

HOUSE BILL NO. HB0035

Search and rescue operations.

Sponsored by: Representative(s) Gingery

A BILL

for

1 AN ACT relating to search and rescue operations; providing
2 immunity for volunteers as specified; repealing application
3 of the Governmental Claims Act and local government self-
4 insurance program to search and rescue operation
5 volunteers; and 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), 1-42-201(a)(vi)(intro) and 19-13-302 by creating a new
11 subsection (d) are amended to read:

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

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16 (a) As used in this section:

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1 (iii) "Volunteer" means an officer, director,
2 trustee or other person who performs services for a
3 nonprofit organization but does not receive compensation,
4 either directly or indirectly, for those services, ~~or~~ a
5 volunteer firefighter who performs services for a volunteer
6 fire department under W.S. 35-9-601(h) whether or not he
7 receives compensation or a pension, or an individual
8 engaged in search and rescue operations under the
9 coordination of a county sheriff pursuant to W.S.
10 18-3-609(a)(iii) whether or not he receives compensation.

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12 (b) Except as provided in subsection (c) of this
13 section, a volunteer who provides services or performs
14 duties on behalf of a nonprofit organization, ~~or~~ a
15 volunteer fire department or a sheriff as part of a search
16 and rescue operation is personally immune from civil
17 liability for any act or omission resulting in damage or
18 injury if at the time of the act or omission:

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

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

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11 **1-42-201. Definitions.**

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13 (a) As used in this act:

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15 (vi) "Public employee" means any officer,
16 employee or servant of a local government including elected
17 or appointed officials and persons acting on behalf or in
18 service of the local government in any official capacity,
19 whether with or without compensation. ~~including~~
20 ~~individuals engaged in search and rescue operations under~~
21 ~~the coordination of a county sheriff pursuant to W.S. 18-3-~~
22 ~~609(a)(iii).~~ "Public employee":

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24 **19-13-302. Search and rescue account administration.**

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(d) Any county sheriff's office in this state may file a claim in a court of competent jurisdiction against a person who is the subject of a search and rescue operation for reimbursement of costs directly incurred in the performance of search and rescue activities. To the extent a county sheriff's office obtains judgment and collects reimbursement from the person, the office shall return to the office of homeland security any payments authorized from the search and rescue account for that operation.

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

Section 3. 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)