
SENATE BILL 6002

State of Washington 52nd Legislature 1991 1st Special Session

By Senators Thorsness, Metcalf, Oke, Hayner, Johnson, Sellar, Amondson, McCaslin, Craswell, Bailey and McDonald.

Read first time June 24, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to volunteer service; adding new sections to
2 chapter 4.24 RCW; creating new sections; and repealing RCW 4.24.264.

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

4 NEW SECTION. **Sec. 1.** The legislature finds and declares that:

5 (1) The willingness of volunteers to offer their services has been
6 increasingly deterred by a perception that they put personal assets at
7 risk in the event of tort actions seeking damages arising from their
8 activities as volunteers;

9 (2) The contributions of programs, activities, and services to
10 communities is diminished and worthwhile programs, activities, and
11 services are deterred by the unwillingness of volunteers to serve
12 either as volunteers or as officers, directors, or trustees of
13 nonprofit public and private organizations;

14 (3) It is in the public interest to strike a balance between the
15 right of a person to seek redress for injury and the right of an

1 individual to freely give of his or her time and energy without
2 compensation as a volunteer in service to his or her community without
3 fear of personal liability for acts undertaken in good faith absent
4 willful or wanton conduct on the part of the volunteer; and

5 (4) This chapter is intended to encourage volunteers to contribute
6 their services for the good of their communities and at the same time
7 provide a reasonable basis for redress of claims which may arise
8 relating to those services.

9 NEW SECTION. **Sec. 2.** Unless the context clearly requires
10 otherwise, the definitions in this section apply throughout sections 3
11 and 4 of this act.

12 (1) "Volunteer" is a person performing services for a nonprofit
13 organization, a nonprofit corporation, a hospital, or a governmental
14 entity without compensation, other than reimbursement for actual
15 expenses incurred. The term includes a volunteer serving as a
16 director, officer, trustee, or direct service volunteer.

17 (2) "Nonprofit organization" is any organization that is exempt
18 from taxation pursuant to section 501(c) of the Internal Revenue Code,
19 26 U.S.C. Sec. 501(c), as amended.

20 (3) "Nonprofit corporation" is any corporation that is defined as
21 a nonprofit corporation under Title 24 RCW or that is exempt from
22 taxation pursuant to section 501(a) of the Internal Revenue Code, 26
23 U.S.C. Sec. 501(a).

24 (4) "Governmental entity" is any county, city, town, municipality,
25 school district, governmental unit, other special district, similar
26 entity, or any association, authority, board, commission, division,
27 office, officer, task force, or other agency of the state.

1 NEW SECTION. **Sec. 3.** (1) Any volunteer shall be immune from
2 civil liability in any action on the basis of any act or omission of a
3 volunteer resulting in damage or injury if:

4 (a) The volunteer was acting in good faith and within the scope of
5 the volunteer's official functions and duties for a nonprofit
6 organization, a nonprofit corporation, hospital, or a governmental
7 entity; and

8 (b) The damage or injury was not caused by willful and wanton
9 misconduct by the volunteer.

10 (2) In any suit against a nonprofit organization, nonprofit
11 corporation, or a hospital for civil damages based upon the negligent
12 act or omission of a volunteer, proof of such act or omission shall be
13 sufficient to establish the responsibility of the organization therefor
14 under the doctrine of respondeat superior, notwithstanding the immunity
15 granted to the volunteer with respect to any act or omission included
16 under subsection (1) of this section.

17 NEW SECTION. **Sec. 4.** Notwithstanding section 3 of this act,
18 a plaintiff may sue and recover civil damages from a volunteer based
19 upon a negligent act or omission involving the operation of a motor
20 vehicle during an activity, except that the amount recovered from such
21 volunteer may not exceed the limits of applicable insurance coverage
22 maintained by or on behalf of such volunteer with respect to the
23 negligent operation of a motor vehicle in such circumstances.

24 NEW SECTION. **Sec. 5.** This act applies to all causes of action
25 commenced on or after the effective date of this act, regardless of
26 when the cause of action may have arisen. To this extent, this act
27 applies retroactively, but in all other respects it applies
28 prospectively.

1 NEW SECTION. **Sec. 6.** RCW 4.24.264 and 1987 c 212 s 1101 &
2 1986 c 305 s 903 are each repealed.

3 NEW SECTION. **Sec. 7.** Sections 2 through 4 of this act are
4 each added to chapter 4.24 RCW.