
SUBSTITUTE HOUSE BILL 2261

State of Washington

62nd Legislature

2012 Regular Session

By House Judiciary (originally sponsored by Representatives Takko, Reykdal, Orcutt, Wilcox, Jinkins, Finn, and Hudgins)

READ FIRST TIME 01/31/12.

1 AN ACT Relating to charitable donations of eye glasses and hearing
2 instruments; and adding a new section to chapter 4.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 (1) A charitable organization is not liable for any civil damages
7 arising out of any act or omission, other than acts or omissions
8 constituting gross negligence or willful or wanton misconduct,
9 associated with providing previously owned eyeglasses or hearing
10 instruments to a person if:

11 (a) The person is at least fourteen years of age; and

12 (b) The eyeglasses or hearing instruments are provided to the
13 person without compensation or the expectation of compensation.

14 (2) The immunity provided by subsection (1) of this section applies
15 to eyeglasses only if the eyeglasses are provided by a physician
16 licensed under chapter 18.71 RCW, an osteopathic physician licensed
17 under chapter 18.57 RCW, an optometrist licensed under chapter 18.53
18 RCW, or an optician licensed under chapter 18.34 RCW who has:

1 (a) Personally examined the person who will receive the eyeglasses
2 and issued a prescription for the eyeglasses; or

3 (b) Personally consulted with the licensed physician, osteopathic
4 physician, or optometrist who issued the prescription for the
5 eyeglasses.

6 (3) The immunity provided by subsection (1) of this section applies
7 to hearing instruments only if the hearing instruments are provided by
8 a physician licensed under chapter 18.71 RCW, an osteopathic physician
9 licensed under chapter 18.57 RCW, or hearing health care professional
10 licensed under chapter 18.35 RCW who has:

11 (a) Personally examined the person who will receive the hearing
12 instruments; or

13 (b) Personally consulted with the licensed physician, osteopathic
14 physician, or hearing health care professional who has examined the
15 person who will receive the hearing instruments.

16 (4) For purposes of this section, "charitable organization" means
17 an organization:

18 (a) That regularly engages in or provides financial support for
19 some form of benevolent or charitable activity with the purpose of
20 doing good to others rather than for the convenience of its members;

21 (b) In which no part of the organization's income is distributable
22 to its members, directors, or officers; and

23 (c) In which no member, director, officer, agent, or employee is
24 paid, or directly receives, in the form of salary or other
25 compensation, an amount beyond that which is just and reasonable
26 compensation commonly paid for such services rendered and which has
27 been fixed and approved by the members, directors, or other governing
28 body of the organization.

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