

HOUSE BILL REPORT

SSB 5185

As Reported by House Committee On: Judiciary

Title: An act relating to immunity from liability for professional or trade associations providing emergency response volunteers.

Brief Description: Providing immunity from liability for professional or trade associations providing emergency response volunteers.

Sponsors: Senate Committee on State Government (originally sponsored by Senators Wilson, Mullet and Palumbo).

Brief History:

Committee Activity:

Judiciary: 3/15/17, 3/23/17 [DP].

Brief Summary of Substitute Bill

- Provides that the immunity for acts or omissions of a covered volunteer emergency worker while engaged in covered activities extends to any professional or trade association of covered volunteer emergency workers.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Frame, Goodman, Graves, Haler, Hansen, Kirby, Klippert, Orwall and Shea.

Staff: Edie Adams (786-7180).

Background:

The state's Emergency Management Act (EMA) establishes a comprehensive program of emergency management in the state, which is administered by the Military Department (Department) under the direction of the state's Adjutant General. As part of the emergency management program, each county, city, and town must establish a local organization or join a joint local organization for emergency management.

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.

The EMA grants immunity from liability for the acts of covered volunteer emergency workers while engaged in a covered activity. "Covered activity" means providing assistance or transportation during an emergency or disaster or a search and rescue, or participating in a training or exercise in preparation for an emergency or disaster or a search and rescue. Covered volunteer emergency workers are volunteers who are registered as emergency workers with the local emergency management organization or the Department. The covered volunteer emergency worker immunity extends to:

- the covered volunteer emergency worker;
- the covered volunteer emergency worker's supervisor and employer;
- any facility or their officers or employees;
- the owner of the property or vehicle where the act or omission may have occurred;
- any local organization that registered the volunteer; and
- the state or any state or local governmental entity.

The immunity applies only when the covered volunteer emergency worker was engaged in an activity within his or her assigned duties and under the direction of a local emergency management organization or the Department, and only if the covered volunteer emergency worker's act or omission does not constitute gross negligence or willful or wanton misconduct.

Summary of Bill:

The immunity provided for acts or omissions of covered volunteer emergency workers while providing assistance or transportation during an emergency or search and rescue, or while participating in a training or exercise in preparation for an emergency or search and rescue, extends to any professional or trade association of covered volunteer emergency workers.

Appropriation: None.

Fiscal Note: Available for Senate Bill 5185.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) We learned a lot from the Cascadia zone trial run about what we may need to do in a major disaster. We have also learned from the Oso landslide and disasters that have occurred in other jurisdictions. In these situations, we are going to need volunteer architects, engineers, and inspectors to come forward to help local governments conduct inspections and assess damages. There are not enough government inspectors to handle these responsibilities in an emergency. There are professional associations representing architects and engineers that provide comprehensive planning and training programs to enable these professionals to

respond to disasters and emergencies. These professionals volunteer their skills and time to provide critical inspection support during an emergency. An Attorney General opinion has ruled that current law does not provide immunity to the professional organizations that conduct the training and organize volunteer architects and engineers to respond to disasters. As a result, this training is no longer being provided due to liability concerns. Much work and time has been spent with the Military Department to reach a compromise on the bill so that these professional associations can continue to do the training to prepare emergency responders.

(Opposed) None.

Persons Testifying: Senator Wilson, prime sponsor; Jay Kelli Dean, American Society of Civil Engineers; Robert Galteland, Reid Middleton; Ed Huston; and Amy Brackenbury, Washington Association of Building Officials.

Persons Signed In To Testify But Not Testifying: None.