

AMENDED IN ASSEMBLY APRIL 26, 2007

AMENDED IN ASSEMBLY MARCH 29, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 880

Introduced by Assembly Member Nava

February 22, 2007

An act to add Section 8659.5 to the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 880, as amended, Nava. State of emergency: immunity from liability.

~~In general, existing~~

Existing law generally provides that everyone is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except as specified. ~~However, existing~~ *Existing law* exempts certain health care providers who render services during a state of emergency at the express or implied request of any responsible state or local official or agency from liability for any injury sustained by any person by reason of those services, except in the event of a willful act or omission. Existing law also exempts certain other persons and agencies from liability during a state of emergency under specified circumstances.

This bill would, ~~in addition,~~ *additionally exempt any a private business entity or nonprofit organization that is duly enrolled or registered with the Office of Emergency Services or a responsible county or city emergency management entity* that voluntarily and without the

expectation or receipt of compensation provides services or other specified resources ~~in preparation for, in anticipation of, or during any state of emergency or formal exercise or training at the express or implied request of any responsible state or local official or agency~~ *the Office of Emergency Services or that responsible county or city emergency management entity* from liability for any injury sustained by any person by reason of those services or resources, ~~except in the event of a willful act or omission for damage or injury proximately caused by a grossly negligent act or omission or willful or wanton misconduct.~~

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8659.5 is added to the Government Code,
2 to read:
3 8659.5. Any private business entity or nonprofit organization
4 *that is duly enrolled or registered with the Office of Emergency*
5 *Services or any responsible county or city emergency management*
6 *entity that voluntarily and without the expectation or receipt of*
7 *compensation provides services, goods, facilities, or any other*
8 *resources or assistance* ~~in preparation for, in anticipation of, or~~
9 ~~during any state of war emergency, state of emergency, or a local~~
10 ~~emergency, or during a formal exercise or training of the Office~~
11 ~~of Emergency Services or a responsible county or city emergency~~
12 ~~management entity at the express or implied request of any~~
13 ~~responsible state or local official or agency request and direction~~
14 ~~of the Office of Emergency Services or a responsible county or~~
15 ~~city emergency management entity shall have no liability for any~~
16 ~~injury sustained by any person by reason of those services, goods,~~
17 ~~facilities, or resources, regardless of how or under what~~
18 ~~circumstances or by what cause the injury is sustained. However,~~
19 ~~the immunity granted by this section shall not apply in the event~~
20 ~~of a willful act or omission. except for damages or injury~~
21 ~~proximately caused by a grossly negligent act or omission or willful~~
22 ~~or wanton misconduct.~~

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