

SENATE BILL REPORT

SHB 2566

AS PASSED SENATE, FEBRUARY 26, 1994

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

SPONSORS: 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

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Marty Lovinger (786-7443)

Hearing Dates: February 18, 1994

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:

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.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Liability questions can delay or prevent the giving of needed items to poor children. Fear of liability issues can prevent otherwise generous people from giving things which would improve the quality of life of the recipients and reduce health care costs for society.

TESTIMONY AGAINST: None

TESTIFIED: Representative Dyer, prime sponsor; Karen Ridlon, Richard Welsh, Eastside Baby Corner (pro)