

FINAL BILL REPORT

HB 1052

C 11 L 03

Synopsis as Enacted

Brief Description: Limiting the liability of certain persons who provide volunteer emergency repairs.

Sponsors: By Representative Nixon.

House Committee on Judiciary
Senate Committee on Judiciary

Background:

The "Good Samaritan" law exempts from civil liability those volunteers who provide emergency care in the event of an emergency. The immunity only protects those acting in a voluntary capacity, without compensation or the expectation of compensation. The immunity protects volunteers from liability resulting from negligence, but not from gross negligence or willful or wanton misconduct.

More specific immunities also exist for certain groups providing assistance in the event of an emergency. For example, building wardens have immunity from civil liability for their actions related to evacuating a building or attempting to control a hazard. Like the Good Samaritan law, this immunity only protects wardens from liability for negligence, not gross negligence or willful or wanton misconduct. Persons assisting in a mine rescue or recovery are also immune from civil liability for actions taken in good faith. This immunity also extends to the employers of those involved in the rescue.

Summary:

An immunity from civil liability is created for persons, including construction professionals, who provide emergency construction repairs at the scene of any accident, disaster or emergency without compensation or the expectation of compensation. The immunity only extends to those acts or omissions associated with providing the emergency repairs and does not cover gross negligence or willful or wanton misconduct. The immunity does not cover persons who are making repairs in the regular course of employment and who are being compensated or expecting to receive compensation for the work.

An "accident, disaster or emergency" includes an earthquake, windstorm, hurricane, landslide, flood, volcanic eruption, explosion, fire, or any similar occurrence.

Votes on Final Passage:

House 91 0

Senate 49 0

Effective: July 27, 2003