

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2605

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

[Originating in the Committee on the Judiciary;

Reported February 9, 2023]

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 in good faith render
3 emergency care, or assistance to a person in an accident, emergency, or disaster,
4 voluntarily and without remuneration, are not liable for civil damages for acts or omissions
5 at the scene; and also that persons trained in a qualified program of emergency services
6 who in good faith renders or provides advice, assistance, equipment, or materials at the
7 scene of an actual or threatened accident, emergency, or disaster, voluntarily and without
8 remuneration, are not liable for civil damages for acts or omissions at the scene.

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, without limitation, a person licensed to practice medicine or~~
2 ~~dentistry trained, licensed, or certified professionals, or entity who in good faith renders or provides~~
3 ~~emergency care, or assistance at the scene of an accident, ~~or to a victim at the scene of a crime~~~~
4 ~~emergency, or disaster, voluntarily and without remuneration, ~~shall~~ may be liable for any civil~~
5 ~~damages as the result of any act or omission at the scene in rendering, or providing such~~
6 ~~emergency care or assistance.~~

7 ~~(b) For purposes of this section, the term "emergency" means any instance where a person~~
8 ~~suffers from a medical condition requiring immediate treatment due to natural causes, accident, or~~
9 ~~crime.~~

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

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

1 ~~(a) No person trained in a qualified program of hazardous-substance emergency response~~
2 ~~services ~~certified by the State Fire Marshal pursuant to rules promulgated by authority of~~~~

3 ~~subsection (a), section five-a, article three, chapter twenty-nine of this code~~ or entity employing the
4 same, who voluntarily and in good faith renders or provides advice, or assistance, equipment, or
5 materials at the scene of an actual or threatened accident, emergency, or disaster, discharge of
6 ~~any hazardous substance~~ and receives no remuneration for rendering or providing such advice, or
7 assistance, equipment, or materials is liable for any civil damages as the result of any act or
8 omission at the scene in rendering or providing such advice, or assistance, equipment, or
9 materials: *Provided*, That the exemption from liability for civil damages of this section shall be
10 extended to any such person who receives reimbursement for out-of-pocket expenses incurred in
11 rendering or providing such advice, or assistance, equipment, or materials or compensation from
12 his or her regular employer for the time period during which he or she was actually engaged in
13 rendering or providing such advice, or assistance, equipment, or materials, but is not extended to
14 any such person or entity who by his, or her, or its act or omission caused or contributed to the
15 cause of such actual or threatened ~~discharge of any hazardous substance~~ accident, emergency,
16 or disaster.

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

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

26 (c) For purposes of this section, the term "disaster" has the same meaning as that term is
27 defined in §15-5-2 of this code and temporally includes the imminent threat of disaster as well as
28 its occurrence.

29 (d) For purposes of this section, the term “emergency services” means any mine rescue
30 response services, hazardous substance response services, chemical substance and materials
31 response services, hazardous waste response services and further has the meaning as the term is
32 defined in §15-5-2 of the code.

NOTE: The purpose of this bill is to enact a Good Samaritan Law. The bill provides that persons who render or provide assistance to a person in an accident, emergency, or disaster, without remuneration, are not liable for civil damages for acts or omissions at the scene and also that persons trained in a qualified program of emergency services, or entities employing the same, who render or provide advice, assistance, equipment or materials to a person in an accident, emergency, or disaster, without remuneration, are not liable for civil damages for acts or omissions at the scene.

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