

**SENATE BILL REPORT**

**SB 6002**

**AS REPORTED BY COMMITTEE ON LAW & JUSTICE, FEBRUARY 6, 1992**

**Brief Description:** Providing immunity for volunteer service.

**SPONSORS:** Senators Thorsness, Metcalf, Oke, Hayner, Johnson, Sellar, Amondson, McCaslin, Craswell, Bailey and McDonald

**SENATE COMMITTEE ON LAW & JUSTICE**

**Majority Report:** That Substitute Senate Bill No. 6002 be substituted therefor, and the substitute bill do pass.

Signed by Senators Nelson, Chairman; Thorsness, Vice Chairman; Hayner, Newhouse, and Rasmussen.

**Staff:** Jack Brummel (786-7428)

**Hearing Dates:** January 30, 1992; February 6, 1992

**BACKGROUND:**

Board members or officers of a nonprofit corporation in Washington are not individually liable for any discretionary decision or failure to make a discretionary decision within his or her official capacity unless such decision or failure to decide constitutes gross negligence. Volunteers who serve in other than a managerial or directorial capacity are not protected from suits for negligence.

**SUMMARY:**

Volunteers, including unpaid directors, officers, or trustees, are immune from civil liability for their acts or omissions which result in damage or injury. The volunteer must have been performing services for a nonprofit organization or corporation, a hospital or a government and must have been acting in good faith without willful and wanton misconduct.

A volunteer's immunity from negligence suits does not immunize the entity that volunteer services are provided for.

Recovery may be obtained from a volunteer for negligent operation of a motor vehicle up to the limits of insurance covering the volunteer in the circumstances giving rise to a suit.

The provisions of the bill apply to suits commenced after it becomes law but may cover acts or omissions prior to its effective date.

**EFFECT OF PROPOSED SUBSTITUTE:**

The definition of volunteer includes nonemployees who may receive partial compensation, but who have no contractual or legal right to demand payment for services rendered.

If a volunteer's action or failure to act constitutes gross negligence, they are not immune from civil liability.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** none requested

**TESTIMONY FOR:**

The bill allows volunteers to act in good faith without the fear of personal liability. This would make it easier to recruit volunteers.

**TESTIMONY AGAINST:**

Tort law provides that people should be accountable for their acts. This bill would do away with holding people responsible.

**TESTIFIED:** Beverly Harrington, Gary Gardner, Credit Union League (pro); Sharon Foster, YMCA, Girl Scouts, Boy Scouts, Campfire Girls (pro); John Stanislav, State Superintendent of Savings and Loans (pro); Eugene Moen, WSTLA (con)