

HOUSE BILL REPORT

HB 2752

As Reported by House Committee On:
Judiciary

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 History:

Committee Activity:

Judiciary: 1/29/08, 2/4/08 [DPS].

Brief Summary of Substitute Bill

- Provides immunity for all persons registered with the Aviation Division of the Department of Transportation who are engaged in aerial search and rescue activities.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Lantz, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Warnick, Assistant Ranking Minority Member; Ahern, Flannigan, Kirby, Moeller, Pedersen, Ross and Williams.

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. The search and rescue responsibilities include electronic emergency signaling devices such as emergency locator transmitters (ELTs) and emergency position indicating radio beacons (EPIRBs).

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.

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 Substitute Bill:

Persons registered with the Aviation Division, and engaged in aerial search and rescue activities managed by the Aviation Division, 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. Aerial search and rescue activities include, but are not limited to, training and training-related activities, but do not include search and rescue activities as defined in the Militia and Military Affairs laws.

Substitute Bill Compared to Original Bill:

The substitute bill clarifies which aerial search and rescue activities are affected under this bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The bill corrects an oversight from last year's HB 1073. The Department of Transportation has rigorous rules for the training of aerial search and rescue volunteers. Therefore, there is a controlled amount of people who are given this liability immunity. Adding a definition for aerial search and rescue may be useful to distinguish aerial search and rescue from search and rescue activities that can be found in other parts of the code.

(Opposed) None.

Persons Testifying: Tom Jenson, Al Banholzer, Gary Evans, Washington Air Search and Rescue; Chris Long, Washington Military Department of Emergency Management Division; Thomas Peterson, Washington State Department of Transportation Aviation Division; and Steve Bloomfield, Pacific Coast Shellfish Growers Association.

Persons Signed In To Testify But Not Testifying: None.