

FINAL BILL REPORT

SHB 2566

C 25 L 94
Synopsis as Enacted

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

By House Committee on Judiciary (originally sponsored by Representatives Dyer, Lisk, B. Thomas, Brough, Brumsickle, Talcott, Long, Mielke, Cooke and Wood).

House Committee on Judiciary
Senate Committee on Law & Justice

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."

Summary: 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.

Votes on Final Passage:

House	96	0
Senate	45	2

Effective: June 9, 1994