

# HOUSE BILL No. 1067

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-6-2; IC 34-30-4.5.

**Synopsis:** Civil immunity for volunteers. Grants immunity from liability for civil damages resulting from a negligent act or omission of a volunteer other than an act or omission related to the operation of a motor vehicle. Limits the maximum liability for the operation of a motor vehicle by a volunteer to the limits of the insurance coverage maintained by or for the volunteer.

**Effective:** July 1, 2001.

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## Frizzell

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January 8, 2001, read first time and referred to Committee on Judiciary.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

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## HOUSE BILL No. 1067



A BILL FOR AN ACT to amend the Indiana Code concerning tort liability.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 34-6-2-49 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 49. "Governmental  
3 entity":

- 4 (1) for purposes of IC 34-13-2, IC 34-13-3, and IC 34-13-4,
- 5 means the state or a political subdivision of the state; **and**
- 6 (2) for purposes of IC 34-30-4.5, means an entity that
- 7 exercises any of the governmental powers of the state, a
- 8 political subdivision (as defined in IC 36-1-2-13), or another
- 9 local governmental entity. The term includes a task force, an
- 10 elected official, and an association of governmental officials or
- 11 entities.

12 SECTION 2. IC 34-6-2-88.4 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2001]: Sec. 88.4. As used in this chapter, "**nonprofit corporation**"  
15 means a corporation that is exempt from federal taxation under  
16 Section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a), as  
17 amended).



1 SECTION 3. IC 34-6-2-88.5 IS ADDED TO THE INDIANA CODE  
 2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 3 1, 2001]: **Sec. 88.5. As used in this chapter, "nonprofit  
 4 organization" means an organization that is exempt from federal  
 5 taxation under Section 501(c) of the Internal Revenue Code (26  
 6 U.S.C. 501(c), as amended).**

7 SECTION 4. IC 34-6-2-150 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 150. "Volunteer":

9 (1) for purposes of IC 34-30-19, means an individual who,  
 10 without compensation, engages in or provides other personal  
 11 services for a sports or leisure activity such as baseball,  
 12 basketball, football, soccer, hockey, volleyball, cheerleading, or  
 13 other similar sports or leisure activities involving children who  
 14 are less than sixteen (16) years of age; and

15 (2) for purposes of IC 34-30-4.5, means a person performing  
 16 services for a nonprofit organization, nonprofit corporation,  
 17 hospital, or governmental entity without compensation other  
 18 than reimbursement for the actual expenses of the person.  
 19 The term includes a volunteer serving as a director, an officer,  
 20 a trustee, or a direct service volunteer.

21 SECTION 5. IC 34-30-4.5 IS ADDED TO THE INDIANA CODE  
 22 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2001]:

24 **Chapter 4.5. Charities: Immunity for Volunteers**

25 **Sec. 1. Except as provided by this chapter, a volunteer is not  
 26 liable for civil damages as a result of an act or omission of the  
 27 volunteer if:**

28 (1) the volunteer was acting in good faith and within the scope  
 29 of the volunteer's official functions and duties for a nonprofit  
 30 organization, nonprofit corporation, hospital, or  
 31 governmental entity; and

32 (2) the damage or injury resulting from the act or omission  
 33 was not caused by willful or wanton misconduct by the  
 34 volunteer.

35 **Sec. 2. This chapter does not exempt a hospital from liability  
 36 that the hospital would otherwise have for the negligent act of a  
 37 volunteer.**

38 **Sec. 3. This chapter does not grant immunity to a volunteer for  
 39 an act or omission involving the operation of a motor vehicle.  
 40 However, the liability of the volunteer does not exceed the limits of  
 41 the applicable insurance coverage maintained by or on behalf of  
 42 the volunteer with respect to the negligent operation of a motor**

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1 **vehicle in the circumstances.**  
2 SECTION 6. [EFFECTIVE JULY 1, 2001] **IC 34-30-4.5, as added**  
3 **by this act, applies to all causes of action commenced after June 30,**  
4 **2001, regardless of when the cause of action accrued.**

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