

HOUSE BILL NO. HB0152

Search and rescue operations.

Sponsored by: Representative(s) Lindholm, Eklund, Gierau,
Halverson, Pownall and Sommers and
Senator(s) Anderson, Burns and Nethercott

A BILL

for

1 AN ACT relating to search and rescue operations; providing
2 immunity for volunteers; repealing application of the
3 Governmental Claims Act and local government self-insurance
4 program to search and rescue operation volunteers; and
5 providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 1-1-125(a)(iii), (b)(intro), (i) and
10 (d) and 1-42-201(a)(vi)(intro) are amended to read:

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12 **1-1-125. Immunity for volunteers; volunteer**
13 **firefighters.**

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15 (a) As used in this section:

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(iii) "Volunteer" means:

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(A) An officer, director, trustee or other
person who performs services for a nonprofit organization
but does not receive compensation, either directly or
indirectly, for those services; ~~or~~

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(B) A volunteer firefighter who performs
services for a volunteer fire department under W.S.
~~35-9-601(h)~~ 35-9-616(a)(ix) whether or not ~~he~~ the
firefighter receives compensation or a pension; ~~or~~

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(C) An individual engaged in search and
rescue operations under a county sheriff's coordination
pursuant to W.S. 18-3-609(a)(iii) or supervision pursuant
to W.S. 19-16-101 whether or not the individual receives
compensation.

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(b) Except as provided in subsection (c) of this
section, a volunteer who provides services or performs
duties on behalf of a nonprofit organization, ~~or~~
volunteer fire department or a sheriff as part of a search

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1 and rescue operation is personally immune from civil
2 liability for any act or omission resulting in damage or
3 injury if at the time of the act or omission:

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5 (i) The person was acting within the scope of
6 his duties as a volunteer for the nonprofit organization,
7 ~~or~~ volunteer fire department or a sheriff as part of a
8 search and rescue operation; and

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10 (d) In any suit against a nonprofit organization, ~~or~~
11 a volunteer fire department or a sheriff as part of a
12 search and rescue operation for civil damages based upon
13 the negligent act or omission of a volunteer, proof of the
14 act or omission shall be sufficient to establish the
15 responsibility of the organization or department under the
16 doctrine of respondeat superior, notwithstanding the
17 immunity granted to the volunteer with respect to any act
18 or omission included under subsection (b) of this section.

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20 **1-42-201. Definitions.**

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22 (a) As used in this act:

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1 (vi) "Public employee" means any officer,
2 employee or servant of a local government including elected
3 or appointed officials and persons acting on behalf or in
4 service of the local government in any official capacity,
5 whether with or without compensation., ~~including~~
6 ~~individuals engaged in search and rescue operations under~~
7 ~~the coordination of a county sheriff pursuant to W.S.~~
8 ~~18-3-609(a)(iii).~~ "Public employee":

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10 **Section 2.** W.S. 1-39-103(a)(iv)(D) is repealed.

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12 **Section 3.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

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17

(END)