

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2261

62nd Legislature
2012 Regular Session

Passed by the House March 5, 2012
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 2, 2012
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2261** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2261

AS AMENDED BY THE SENATE

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn, and Hudgins)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to charitable donations of eye glasses and hearing
2 instruments; and adding a new section to chapter 4.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 (1) A charitable organization is not liable for any civil damages
7 arising out of any act or omission, other than acts or omissions
8 constituting gross negligence or willful or wanton misconduct,
9 associated with providing previously owned eyeglasses or hearing
10 instruments to a person if:

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

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

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

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

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

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

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

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

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

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

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

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

28 (c) In which no member, director, officer, agent, or employee is
29 paid, or directly receives, in the form of salary or other
30 compensation, an amount beyond that which is just and reasonable
31 compensation commonly paid for such services rendered and which has
32 been fixed and approved by the members, directors, or other governing
33 body of the organization.

--- END ---