

HOUSE BILL NO. HB0152

Search and rescue operations.

Sponsored by: Representative(s) Lindholm, Blake, Clem,
Eklund, Gierau, Halverson, Pelkey, 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.

6

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

8

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:

11

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

14

1 (a) As used in this section:

2

3 (iii) "Volunteer" means:

4

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

9

10 (B) A volunteer firefighter who performs
11 services for a volunteer fire department under W.S.
12 ~~35-9-601(h)~~ 35-9-616(a)(ix) whether or not ~~he~~ the
13 firefighter receives compensation or a pension; ~~or~~

14

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

20

21 (b) Except as provided in subsection (c) of this
22 section, a volunteer who provides services or performs
23 duties on behalf of a nonprofit organization, ~~or~~ a

1 volunteer fire department or a sheriff as part of a search
2 and rescue operation is personally immune from civil
3 liability for any act or omission resulting in damage or
4 injury if at the time of the act or omission:

5

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

10

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

21

22 **1-42-201. Definitions.**

23

1 (a) As used in this act:

2

3 (vi) "Public employee" means any officer,
4 employee or servant of a local government including elected
5 or appointed officials and persons acting on behalf or in
6 service of the local government in any official capacity,
7 whether with or without compensation. ~~including~~
8 ~~individuals engaged in search and rescue operations under~~
9 ~~the coordination of a county sheriff pursuant to W.S.~~
10 ~~18-3-609(a)(iii).~~ "Public employee":

11

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

13

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

18

19 (END)