

HOUSE BILL REPORT

HB 1052

As Passed House:

March 6, 2003

Title: An act relating to protecting persons who provide volunteer emergency services.

Brief Description: Limiting the liability of certain persons who provide volunteer emergency repairs.

Sponsors: By Representative Nixon.

Brief History:

Committee Activity:

Judiciary: 1/31/03, 2/25/03 [DP].

Floor Activity:

Passed House: 3/6/03, 91-0.

Brief Summary of Bill

- Creates an immunity from civil liability for a person's negligent actions related to providing emergency construction or building repairs on a voluntary basis in the event of an emergency.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Derek Green (786-5793), Bill Perry (786-7123).

Background:

Current law provides immunity from civil liability for a number of volunteers providing assistance in the event of an emergency. The "Good Samaritan" law exempts from negligence liability those volunteers who provide emergency care in the event of an emergency. The immunity only protects those acting in a voluntary capacity, without compensation or the expectation of compensation. The immunity protects volunteers from liability resulting from negligence, but not from gross negligence or willful or

wanton misconduct.

More specific immunities also exist for certain groups providing assistance in the event of an emergency. For example, building wardens have immunity from liability for their actions related to evacuating a building or attempting to control a hazard. Like the Good Samaritan law, this immunity only protects wardens from liability for negligence, not gross negligence or willful or wanton misconduct. Persons assisting in a mine rescue or recovery are also immune from civil liability for actions taken in good faith. This immunity also extends to the employers of those involved in the rescue.

Summary of Bill:

An immunity from civil liability is created for persons, including construction professionals, who provide emergency construction repairs at the scene of any accident, disaster or emergency without compensation or the expectation of compensation. The immunity only extends to those acts or omissions associated with providing the emergency repairs, and does not cover gross negligence or willful or wanton misconduct. The immunity does not cover those making repairs in the regular course of employment and being compensated or expecting to receive compensation for the work.

An "accident, disaster or emergency" includes an earthquake, windstorm, hurricane, landslide, flood, volcanic eruption, explosion, fire, or any similar occurrence.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill helps reduce concerns that professionals have about assisting others in the event of an emergency. Individuals are attempting to set up volunteer emergency response teams within their communities, but are hearing concerns over potential liability for professionals volunteering in emergencies. Professional insurance does not cover claims of negligence in performing services without compensation.

Testimony Against: None.

Testified: Representative Nixon, prime sponsor; and Lynn Norden and Mark Smith, Duvall/Carnation Citizens Organized Against Disaster.

