

HOUSE BILL REPORT

HB 2566

As Reported By House Committee On:
Judiciary

Title: An act relating to children's charitable needs.

Brief Description: Providing limited immunity from liability for organizations distributing donated items to children.

Sponsors: Representatives Dyer, Lisk, B. Thomas, Brough, Brumsickle, Talcott, Long, Mielke, Cooke and Wood.

Brief History:

Reported by House Committee on:
Judiciary, February 2, 1994, DPS.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Schmidt; Scott and Tate.

Staff: Bill Perry (786-7123).

Background: At one time under the common law, an exception to the ordinary rules of tort liability existed for acts of charity. That is, if a person's negligent act of charity caused injury to another, the injured party generally could not recover damages. One rationale for the doctrine was the desire to encourage charitable giving. However, in 1964, the state Supreme Court abolished this doctrine of "charitable immunity." Friend v. Cove Methodist Church, 65 Wn.2d 174 (1964). In abolishing the doctrine, the court stated that the absence of the doctrine in other jurisdictions did not seem to have reduced charitable giving, and therefore the doctrine was no longer needed.

Summary of Substitute Bill: Immunity from liability for ordinary negligence is provided for donors and distributing organizations that supply "children's items" to needy persons free of charge. The immunity extends to injuries resulting from the "nature, age, condition, or packaging" of

an item. Immunity does not extend to acts of gross negligence or to intentional misconduct.

Children's items include, but are not limited to, clothes, diapers, food, baby formula, cribs, playpens, car seat restraints, toys, high chairs, and books.

Substitute Bill Compared to Original Bill: The substitute removes a statement of legislative finding regarding the promotion of charitable giving and the need for protection from liability.

Fiscal Note: Not requested.

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

Testimony For: Needy children are sometimes denied needed items because of liability fears.

Testimony Against: None.

Witnesses: Karen Ridlon, Eastside Baby Corner (pro); and Jeannie Jaybush, St. Joseph's Baby Corner (pro).