WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED

Committee Substitute for
HOUSE BILL No. 1266

(By Mr. Holliday and Mr. Kelly)

Passed February 14, 1986
In Effect 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.

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

(b) For the purposes of this section, "hazardous substance" means any "hazardous substance" as defined in subsection (g), section three, article thirty-one, chapter sixteen of this code, any "chemical substances and materials" listed in the rules or regulations promulgated by the commissioner of labor pursuant to section eighteen, article three, chapter twenty-one of this code, and any "hazardous waste" as defined in subdivision (7), section three, article five-e, chapter twenty of 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.

No person trained in a qualified program of hazardous substance emergency response certified by the state fire marshal pursuant to rules and regulations promulgated by authority of subsection (a), section five-a, article three, chapter twenty-nine of this code, who in good faith renders advice or assistance at the scene of an actual or threatened discharge of any hazardous substance and receives no remuneration for rendering such advice or assistance, is liable for any civil damages
as the result of any act or omission in rendering such advice or assistance: Provided, That the exemption from liability for civil damages of this section shall be extended to any such person who receives reimbursement for out-of-pocket expenses incurred in rendering such advice or assistance or compensation from his regular employer for the time period during which he was actually engaged in rendering such advice or assistance but shall not be extended to any such person who by his act or omission caused or contributed to the cause of such actual or threatened discharge of any hazardous substance.

For the purposes of this section, “hazardous substance” means any “hazardous substance” as defined in subsection (g), section three, article thirty-one, chapter sixteen of this code; any “chemical substances and materials” listed in the rules or regulations promulgated by the commissioner of labor pursuant to section eighteen, article three, chapter twenty-one, of this code; and any “hazardous waste” as defined in subdivision (7), section three, article five-e, chapter twenty of this code.
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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 10th day of , 1986.

Governor
PRESENTED TO THE
GOVERNOR

Date  2/25/66
Time  2:13 p.m.