

SENATE BILL REPORT

HB 1052

As Reported By Senate Committee On:
Judiciary, March 27, 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: Representative Nixon.

Brief History:

Committee Activity: Judiciary: 3/26/03, 3/27/03 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline and Roach.

Staff: Jinnah Rose-McFadden (786-7421)

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. 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 and their employers assisting in a mine rescue or recovery are also immune from civil liability for actions taken in good faith.

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 on a volunteer basis. 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.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: While forming a corps of volunteers to serve on a community emergency response team, several constituents encountered difficulties recruiting volunteer construction professionals. Construction professionals are required to maintain liability insurance. When asked to volunteer their skills, many construction professionals were fearful of liability issues and their insurance rates. This bill addresses these concerns by applying the same provisions that provide civil immunity to health care workers, who volunteer their services in emergency situations, to construction professionals.

Testimony Against: None.

Testified: PRO: Representative Nixon, prime sponsor.