

# HOUSE BILL ANALYSIS

## HB 2854

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**Title:** An act relating to the liability of instructors of firearms safety, education, and familiarization classes.

**Brief Description:** Restricting liability of firearms instructors.

**Sponsors:** Representatives Carrell, Sheahan, Koster, Sherstad, Backlund, L. Thomas, Bush, Mielke and Thompson.

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### HOUSE COMMITTEE ON LAW & JUSTICE

**Staff:** Bill Perry (786-7123).

**Background:** Under ordinary rules of tort law, a person may be responsible for harm done by his or her failure to exercise care with respect to a duty owed to another person. The nature of such a failure to exercise care may take any one of several forms. A person may act with a state of mind that amounts to negligence, gross negligence, recklessness, knowledge, intent, or malice. The imposition of liability for an act or omission may depend on the person's state of mind. The standard of "negligence" means that a person acts without the ordinary care that a reasonable person would have exercised. The standard of "gross negligence" means that a person acts without even slight care. Failure to exercise slight care does not mean the total absence of care, but has been said to mean care "substantially or appreciably less than the quantum of care inhering in ordinary negligence."

**Summary of Bill:** Firearms safety, education, and familiarization instructors are given immunity from civil liability for harm done due to their ordinary negligence during class instruction at a sport shooting range. Instructors remain liable for their acts of gross negligence.

**Fiscal Note:** Not requested.

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

Office of Program Research