

SBS 744

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

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SENATE CHAMBERS

## ENROLLED

SENATE BILL NO. 744

(By Senator WOOTON, ET AL)

PASSED MARCH 13, 1998

In Effect 90 Days From Passage

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OFFICE OF THE CLERK  
SENATE OF WEST VIRGINIA  
CHARLESTON, WEST VIRGINIA

## ENROLLED

### Senate Bill No. 744

(BY SENATORS WOOTON, BALL, BOWMAN, DITTMAR, FANNING,  
HUNTER, KESSLER, OLIVERIO, ROSS, SCHOONOVER, SNYDER,  
WHITE, BUCKALEW, DEEM, KIMBLE AND SCOTT)

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[Passed March 13, 1998; in effect ninety days from passage.]

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AN ACT to amend article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section nineteen, relating to limiting the liability of physicians who render voluntary services for certain athletic events.

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

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

**ARTICLE 7. ACTIONS FOR INJURIES.****§55-7-19. Liability of physicians who render services at school athletic events; limiting liability; exceptions.**

1 (a) Any person licensed to practice medicine and surgery  
2 pursuant to the provisions of article three, chapter thirty  
3 of this code or any person licensed to practice medicine  
4 and surgery as an osteopathic physician and surgeon  
5 pursuant to the provisions of article fourteen, chapter  
6 thirty of this code: (1) Who is acting in the capacity of a  
7 volunteer team physician in attendance at an athletic  
8 event sponsored by a public or private elementary or  
9 secondary school; and (2) who gratuitously and in good  
10 faith prior to the athletic event agrees to render emer-  
11 gency care or treatment to any participant during such  
12 event in connection with an emergency arising during or  
13 as the result of such event, without objection of such  
14 participant, shall not be held liable for any civil damages  
15 as a result of such care or treatment, or as a result of any  
16 act or failure to act in providing or arranging further  
17 medical treatment, to an extent greater than the applica-  
18 ble limits of his or her professional liability insurance  
19 policy or policies when such care or treatment was  
20 rendered in accordance with the acceptable standard of  
21 care established in section three, article seven-b of this  
22 chapter.

23 (b) The limitation of liability established by the provi-  
24 sions of this section shall not apply to acts or omissions  
25 constituting gross negligence. For purposes of this  
26 section, the term "athletic event" includes scheduled  
27 practices for any athletic event.

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

*Wm. Schorover*  
.....  
Chairman Senate Committee.

*Nick Tentasio*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Carroll Robinson*  
.....  
Clerk of the Senate

*Gregory D. Burt*  
.....  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
.....  
President of the Senate

*W. E. Rouse*  
.....  
Speaker House of Delegates

The within *approved* this the *29*  
day of *April* ....., 1998.

*Lee Anderson*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 12:10pm