

---

SENATE BILL 5601

---

State of Washington

58th Legislature

2003 Regular Session

By Senators McCaslin and Deccio

Read first time 01/31/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to liability for charity care; and amending RCW  
2 4.24.300 and 4.24.310.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.300 and 1985 c 443 s 19 are each amended to read  
5 as follows:

6 Any person, including but not limited to a volunteer provider of  
7 emergency or medical services, who without compensation or the  
8 expectation of compensation: (1) Renders emergency care at the scene  
9 of an emergency ((or who)); (2) participates in transporting, not for  
10 compensation, therefrom an injured person or persons for emergency  
11 medical treatment; or (3) provides charity care shall not be liable for  
12 civil damages resulting from any act or omission in the rendering of  
13 such emergency or charity care or in transporting such persons, other  
14 than acts or omissions constituting gross negligence or willful or  
15 wanton misconduct. Any person rendering emergency or charity care  
16 during the course of regular employment and receiving compensation or  
17 expecting to receive compensation for rendering such care is excluded  
18 from the protection of this ~~((subsection))~~ section.

1       **Sec. 2.** RCW 4.24.310 and 1989 c 223 s 1 are each amended to read  
2 as follows:

3       For the purposes of RCW 4.24.300 the following words and phrases  
4 shall have the following meanings unless the context clearly requires  
5 otherwise:

6       (1) "Charity care" has the meaning given in RCW 70.170.020;

7       (2) "Compensation" has its ordinary meaning but does not include:  
8 Nominal payments, reimbursement for expenses, or pension benefits;  
9 payments made to volunteer part-time and volunteer on-call personnel of  
10 fire departments, fire districts, ambulance districts, police  
11 departments, or any emergency response organizations; or any payment to  
12 a person employed as a transit operator who is paid for his or her  
13 regular work, which work does not routinely include providing emergency  
14 or charity care or emergency transportation.

15       (~~(+2)~~) (3) "Emergency care" means care, first aid, treatment, or  
16 assistance rendered to the injured person in need of immediate medical  
17 attention and includes providing or arranging for further medical  
18 treatment or care for the injured person. Except with respect to the  
19 injured person or persons being transported for further medical  
20 treatment or care, the immunity granted by RCW 4.24.300 does not apply  
21 to the negligent operation of any motor vehicle.

22       (~~(+3)~~) (4) "Scene of an emergency" means the scene of an accident  
23 or other sudden or unexpected event or combination of circumstances  
24 which calls for immediate action.

--- END ---