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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 2709

February 4, 2010

Authored by Norton

The bill was read for the first time and referred to the Committee on Civil Justice

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to civil actions; specifying immunity for certain entities in the event of
1.3 an emergency or disaster; amending Minnesota Statutes 2008, sections 12.03, by
1.4 adding a subdivision; 12.22, subdivision 2a, by adding a subdivision.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 12.03, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 4e. **Entity.** "Entity" includes a firm, corporation, association, limited liability
1.9 company, partnership, limited liability partnership, nonprofit organization, or other
1.10 business, religious, or charitable organization.

1.11 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.12 Sec. 2. Minnesota Statutes 2008, section 12.22, subdivision 2a, is amended to read:

1.13 Subd. 2a. **Volunteer protections.** (a) ~~Individuals~~ Persons who volunteer to assist
1.14 a local political subdivision in preparation for or during an emergency or disaster, who
1.15 register with that subdivision, and who are under the direction and control of that
1.16 subdivision are considered an employee or agent of that subdivision for purposes of
1.17 workers' compensation and tort claim defense and indemnification.

1.18 (b) ~~Individuals~~ Persons who volunteer to assist the state in preparation for or during
1.19 an emergency or disaster, who register with a state agency, and who are under the direction
1.20 and control of the state agency are considered an employee or agent of the state for
1.21 purposes of workers' compensation and tort claim defense and indemnification.

1.22 (c) Notwithstanding qualification for volunteer protection under paragraph (a) or
1.23 (b), a Minnesota Responds Medical Reserve Corps volunteer under sections 145A.04 to

2.1 145A.06, responding at the request of the commissioner of health, must receive state
2.2 workers' compensation benefits and tort claim defense and indemnification as provided in
2.3 section 145A.06, subdivision 7.

2.4 **EFFECTIVE DATE.** This section is effective the day following final enactment,
2.5 and applies to actions accruing on or after that date.

2.6 Sec. 3. Minnesota Statutes 2008, section 12.22, is amended by adding a subdivision to
2.7 read:

2.8 **Subd. 2b. Entity volunteer protections.** (a) An entity or an agent acting on behalf
2.9 of the entity who volunteers to assist a local jurisdiction during an emergency or disaster,
2.10 who previously registers with that jurisdiction, and who is under the direction and control
2.11 of the local jurisdiction is not liable for civil damages or administrative sanctions as
2.12 a result of good-faith acts or omissions by that entity or agent in rendering emergency
2.13 care, advice, or assistance.

2.14 (b) An entity or an agent acting on behalf of the entity who volunteers to assist the
2.15 state during an emergency or disaster, who previously registers with a state agency, and
2.16 who is under the direction and control of the state agency is not liable for civil damages or
2.17 administrative sanctions as a result of good-faith acts or omissions by that entity or agent
2.18 in rendering emergency care, advice, or assistance.

2.19 (c) This subdivision does not apply if the entity or agent acts in a willful and wanton
2.20 or reckless manner in providing the care, advice, or assistance.

2.21 **EFFECTIVE DATE.** This section is effective the day following final enactment,
2.22 and applies to actions accruing on or after the date.