

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2605

By Delegates Zatezalo, Anderson, Fehrenbacher,
Reynolds, Barnhart, Cooper, Nestor, Riley, Linville,
Howell, and Gearhart

[Introduced January 17, 2023; Referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §55-7-15 and §55-7-17 of the Code of West Virginia, 1931, as
 2 amended, all relating to actions for injuries; providing that persons who render assistance
 3 to a person in an accident, emergency, or disaster, without remuneration, are not liable for
 4 civil damages; and also that persons trained in a qualified program of emergency response
 5 who render assistance to a person in an accident, emergency, or disaster, without
 6 remuneration, are not liable for civil damages.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-15. Aid to victim of accident, and ~~victim of crime~~, emergency, or disaster; immunity from civil liability, definitions.

1 (a) No person, including a person licensed to practice medicine or dentistry trained,
 2 licensed, or certified professionals, or entity who in good faith renders emergency care or
 3 assistance at the scene of an accident, ~~or to a victim at the scene of a crime~~ emergency, or
 4 disaster, without remuneration, ~~shall~~ may be liable for any civil damages as the result of any act or
 5 omission in rendering such emergency care or assistance.

6 (b) For purposes of this section, the term "emergency" includes without limitation any
 7 instance where a person suffers from a medical condition requiring immediate treatment due to
 8 accident or crime.

9 (c) For purposes of this section, "disaster" shall have the same meaning as that term is
 10 defined in §15-5-2 of this code.

§55-7-17. Aid by trained ~~hazardous substance~~ emergency response personnel; entities, immunity from civil liability; definitions.

1 (a) No person trained in a qualified program of ~~hazardous substance~~ emergency response
 2 certified by the State Fire Marshal pursuant to rules promulgated by authority of subsection (a),
 3 section five-a, article three, chapter twenty-nine of this code or entity employing the same, who in
 4 good faith renders advice or assistance at the scene of an actual or threatened accident,

5 ~~emergency, or disaster, discharge of any hazardous substance~~ and receives no remuneration for
6 rendering such advice or assistance, is liable for any civil damages as the result of any act or
7 omission in rendering such advice or assistance: *Provided*, That the exemption from liability for
8 civil damages of this section shall be extended to any such person who receives reimbursement
9 for out-of-pocket expenses incurred in rendering such advice or assistance or compensation from
10 his or her regular employer for the time period during which he or she was actually engaged in
11 rendering such advice or assistance or both advice or assistance, but is not extended to any such
12 person or entity who by his, or her, or its act or omission caused or contributed to the cause of such
13 actual or threatened ~~discharge of any hazardous substance~~ accident, emergency, or disaster.

14 ~~For the purposes of this section, "hazardous substance" means any "hazardous~~
15 ~~substance" as defined in chapter eighty-eight, Acts of the Legislature, regular session, one~~
16 ~~thousand nine hundred eighty-five; any "chemical substances and materials" listed in the rules~~
17 ~~promulgated by the commissioner of labor pursuant to section eighteen, article three, chapter~~
18 ~~twenty-one, of this code; and any "hazardous waste" as defined in section three, article eighteen,~~
19 ~~chapter twenty-two of this code~~

20 (b) For purposes of this section, the term "emergency" includes without limitation any
21 instance where a person suffers from a medical condition requiring immediate treatment due to
22 accident or crime.

23 (c) For purposes of this section, "disaster" has the same meaning as that term is defined in
24 §15-5-2 of this code.

NOTE: The purpose of this bill is to enact a Good Samaritan Law. The bill provides that persons who render assistance to a person in an accident, emergency, or disaster, without remuneration, are not liable for civil damages and also that persons trained in a qualified program of emergency response who render assistance to a person in an accident, emergency, or disaster, without remuneration, are not liable for civil damages.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.