

SENATE BILL REPORT

SB 5548

As of February 11, 2015

Title: An act relating to providing immunity for school bus drivers.

Brief Description: Providing immunity for school bus drivers.

Sponsors: Senators Liias, Pearson, Hobbs, Pedersen and Rolfes.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/03/15.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: The Superintendent of Public Instruction requires school bus drivers to meet a number of requirements, including having a valid, appropriate driver license for the type of vehicle the driver is operating. Under the Uniform Commercial Driver's License Act, drivers of commercial motor vehicles must obtain a commercial driver's license. A commercial motor vehicle includes school buses regardless of weight and size.

Current law grants protection to certain individuals who attempt to aid another person. For example, any person who renders emergency care at the scene of an emergency or who participates in transporting an injured person is not liable for civil damages resulting from any act or omission in the rendering of such care. However, any person rendering emergency care during the course of regular employment and receiving compensation or expecting to receive compensation for rendering such care is excluded from the protection.

Summary of Bill: A school bus driver who has a valid commercial driver's license is immune from civil or criminal liability for acts that:

- the driver reasonably believes are necessary;
- are taken in good faith and without gross negligence;
- are taken during the course of the driver's duties; and
- are taken when coming to the aid of another person that the driver reasonably believes is in imminent danger of bodily injury or death.

Appropriation: None.

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.

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: This bill provides common-sense protections for school bus drivers. School bus drivers are in legal limbo. It is not clear when they can render aid and not worry about facing liability. Incidents that threaten student safety occur on buses such as students getting in fights, and bus drivers are condemned for not taking action. This bill would allow bus drivers to take action and not worry about litigation. It does not mandate that a bus driver take action. It is difficult for school bus drivers to maintain control unlike on school campuses where there is more school staff. This bill could help with the bus driver shortage. After training on potential liability for school bus drivers, some candidates will drop out of training. This bill would help bus drivers feel protected.

Persons Testifying: PRO: Senator Liias, prime sponsor; Jesus Villahermosa, Crisis Reality Training, Inc.; Heather Gunderson, Bethel, School Bus Driver, Driver Trainer; John Suessman, North Thurston Public Schools, Director of Transportation; Tom Seigel, Bethel Schools Superintendent.