

SENATE BILL REPORT

SB 6461

As Reported by Senate Committee On:
Government Operations & Elections, January 28, 2010

Title: An act relating to immunity from liability for civil damages for firefighters.

Brief Description: Providing limited immunity for firefighters providing emergency services.

Sponsors: Senators Honeyford, Hewitt, Schoesler, Morton, Stevens, Holmquist, King, Delvin, Roach, Becker and Swecker.

Brief History:

Committee Activity: Government Operations & Elections: 1/28/10 [DP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

Majority Report: Do pass.

Signed by Senators Fairley, Chair; Oemig, Vice Chair; McDermott and Pridemore.

Staff: Edward Redmond (786-7471)

Background: The state provides indemnity to persons appointed and regularly enrolled as emergency workers for damage to property or injury or death to persons caused by acts done or attempted by the emergency worker within the scope of their assigned duties. In other words, any legal liability for damage or injury caused by an emergency worker is the obligation of the state, provided the acts of the emergency worker do not constitute willful misconduct, gross negligence, or bad faith.

Volunteers who are registered as emergency workers and are licensed as retired volunteer medical workers are immune from liability for damages that arise while providing assistance or transportation during an emergency or disaster, or for participating in an approved training or exercise in preparation for an emergency or disaster. This immunity extends to the volunteer's supervisor, health care facilities and employees, property and vehicle owners, the local organization that registered the volunteer, and to the state, and state or local government entities.

Under current law, this immunity does not extend to areas outside of an emergency worker's jurisdiction unless an interlocal agreement has been established.

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: State and municipal firefighters, both paid and volunteer, are immune from civil liability under the following circumstances: (1) when engaging in firefighting efforts outside their jurisdiction; and (2) when providing emergency care, rescue, assistance, or recovery services at the scene of an emergency. This immunity does not include acts or omissions constituting gross negligence or willful or wanton misconduct.

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: Last summer our community experienced a very large wild fire call the Dry Creek Complex fire, or the Silver Dollar fire, which consumed about 49,000 acres. The fire was in no man's land, which is land that does not have any fire protection service. People in this area are too far away to be annexed into a fire protection district. There are many areas in this state that lack this protection. The immunity from liability in this bill gives firefighters the opportunity to do the right thing even when they are outside of their jurisdiction. This bill (SB 6462) is referred to as the good Samaritan bill because if you have the equipment and manpower to help, you should. When the Silver Dollar Cafe burnt down, there were firefighters present on the scene but none of them warned us or offered to help.

Persons Testifying: PRO: Senator Honeyford, prime sponsor; Chuck Dowsey, Benton Rural Electric Association; Martha Lounsbery, Silver Dollar Cafe.