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**SUBSTITUTE HOUSE BILL 1643**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Judiciary (originally sponsored by Representatives Lantz, Skinner, Fromhold, Ogden, Esser, Jarrett, McIntire, Rockefeller, Doumit, Keiser and Dunn)

Read first time . Referred to Committee on .

1 AN ACT Relating to liability of volunteers; and adding a new  
2 section 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 (1) Except as provided in subsection (2) of this section, a  
7 volunteer of a nonprofit organization or governmental entity shall not  
8 be personally liable for harm caused by an act or omission of the  
9 volunteer on behalf of the organization or entity if:

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

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

18 (c) The harm was not caused by willful or criminal misconduct,  
19 gross negligence, reckless misconduct, or a conscious, flagrant

1 indifference to the rights or safety of the individual harmed by the  
2 volunteer;

3 (d) The harm was not caused by the volunteer operating a motor  
4 vehicle, vessel, aircraft, or other vehicle for which the state  
5 requires the operator or the owner of the vehicle, craft, or vessel to  
6 either possess an operator's license or maintain insurance; and

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

11 (i) For organizations with gross revenues of less than twenty-five  
12 thousand dollars, at least fifty thousand dollars due to the bodily  
13 injury or death of one person or at least one hundred thousand dollars  
14 due to the bodily injury or death of two or more persons;

15 (ii) For organizations with gross revenues of twenty-five thousand  
16 dollars or more but less than one hundred thousand dollars, at least  
17 one hundred thousand dollars due to the bodily injury or death of one  
18 person or at least two hundred thousand dollars due to the bodily  
19 injury or death of two or more persons;

20 (iii) For organizations with gross revenues of one hundred thousand  
21 dollars or more, at least five hundred thousand dollars due to bodily  
22 injury or death.

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

26 (3) Nothing in this section shall be construed to affect the  
27 liability, or vicarious liability, of any nonprofit organization or  
28 governmental entity with respect to harm caused to any person,  
29 including harm caused by the negligence of a volunteer.

30 (4) Nothing in this section shall be construed to apply to the  
31 emergency workers registered in accordance with chapter 38.52 RCW nor  
32 to the related volunteer organizations to which they may belong.

33 (5) The definitions in this subsection apply throughout this  
34 section unless the context clearly requires otherwise.

35 (a) "Economic loss" means any pecuniary loss resulting from harm,  
36 including the loss of earnings or other benefits related to employment,  
37 medical expense loss, replacement services loss, loss due to death,  
38 burial costs, and loss of business or employment opportunities.

1 (b) "Harm" includes physical, nonphysical, economic, and  
2 noneconomic losses.

3 (c) "Noneconomic loss" means loss for physical and emotional pain,  
4 suffering, inconvenience, physical impairment, mental anguish,  
5 disfigurement, loss of enjoyment of life, loss of society and  
6 companionship, loss of consortium other than loss of domestic service,  
7 hedonic damages, injury to reputation, and all other nonpecuniary  
8 losses of any kind or nature.

9 (d) "Nonprofit organization" means: (i) Any organization described  
10 in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C.  
11 Sec. 501(c)(3)) and exempt from tax under section 501(a) of the  
12 internal revenue code; (ii) any not-for-profit organization that is  
13 organized and conducted for public benefit and operated primarily for  
14 charitable, civic, educational, religious, welfare, or health purposes;  
15 or (iii) any organization described in section 501(c)(14)(A) of the  
16 internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(14)(A)) and exempt  
17 from tax under section 501(a) of the internal revenue code.

18 (e) "Volunteer" means an individual performing services for a  
19 nonprofit organization or a governmental entity who does not receive  
20 compensation, other than reasonable reimbursement or allowance for  
21 expenses actually incurred, or any other thing of value, in excess of  
22 five hundred dollars per year. "Volunteer" includes a volunteer  
23 serving as a director, officer, trustee, or direct service volunteer.

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