeglasses or hearing instruments. (1) A charitable organization is not liable for any civil damages arising out of any act or omission, other than acts or omissions constituting gross negligence or willful or wanton misconduct, associated with providing previously owned eyeglasses or hearing instruments to a person if:

(a) The person is at least fourteen years of age; and

(b) The eyeglasses or hearing instruments are provided to the person without compensation or the expectation of compensation.

(2) The immunity provided by subsection (1) of this section applies to eyeglasses only if the eyeglasses are provided by a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, an optometrist licensed under chapter 18.53 RCW, or an optician licensed under chapter 18.34 RCW who has:

(a) Personally examined the person who will receive the eyeglasses; or

(b) Personally consulted with the licensed physician, osteopathic physician, or optometrist who examined the person who will receive the eyeglasses.

(3) The immunity provided by subsection (1) of this section applies to eyeglasses if the eyeglasses are provided by a physician's or optician's optical assistant who has personally consulted with the licensed physician, osteopathic physician, or optometrist who examined the person who will receive the eyeglasses.

(4) The immunity provided by subsection (1) of this section applies to hearing instruments only if the hearing instruments are provided by a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or hearing health care professional licensed under chapter 18.35 RCW who has:

(a) Personally examined the person who will receive the hearing instruments; or

(b) Personally consulted with the licensed physician, osteopathic physician, or hearing health care professional who has examined the person who will receive the hearing instruments.

(5) For purposes of this section, "charitable organization" means an organization:

(a) That regularly engages in or provides financial support for some form of benevolent or charitable activity with the purpose of doing good to others rather than for the convenience of its members;

(b) In which no part of the organization's income is distributable to its members, directors, or officers; and

(c) In which no member, director, officer, agent, or employee is paid, or directly receives, in the form of salary or other compensation, an amount beyond that which is just and reasonable compensation commonly paid for such services rendered and which has been fixed and approved by the members, directors, or other governing body of the organization. [2012 c 203 s 1.]