

HOUSE BILL REPORT

HB 2854

As Reported By House Committee On:

Law & Justice

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.

Brief History:

Committee Activity:

Law & Justice: 2/4/98, 2/6/98 [DP].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass. Signed by 7 members: Representatives Sheahan, Chairman; McDonald, Vice Chairman; Sterk, Vice Chairman; Carrell; Lambert; Mulliken and Sherstad.

Minority Report: Do not pass. Signed by 6 members: Representatives Costa, Ranking Minority Member; Constantine, Assistant Ranking Minority Member; Cody; Kenney; Lantz and Robertson.

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.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: These instructors provide a valuable service and should not have to fear lawsuits.

Testimony Against: The bill will leave not only students in firearms classes, but the public as well at risk of injury without recourse.

Testified: Merton Cooper, citizen (pro); and Larry Shannon, Washington State Trial Lawyers Association (con).