WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 125

(By Mr. Speaker, Mr. Singleton)

PASSED March 7, 1963

In Effect ninety days from Passage

Filed in Office of the Secretary of State of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 125

(By Mr. Speaker, Mr. Singleton)

[Passed March 7, 1963; in effect ninety days from passage.]

AN ACT to amend and reenact section ten, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the civil defense agency and other organizations for civil defense within this state, and granting certain immunity and exemption with respect thereto.

Be it enacted by the Legislature of West Virginia:

That section ten, article five, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
Section 10. Immunity and Exemption.—(a) All functions hereunder and all other activities relating to civil defense are hereby declared to be governmental functions. Neither the state nor any political subdivision thereof nor other agencies of the state or political subdivision thereof, nor, except in cases of willful misconduct, gross negligence, or bad faith, any duly qualified civil defense worker complying with or reasonably attempting to comply with this article, or any order, rule or regulation promulgated pursuant to the provisions of this article, or pursuant to any ordinance relating to blackout or other precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of any such activity. The provisions of this section shall not affect the right of any person to receive benefits to which he would otherwise be entitled under this article, or under the workmen's compensation law, or under any pension law, nor the right of any such person to receive any benefits or compensation under any act of Congress.
(b) Any requirement for a license to practice any professional, mechanical or other skill shall not apply to any authorized civil defense worker who shall, in the course of performing his duties as such, practice such professional, mechanical or other skill during a civil defense emergency.

(c) As used in this section the term duly qualified civil defense worker shall be construed to mean and include:

(1) Any duly qualified full or part-time paid, volunteer or auxiliary employee of this state, or other states, territories, possessions or the District of Columbia, of the federal government, or any neighboring county, or of any political subdivision thereof, or of any agency or organization, performing civil defense services at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision thereof;

(2) Duly qualified instructors and properly supervised students in recognized educational programs where civil defense services are taught. A recognized
43 educational program shall be deemed to include pro-
44 grams in educational institutions duly existing under
45 the laws of this state and such other educational pro-
46 grams as shall be established by the civil defense agency
47 or otherwise under this article.
48
49 (d) Any civil defense worker, as defined in this sec-
50 tion, performing civil defense services at any place in
51 this state pursuant to agreements, compacts or arrange-
52 ments for mutual aid and assistance, to which the state
53 or a political subdivision thereof is a party, shall possess
54 the same powers, duties, immunities and privileges he
55 would ordinarily possess if performing his duties in the
56 state, province or political subdivision thereof in which
57 normally employed or rendering services.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 14th day of March, 1963.

Governor