
SUBSTITUTE HOUSE BILL 2366

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Lantz, Skinner, Ogden, Carlson and Anderson)

Read first time 02/03/2000. Referred to Committee on .

1 AN ACT Relating to liability of volunteers; and adding a new
2 section to chapter 4.24 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 (1) Except as provided in subsection (2) of this section, a
7 volunteer of a nonprofit organization or governmental entity shall not
8 be personally liable for harm caused by an act or omission of the
9 volunteer on behalf of the organization or entity if:

10 (a) The volunteer was acting within the scope of the volunteer's
11 responsibilities in the nonprofit organization or governmental entity
12 at the time of the act or omission;

13 (b) If appropriate or required, the volunteer was properly
14 licensed, certified, or authorized by the appropriate authorities for
15 the activities or practice, where the activities were or practice was
16 undertaken within the scope of the volunteer's responsibilities in the
17 nonprofit organization or governmental entity;

18 (c) The harm was not caused by willful or criminal misconduct,
19 gross negligence, reckless misconduct, or a conscious, flagrant

1 indifference to the rights or safety of the individual harmed by the
2 volunteer; and

3 (d) The harm was not caused by the volunteer operating a motor
4 vehicle, vessel, aircraft, or other vehicle for which the state
5 requires the operator or the owner of the vehicle, craft, or vessel to
6 either possess an operator's license or maintain insurance.

7 (2) Nothing in this section shall be construed to affect any civil
8 action brought by any nonprofit organization or any governmental entity
9 against any volunteer of the organization or entity.

10 (3) Nothing in this section shall be construed to affect the
11 liability, or vicarious liability, of any nonprofit organization or
12 governmental entity with respect to harm caused to any person,
13 including harm caused by the negligence of a volunteer.

14 (4) The definitions in this subsection apply throughout this
15 section unless the context clearly requires otherwise.

16 (a) "Economic loss" means any pecuniary loss resulting from harm,
17 including the loss of earnings or other benefits related to employment,
18 medical expense loss, replacement services loss, loss due to death,
19 burial costs, and loss of business or employment opportunities.

20 (b) "Harm" includes physical, nonphysical, economic, and
21 noneconomic losses.

22 (c) "Noneconomic loss" means loss for physical and emotional pain,
23 suffering, inconvenience, physical impairment, mental anguish,
24 disfigurement, loss of enjoyment of life, loss of society and
25 companionship, loss of consortium other than loss of domestic service,
26 hedonic damages, injury to reputation, and all other nonpecuniary
27 losses of any kind or nature.

28 (d) "Nonprofit organization" means: (i) Any organization described
29 in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.
30 Sec. 501(c)(3)) and exempt from tax under section 501(a) of the
31 internal revenue code; (ii) any not-for-profit organization that is
32 organized and conducted for public benefit and operated primarily for
33 charitable, civic, educational, religious, welfare, or health purposes;
34 or (iii) any organization described in section 501(c)(14)(A) of the
35 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(14)(A)) and exempt
36 from tax under section 501(a) of the internal revenue code.

37 (e) "Volunteer" means an individual performing services for a
38 nonprofit organization or a governmental entity who does not receive
39 compensation, other than reasonable reimbursement or allowance for

1 expenses actually incurred, or any other thing of value, in excess of
2 five hundred dollars per year. "Volunteer" includes a volunteer
3 serving as a director, officer, trustee, or direct service volunteer.

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