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HOUSE BILL NO. 1854

Offered January 19, 1995

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 8.01 an article numbered 20.1, consisting of sections numbered 8.01-217.1 through 8.01-217.4, relating to the Volunteer Immunity and Charitable Organization Liability Limitation Act.

Patrons—Albo, Bennett, Callahan, Cantor, Cox, Crouch, Cunningham, Forbes, Hall, May, Nixon, O'Brien, Rhodes, Tata, Wardrup, Watkins, Way and Wilkins; Senators: Benedetti, Chichester and Martin

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 in Chapter 3 of Title 8.01 an article numbered 20.1, consisting of sections numbered 8.01-217.1 through 8.01-217.4 as follows:

*Article 20.1.**Volunteer Immunity and Charitable
Organization Liability Limitation Act.**§ 8.01-217.1 Definitions.**As used in this article:*

"Charitable organization" means an organization exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code provided the civil liability of the organization is not otherwise provided by law.

"Volunteer" means a person who renders service for a charitable organization without compensation, other than reimbursement for actual expenses incurred.

§ 8.01-217.3. Civil immunity for volunteers; limitation on liability if vehicle related.

A. Except as provided in subsection B of this section and § 8.01-217.5, a volunteer is immune from civil liability for any act or omission, provided the volunteer was acting in good faith and in the course and scope of his duties or functions within the organization.

B. A volunteer acting in good faith in the course of his duties or functions within the charitable organization may be liable for civil damages resulting from injury to the person or damage to property and arising out of the operation or use of any motor-driven equipment, including an airplane, but only to the extent of any existing insurance coverage applicable to the equipment and the act or omission.

§ 8.01-217.3. Limitation on liability of charitable organizations.

Except as provided in § 8.01-217.4, in any verdict returned or judgment entered in an action against a charitable organization based on an act or omission by the organization the total amount recoverable shall not exceed (i) \$300,000 for each person and one million dollars for any single act or omission resulting in bodily injury or death or (ii) \$100,000 for damage to property or any other injury. However, out-of-pocket medical expenses incurred or reasonably anticipated to be incurred shall not be included in the \$300,000 or \$100,000 limitations on recovery imposed pursuant to this section.

§ 8.01-217.4. Exceptions to immunity.

This article shall not apply to (i) any intentional act or omission, (ii) any act or omission constituting willful misconduct or a knowing violation of the criminal law or (iii) an act or omission in violation of a fiduciary obligation imposed during the period of declarant control by § 55-79.74.

2. That the provisions of this act shall not apply to any cause of action accruing prior to July 1, 1995.

INTRODUCED

HB1854