

FINAL BILL REPORT

SHB 2261

C 203 L 12
Synopsis as Enacted

Brief Description: Providing limited immunity for organizations making charitable donations of eye glasses or hearing instruments.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn and Hudgins).

House Committee on Judiciary
Senate Committee on Health & Long-Term Care

Background:

Various state and federal laws provide immunity from liability to individual actors rendering assistance or services without payment. Generally, these immunity provisions do not apply to acts or omissions that constitute gross negligence.

The state Good Samaritan Act provides immunity from liability for individuals who provide emergency care at the scene of an emergency without expectation of compensation. The Good Samaritan Act includes immunity provisions for physicians and other health care providers volunteering health care services with nonprofit organizations or with for-profit organizations that regularly provide services to the public or uninsured. Services must be given without payment or expectation of payment in order for the immunity to apply.

The federal Volunteer Protection Act provides immunity from liability for individuals providing volunteer services for government or nonprofit entities. Under Washington law, volunteers for a nonprofit entity only receive the immunity protection when the entity maintains a prescribed amount of liability insurance relative to its revenues.

Alaska, Oregon, and Arizona have all passed laws specifically shielding charitable organizations from liability for facilitating donations of used eyeglasses.

Summary:

Charitable organizations are not liable for damages arising out of any act or omission associated with providing people with previously owned eyeglasses or hearing instruments.

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.

Organizations are still subject to liability for damages arising out of acts or omissions that constitute gross negligence or willful or wanton misconduct.

The immunity only applies if certain criteria are met. The person to whom an organization provides eyeglasses or hearing instruments must be at least 14 years of age and no compensation may be expected or collected. The eyeglasses or hearing devices must be provided by a medical professional who has personally examined the recipient or has personally consulted with the medical professional who examined the recipient.

An organization must qualify as a charitable organization in order for the immunity to apply. Charitable organizations are those that regularly engage in or provide financial support for a benevolent or charitable activity that benefits nonmembers. Also, a charitable organization's income must not be distributable to its members, directors, or officers, and none of those actors or any other employee or agent may be paid an amount beyond a fixed, reasonable, and approved level of compensation.

Votes on Final Passage:

House	97	0	
Senate	48	0	(Senate amended)
House	98	0	(House concurred)

Effective: June 7, 2012