
SUBSTITUTE SENATE BILL 6002

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Law & Justice (originally sponsored by Senators Thorsness, Metcalf, Oke, Hayner, Johnson, Sellar, Amondson, McCaslin, Craswell, Bailey and McDonald)

Read first time 02/07/92.

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

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;

1 (3) It is in the public interest to strike a balance between the
2 right of a person to seek redress for injury and the right of an
3 individual to freely give of his or her time and energy without
4 compensation as a volunteer in service to his or her community without
5 fear of personal liability for acts undertaken in good faith absent
6 gross negligence on the part of the volunteer; and

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

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

14 (1) "Volunteer" is a person performing services for a nonprofit
15 organization, a nonprofit corporation, a hospital, or a governmental
16 entity without compensation, other than reimbursement for actual
17 expenses incurred, or with only partial compensation for nonemployees
18 who have no contractual or legal right to demand payment for services
19 rendered. The term includes a volunteer serving as a director,
20 officer, trustee, or direct service volunteer.

21 (2) "Nonprofit organization" is any organization that is exempt
22 from taxation pursuant to section 501(c) of the Internal Revenue Code,
23 26 U.S.C. Sec. 501(c), as amended.

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

28 (4) "Governmental entity" is any county, city, town, municipality,
29 school district, governmental unit, other special district, similar

1 entity, or any association, authority, board, commission, division,
2 office, officer, task force, or other agency of the state.

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

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

10 (b) The damage or injury was not caused by gross negligence by the
11 volunteer.

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

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

26 NEW SECTION. **Sec. 5.** This act applies to all causes of action
27 commenced on or after the effective date of this act, regardless of

1 when the cause of action may have arisen. To this extent, this act
2 applies retroactively, but in all other respects it applies
3 prospectively.

4 NEW SECTION. **Sec. 6.** Sections 2 through 4 of this act are
5 each added to chapter 4.24 RCW.