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HOUSE BILL 2366

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State of Washington                      56th Legislature                      2000 Regular Session

By Representatives Lantz, Skinner, Ogden, Carlson and Anderson

Read first time 01/11/2000. Referred to Committee on Judiciary.

1            AN ACT Relating to liability of volunteers; and adding new sections  
2 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            The definitions in this section apply throughout this act unless  
7 the context clearly requires otherwise.

8            (1) "Economic loss" means any pecuniary loss resulting from harm,  
9 including the loss of earnings or other benefits related to employment,  
10 medical expense loss, replacement services loss, loss due to death,  
11 burial costs, and loss of business or employment opportunities.

12            (2) "Harm" includes physical, nonphysical, economic, and  
13 noneconomic losses.

14            (3) "Noneconomic loss" means loss for physical and emotional pain,  
15 suffering, inconvenience, physical impairment, mental anguish,  
16 disfigurement, loss of enjoyment of life, loss of society and  
17 companionship, loss of consortium other than loss of domestic service,  
18 hedonic damages, injury to reputation, and all other nonpecuniary  
19 losses of any kind or nature.

1 (4) "Nonprofit organization" means: (a) Any organization described  
2 in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.  
3 Sec. 501(c)(3)) and exempt from tax under section 501(a) of the  
4 internal revenue code; or (b) any not-for-profit organization that is  
5 organized and conducted for public benefit and operated primarily for  
6 charitable, civic, educational, religious, welfare, or health purposes.

7 (5) "Volunteer" means an individual performing services for a  
8 nonprofit organization or a governmental entity who does not receive  
9 compensation, other than reasonable reimbursement or allowance for  
10 expenses actually incurred, or any other thing of value, in excess of  
11 five hundred dollars per year. "Volunteer" includes a volunteer  
12 serving as a director, officer, trustee, or direct service volunteer.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW  
14 to read as follows:

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

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

22 (b) If appropriate or required, the volunteer was properly  
23 licensed, certified, or authorized by the appropriate authorities for  
24 the activities or practice, where the activities were or practice was  
25 undertaken within the scope of the volunteer's responsibilities in the  
26 nonprofit organization or governmental entity;

27 (c) The harm was not caused by willful or criminal misconduct,  
28 gross negligence, reckless misconduct, or a conscious, flagrant  
29 indifference to the rights or safety of the individual harmed by the  
30 volunteer; and

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

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

1       (3) Nothing in this section shall be construed to affect the  
2 liability of any nonprofit organization or governmental entity with  
3 respect to harm caused to any person.

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