

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2605

BY DELEGATES ZATEZALO, ANDERSON, FEHRENBACHER,

REYNOLDS, BARNHART, COOPER, NESTOR, RILEY,

LINVILLE, HOWELL AND GEARHART

[Passed March 6, 2023; in effect ninety days from passage.]

1 AN ACT 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 certain persons or an entity who
3 in good faith render or provide emergency care or assistance to a person at the scene of
4 an accident, emergency, or disaster, voluntarily and without remuneration, are not liable
5 for civil damages for acts or omissions at the scene; providing that persons trained in a
6 qualified program of emergency services who in good faith render or provide advice,
7 assistance, equipment, or materials at the scene of an actual or threatened accident,
8 emergency, or disaster, voluntarily and without remuneration, are not liable for civil
9 damages for acts or omissions at the scene; allowing reimbursement for out-of-pocket
10 expenses for equipment and materials without losing immunity; and defining terms.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ACTIONS FOR INJURIES.

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

1 (a) A person, including, without limitation, trained, licensed, or certified professionals, or
2 an entity who in good faith renders or provides emergency care, or assistance at the scene of an
3 accident, emergency, or disaster, voluntarily and without remuneration, may not be liable for any
4 civil damages as the result of any act or omission at the scene in rendering, or providing
5 emergency care or assistance.

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

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

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

1 (a) A person trained in a qualified program of emergency services or an entity, who
2 voluntarily and in good faith renders or provides advice, assistance, equipment, or materials at
3 the scene of an actual or threatened accident, emergency, or disaster, and receives no
4 remuneration for rendering or providing the advice, assistance, equipment, or materials is not
5 liable for any civil damages as the result of any act or omission at the scene in rendering or
6 providing advice, assistance, equipment, or materials: *Provided*, That the exemption from liability
7 for civil damages of this section shall be extended to any person who receives reimbursement for
8 out-of-pocket expenses incurred in rendering or providing the advice, assistance, equipment, or
9 materials or compensation from his or her regular employer for the time period during which he
10 or she was actually engaged in rendering or providing advice, assistance, equipment, or
11 materials, but is not extended to that person or an entity who by his, or her, or its act or omission
12 caused or contributed to the cause of the actual or threatened accident, emergency, or disaster.

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

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

19 (d) For purposes of this section, the term "emergency services" means any mine rescue
20 response services, hazardous substance response services, chemical substance and materials
21 response services, hazardous waste response services and further has the meaning as the term
22 is defined in §15-5-2 of the code.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the House of Delegates

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Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

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Speaker of the House of Delegates

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President of the Senate

The within is this the.....
Day of, 2023.

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Governor