

# SENATE BILL REPORT

## SB 5816

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As of February 21, 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:** Senator Finkbeiner.

**Brief History:**

**Committee Activity:** Judiciary:

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### SENATE COMMITTEE ON JUDICIARY

**Staff:** Aldo Melchiori (786-7439)

**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.