

SENATE BILL REPORT

SB 6324

As Reported By Senate Committee On:
Transportation, January 29, 2008

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: Senators Sheldon, Haugen and Shin.

Brief History:

Committee Activity: Transportation: 1/28/08, 1/29/08 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6324 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Benton, Berkey, Delvin, Eide, Holmquist, Kastama, Kilmer, King, Pflug, Sheldon and Spanel.

Staff: Kelly Simpson (786-7403)

Background: Under current law, the Aviation Division of the Washington State Department of Transportation (WSDOT) conducts and manages all aerial search and rescue activities within the state that typically involves downed aircraft. However, as part of their emergency management responsibilities, local law enforcement officers generally manage those aerial search and rescue activities that support ground missions (e.g., missing persons or downed aircraft when ground personnel are used). Search and rescue activities managed by either the state or local governments often involve the use of volunteers.

HB 1073, enacted during the 2007 Legislative Session, provides liability immunity for certain volunteer emergency workers while engaged in emergency management activities, including search and rescue activities. However, the liability immunity was provided only to those volunteers managed by a local emergency management organization or the state Military Department. HB 1073 did not specifically cover aerial search and rescue personnel managed by the WSDOT Aviation Division.

Summary of Bill: The bill as referred to committee was not considered.

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.

SUMMARY OF BILL: (Recommended Substitute): Persons registered with the WSDOT Aviation Division, and engaged in aerial search and rescue activities managed by WSDOT, are generally immune from liability for civil damages resulting from the activities. WSDOT is also immune from such liability.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Search and rescue personnel provide a valuable service to communities and should be protected as they conduct their work. This bill provides equity with those search and rescue personnel that received similar liability protection in last year's legislation. This bill will reduce tort judgments applicable to the Department of Transportation.

Persons Testifying: PRO: Tom Jensen, Gary Evans, Al Banholzer, WA Air Search & Rescue; John Sibold, WSDOT; Chris Long, WA Military Dept., Emergency Mgt. Division.