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**Commerce & Labor Committee**

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**HB 2744**

**Brief Description:** Ensuring state immunity for certain volunteer claims based on injury or occupational disease.

**Sponsors:** Representatives O'Brien and Ericks.

**Brief Summary of Bill**

- Provides that volunteers who provide services to the Department of Corrections in an inmate education program or as a chaplain do not have any right of action against the state or the Department of Corrections for an injury or occupational disease that occurs while providing the volunteer service.

**Hearing Date:** 1/23/06

**Staff:** Sarah Dylag (786-7109).

**Background:**

The Industrial Insurance Act (IIA) provides medical aid and partial wage benefits to employees who are injured during the course of employment. Employers, in turn, are protected by the IIA's exclusive remedy provisions which generally bar an employee from bringing a lawsuit against his or her employer for a workplace injury or illness that is covered by the IIA.

Certain volunteers who are registered and accepted as a volunteer by a state agency are deemed to be employees who are covered under the IIA for purposes of medical aid benefits, but these volunteers are not covered for wage replacement benefits.

In October 2005, the Washington Supreme Court decided a case called Doty v. Town of South Prairie related to industrial insurance benefits for certain volunteers. In that case, the court explained that when a volunteer qualifies for coverage, benefits are limited to medical aid and that "[c]overage is not comprehensive, and [employer] immunity from liability does not attach."

**Summary of Bill:**

Volunteers who provide services to the Department of Corrections in an inmate education program or as a chaplain do not have any right of action against the state or the Department of Corrections for an injury or occupational disease that occurs while providing the volunteer service.

**Rulemaking Authority:** The bill does not contain provisions addressing the rule-making powers of an agency.

**Appropriation:** None.

**Fiscal Note:** Requested on January 17, 2006.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.