

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-FOURTH LEGISLATURE OF THE STATE OF WYOMING
2017 GENERAL SESSION

AN ACT relating to search and rescue operations; providing immunity for volunteers; and providing for an effective date.

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

Section 1. W.S. 1-1-125(a)(iii), (b)(intro), (i) and (d) and 1-39-103(a)(iv)(D) are amended to read:

1-1-125. Immunity for volunteers; volunteer firefighters; search and rescue.

(a) As used in this section:

(iii) "Volunteer" means:

(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;~~;~~

(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;~~;~~

(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.

(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 a~~

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

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

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

1-39-103. Definitions.

(a) As used in this act:

(iv) "Public employee":

(D) Includes individuals engaged in search and rescue operations under the coordination of a county sheriff pursuant to W.S. 18-3-609(a)(iii); ~~and the provisions of W.S. 1-39-112 shall apply for purposes of damages resulting from bodily injury, wrongful death or property damage caused by their negligence while acting within the scope of their duties;~~

ORIGINAL HOUSE
BILL NO. HB0152

ENGROSSED

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Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk