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HOUSE BILL NO. 503

Offered January 11, 2012

Prefiled January 10, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-225.03, relating to immunity; shelters of last resort.*

Patron—Dance

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-225.03 as follows:

§ 8.01-225.03. Civil immunity for shelters of last resort during disasters.

A. For the purposes of this section:

"Disaster" means any "disaster," "emergency," or "major disaster" as those terms are used and defined in § 44-146.16.

"Shelter of last resort" means a place of refuge that provides short-term protection for persons who have been displaced by a disaster, but does not necessarily provide life-sustaining services, including food, clothing, medicine, or medical care.

B. In the absence of gross negligence or willful misconduct, any person who owns or controls real estate or other premises and who, in response to a disaster, voluntarily and without compensation, allows the use of the whole or any part of such real estate or premises as a shelter of last resort shall not be liable for any injury or wrongful death to any person or for any loss of or damage to the property of any person arising from use of such real estate or premises as a shelter of last resort.

C. The provisions of this section only apply if (i) the Virginia Department of Emergency Management or a local emergency management organization has requested that such real estate or premises be used as a shelter of last resort and (ii) a state or local emergency has been or is subsequently declared.

D. The immunity provided by this section shall be in addition to, and shall not be in lieu of, any immunities provided in other state or federal law.

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