

No: 1266

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

# ENROLLED

*Committee Substitute for*  
**HOUSE BILL No. 1266.....**

(By ~~Mr.~~ *Del. Hoblitell + Del. Kelly*.....)

— ● —

Passed ..... *February 14,* ..... 1986  
In Effect ..... *From* ..... Passage

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 1266**

(By DELEGATE HOBLITZELL and DELEGATE KELLY)

(Originating in the House Committee on the Judiciary)

[Passed February 14, 1986; in effect from passage.]

AN ACT to amend article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section five-a; and to amend article seven, chapter fifty-five of said code, by adding thereto a new section, designated section seventeen, all relating to hazardous substance emergency response training programs and personnel; requiring the state fire commission to promulgate certain regulations relating thereto; defining certain terms; and granting certain trained persons immunity from civil liability for rendering advice or assistance at a hazardous substance emergency.

*Be it enacted by the Legislature of West Virginia:*

That article three, chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section five-a and that article seven, chapter fifty-five of said code be amended by adding thereto a new section, designated section seventeen, all to read as follows:

**CHAPTER 29. MISCELLANEOUS  
BOARDS AND OFFICERS.**

**ARTICLE 3. FIRE PREVENTION AND CONTROL ACT.**

**§29-3-5a. Hazardous substance emergency response  
training programs.**

1 (a) Within one hundred twenty days of the effective  
2 date of this section, the state fire commission shall  
3 promulgate rules and regulations pursuant to chapter  
4 twenty-nine-a of this code establishing criteria for  
5 qualified training programs in hazardous substance  
6 emergency response activities and procedures for such  
7 qualified training programs to be certified by the state  
8 fire marshal.

9 (b) For the purposes of this section, "hazardous  
10 substance" means any "hazardous substance" as defined  
11 in subsection (g), section three, article thirty-one,  
12 chapter sixteen of this code, any "chemical substances  
13 and materials" listed in the rules or regulations  
14 promulgated by the commissioner of labor pursuant to  
15 section eighteen, article three, chapter twenty-one of this  
16 code, and any "hazardous waste" as defined in subdivi-  
17 sion (7), section three, article five-e, chapter twenty of  
18 this code.

**CHAPTER 55. ACTIONS, SUITS AND  
ARBITRATION: JUDICIAL SALE.**

**ARTICLE 7. ACTIONS FOR INJURIES.**

**§55-7-17. Aid by trained hazardous substance response  
personnel; immunity from civil liability;  
definitions.**

1 No person trained in a qualified program of hazard-  
2 ous substance emergency response certified by the state  
3 fire marshal pursuant to rules and regulations promul-  
4 gated by authority of subsection (a), section five-a,  
5 article three, chapter twenty-nine of this code, who in  
6 good faith renders advice or assistance at the scene of  
7 an actual or threatened discharge of any hazardous  
8 substance and receives no remuneration for rendering  
9 such advice or assistance, is liable for any civil damages

10 as the result of any act or omission in rendering such  
11 advice or assistance: *Provided*, That the exemption from  
12 liability for civil damages of this section shall be  
13 extended to any such person who receives reimburse-  
14 ment for out-of-pocket expenses incurred in rendering  
15 such advice or assistance or compensation from his  
16 regular employer for the time period during which he  
17 was actually engaged in rendering such advice or  
18 assistance but shall not be extended to any such person  
19 who by his act or omission caused or contributed to the  
20 cause of such actual or threatened discharge of any  
21 hazardous substance.

22 For the purposes of this section, "hazardous sub-  
23 stance" means any "hazardous substance" as defined in  
24 subsection (g), section three, article thirty-one, chapter  
25 sixteen of this code; any "chemical substances and  
26 materials" listed in the rules or regulations promulgated  
27 by the commissioner of labor pursuant to section  
28 eighteen, article three, chapter twenty-one, of this code;  
29 and any "hazardous waste" as defined in subdivison (7),  
30 section three, article five-e, chapter twenty of this code.

Enr. Com. Sub. for H. B. 1266] 4

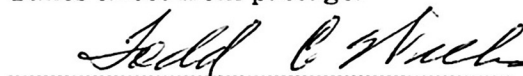
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

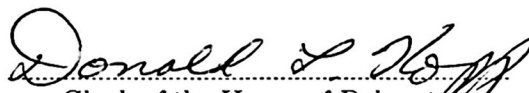
  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

Takes effect from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within  this the 10<sup>th</sup>  
day of \_\_\_\_\_, 1986.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 2/25/86

Time 2:43 p.m.

RECEIVED

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SHERIFF OF STATE

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THIS DATE 3/6/86