
Judiciary Committee

HB 2752

Title: An act relating to liability immunity for aerial search and rescue activities managed by the department of transportation.

Brief Description: Providing liability immunity for aerial search and rescue activities managed by the department of transportation.

Sponsors: Representatives O'Brien, Hurst, Loomis and Schual-Berke.

Brief Summary of Bill

- Provides immunity for all persons registered with the aviation division who are engaged in aerial search and rescue activities.

Hearing Date: 1/29/08

Staff: Sarah Silbovitz (786-7119) and Lara Zarowsky (786-7123).

Background:

The Aviation Division of the Department of Transportation (Aviation Division) is responsible for all aerial search and rescue activities within Washington state. The search and rescue responsibilities include electronic emergency signaling devices such as emergency locator transmitters (ELT's) and emergency position indicating radio beacons (EPIRB's).

In 2007 the Legislature passed HB 1073 providing immunity from liability for certain volunteer emergency workers while engaged in emergency management activities, including search and rescue activities. However, this immunity was provided only to those volunteers managed by a local emergency management organization or the state Military Department, and did not specifically cover aerial search and rescue personnel managed by the Aviation Division.

The Aviation Division is not responsible for search and rescue activities found in the emergency management chapter which is in the Militia and Military Affairs laws.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Persons registered with the Aviation Division, and engaged in aerial search and rescue activities managed by the Aviation Division, including training and training-related activities, are immune from liability for civil damages resulting from any act or omission of such activities. The immunity does not apply to any act or omission that constitutes gross negligence or willful or wanton misconduct.

Appropriation: None.

Fiscal Note: Not requested.

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