
SUBSTITUTE HOUSE BILL 1209

State of Washington

67th Legislature

2021 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Bronoske, Cody, Sells, Walen, Lekanoff, Peterson, Fey, Fitzgibbon, Ryu, Taylor, Shewmake, Santos, Thai, Ortiz-Self, Dolan, Gregerson, Hackney, Callan, Valdez, Riccelli, Macri, and Goodman)

READ FIRST TIME 02/09/21.

1 AN ACT Relating to immunity protection for nonmedical assistance;
2 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) Any person who, without compensation or the expectation of
7 compensation, renders nonmedical care or assistance at the scene of
8 an emergency or disaster shall not be liable for civil damages
9 resulting from any act or omission in the rendering of such care or
10 assistance other than acts or omissions constituting gross negligence
11 or willful or wanton misconduct. Any person rendering such care or
12 assistance during the course of regular employment and receiving
13 compensation or expecting to receive compensation for rendering such
14 care or assistance is excluded from the protection of this section.

15 (2) The definitions in this subsection apply throughout this
16 section unless the context clearly requires otherwise.

17 (a) "Compensation" has its ordinary meaning but does not include:
18 Nominal payments, reimbursement for expenses, or pension benefits;
19 payments made to volunteer part-time and volunteer on-call personnel
20 of fire departments, fire districts, ambulance districts, police
21 departments, or any emergency response organization; or any payment

1 to a person employed as a transit operator who is paid for his or her
2 regular work, which work does not routinely include providing
3 emergency transportation.

4 (b) "Emergency or disaster" means an event or set of
5 circumstances that:

6 (i) Demands immediate action to preserve public health, protect
7 life, protect public property, or to provide relief to any stricken
8 community overtaken by such occurrence; or

9 (ii) Reaches such a dimension or degree of destructiveness as to
10 warrant the governor declaring a state of emergency pursuant to RCW
11 43.06.010.

12 (c) "Nonmedical care or assistance" includes response and rescue
13 operations as well as the provision of such necessities and amenities
14 as food, supplies, shelter, transportation, and child care.

15 (3)(a) This section does not apply to emergency workers
16 registered in accordance with chapter 38.52 RCW or to the related
17 volunteer organizations to which they may belong.

18 (b) The immunity granted by this section is in addition to any
19 common law or statutory immunity enjoyed by such person, and nothing
20 in this section abrogates or modifies in any way such common law or
21 statutory immunity.

--- END ---