

1 **SHB 2366** - H AMD  
2 By Representative Lantz

3 Strike everything after the enacting clause and insert the  
4 following:

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

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

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

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

19 (c) The harm was not caused by willful or criminal misconduct,  
20 gross negligence, reckless misconduct, or a conscious, flagrant  
21 indifference to the rights or safety of the individual harmed by the  
22 volunteer; and

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

27 (e) The nonprofit organization carries public liability insurance  
28 covering the organization's liability for harm caused to others for  
29 which it is directly or vicariously liable of not less than the  
30 following amounts:

31 (i) For organizations with gross revenues of less than \$25,000, at  
32 least \$50,000 due to the bodily injury or death of one person or at  
33 least \$100,000 due to the bodily injury or death of two or more  
34 persons;

1 (ii) For organizations with gross revenues of more than \$25,000  
2 but less than \$100,000, at least \$100,000 due to the bodily injury or  
3 death of one person or at least \$200,000 due to the bodily injury or  
4 death or two or more persons;

5 (iii) For organizations with gross revenues of more than \$100,000,  
6 at least \$500,000 due to bodily injury or death.

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 direct 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  
29 described in section 501(c)(3) of the internal revenue code of 1986 (26  
30 U.S.C. 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

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

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**EFFECT:** Clarifies that the direct liability of an organization is not effected by the bill. Requires a volunteer organization to carry liability insurance in specified amounts in order for the organization's volunteers to qualify for limited liability.