

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

# 125

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**House Bill No. 125**

(By MR. SPEAKER, MR. SINGLETON)

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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.

22 (b) Any requirement for a license to practice any  
23 professional, mechanical or other skill shall not apply to  
24 any authorized civil defense worker who shall, in the  
25 course of performing his duties as such, practice such  
26 professional, mechanical or other skill during a civil  
27 defense emergency.

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

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

40 (2) Duly qualified instructors and properly super-  
41 vised students in recognized educational programs  
42 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 (d) Any civil defense worker, as defined in this sec-  
49 tion, performing civil defense services at any place in  
50 this state pursuant to agreements, compacts or arrange-  
51 ments for mutual aid and assistance, to which the state  
52 or a political subdivision thereof is a party, shall possess  
53 the same powers, duties, immunities and privileges he  
54 would ordinarily possess if performing his duties in the  
55 state, province or political subdivision thereof in which  
56 normally employed or rendering services.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*C. Ray Parker*  
Chairman Senate Committee

*Ethel L. Crandall*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*Howard Meyer*  
Clerk of the Senate

*A. Blankenship*  
Clerk of the House of Delegates

*Howard Lawson*  
President of the Senate

*Julius W. Singleton Jr.*  
Speaker House of Delegates

The within approved this the 14<sup>th</sup>  
day of March, 1963.

*W. W. Baum*  
Governor

