

# HOUSE BILL REPORT

## HB 1120

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**As Reported by House Committee On:**  
Judiciary

**Title:** An act relating to providing immunity for school bus drivers.

**Brief Description:** Providing immunity for school bus drivers.

**Sponsors:** Representatives Wilcox, Reykdal, G. Hunt, Haler, Ortiz-Self and Muri.

**Brief History:**

**Committee Activity:**

Judiciary: 1/20/15, 2/5/15 [DPS].

**Brief Summary of Substitute Bill**

- Grants immunity from civil or criminal liability to school bus drivers who take actions to save another person.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman, Haler, Kirby, Klippert, Muri, Orwall, Stokesbary and Walkinshaw.

**Minority Report:** Do not pass. Signed by 1 member: Representative Hansen.

**Staff:** Brent Campbell (786-7152).

**Background:**

Authorized School Bus Drivers.

The State Superintendent of Public Instruction lists a number of requirements that must be met in order for a person to be an authorized school bus driver. One of these requirements is that a person must have a valid driver's license or commercial driver's license issued by the Department of Licensing. The appropriate driver's license depends on the type of vehicle the driver is operating.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Current Protections to Those Who Render Aid.

Current law grants protection to certain individuals who attempt to aid another person. For example, any person who renders emergency care at the scene of an emergency or who participates in transporting an injured person shall not be liable for civil damages resulting from any act or omission in the rendering of such care. However, rendering emergency care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care excludes a person from this protection.

A person may also be protected from liability if they act in defense of self, others, or property; it is not unlawful to use reasonable force upon or toward another person when lawfully preventing or attempting to prevent injury to a person.

Use of reasonable force is also allowed by a carrier of passengers when removing a passenger from a stopped vehicle when that passenger refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers.

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### **Summary of Substitute Bill:**

School bus drivers with valid commercial driver's licenses are immune from civil or criminal liability for acts that:

- the driver reasonably believes are necessary;
- are taken in good faith;
- are taken within the scope of the bus driver's employment or duties; and
- are taken when coming to the aid of a student rider on the bus when the bus driver reasonably believes there is an imminent danger of bodily injury or death, or are taken to protect the bus driver himself or herself when the bus driver reasonably believes there is an imminent danger of bodily injury or death.

Acts that may be granted immunity include, but are not limited to, the use of reasonable force in self-defense, defense of another person, or protecting another from self-inflicted harm.

### **Substitute Bill Compared to Original Bill:**

A requirement that a bus driver not act in a grossly negligent manner is removed.

Immunity is extended to cover acts of self-defense.

Immunity is limited to actions taken within the scope of the driver's employment or duties. Immunity for actions taken to aid another person is also limited to student riders on the bus.

A non-exhaustive list of conduct that may be granted immunity is included.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Staff Summary of Public Testimony:**

(In support) School bus drivers currently do not feel that they can protect children. The litigious nature of our society leads to a paralyzing fear that they will face civil or criminal liability if they attempt to aid people in need. This leads some bus drivers to simply not act when they are needed. There are laws that might protect bus drivers from liability, but bus drivers still do not act in some situations because these laws are not clear.

Bus drivers should know that they can act and that they have the backing of the state and of their school districts. This bill will not only give them that knowledge, but will also motivate them to help others in need.

We already trust school bus drivers with our children, and bus drivers have already shown that they can keep our children safe in transport. However, there have been many acts of school violence, and this bill will give school bus drivers another tool to keep children safe and could help prevent something horrible happening to Washington children as has occurred elsewhere.

A clear immunity to liability may also lead to more people becoming school bus drivers and could answer the shortage of bus drivers in our state.

This bill would protect children without a fiscal impact.

The gross negligence standard should be removed to make the immunity more clear.

(With concerns) This bill is not needed. Bus drivers are already protected under current law, and the best way to address any uncertainty is with training and school policy, not legislation.

This bill is also too broad. It is not limited to acts taken within the scope of the school bus driver's duties or to children on the bus. It could even apply to a bus driver trying to stop a bank robbery.

(Opposed) None.

**Persons Testifying:** (In support) Representative Wilcox, prime sponsor; Glen Carpenter; Tom Seigel, Bothel School District; and Heather Gunderson.

(With concerns) James McMahan, Washington Association of Sheriffs and Police Chiefs; and Michael Temple, Washington State Association of Justice.

**Persons Signed In To Testify But Not Testifying:** None.