

1 H.319

2 Introduced by Representatives Masland of Thetford and Briglin of Thetford

3 Referred to Committee on

4 Date:

5 Subject: Public safety; emergency management; immunities and defenses

6 Statement of purpose of bill as introduced: This bill proposes to make licensed
7 professionals immune from civil liability for injuries caused by the provision
8 of essential services during states of emergency declared by the Governor.

9 An act relating to immunity from liability for licensed professionals
10 providing essential services during emergencies

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 20 V.S.A. § 20 is amended to read:

13 § 20. IMMUNITIES AND DEFENSES

14 (a) Except in the case of willful misconduct or gross negligence, the ~~state~~
15 State, any of its agencies, ~~state~~ State employees as defined in 3 V.S.A. § 1101,
16 political subdivisions, local emergency planning committees, or individual,
17 partnership, association, or corporation involved in emergency management
18 activities shall not be liable for the death of or any injury to persons or loss or
19 damage to property resulting from an emergency management service or
20 response activity, including the development of local emergency plans and the

1 response to those plans. Nothing in this section shall exclude the ~~state~~ State,
2 its agencies, political subdivisions, or employees from the protections and
3 rights provided in 12 V.S.A. chapter 189 ~~of Title 12~~.

4 (b) Any individual, partnership, association, corporation, or facility that
5 provides personnel, training, or equipment through an agreement with the local
6 emergency planning committee, the ~~state emergency response commission~~
7 State Emergency Response Commission, or local emergency response officials
8 is immune from civil liability to the same extent provided in subsection (a) of
9 this section for any act performed within the scope of the agreement.

10 (c)(1) A licensed professional who provides essential services related to the
11 licensed profession through an agreement with the local emergency planning
12 committee, the State Emergency Response Commission, or local emergency
13 response officials is immune from civil liability to the same extent provided in
14 subsection (a) of this section for any act performed within the scope of the
15 agreement.

16 (2) As used in this subsection, “licensed professional” means a person
17 who practices a profession or occupation that requires “licensure” as that term
18 is defined in 26 V.S.A. § 3101a.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on passage.