

**CHAPTER 662D**  
**[VOLUNTEER SERVICE; IMMUNITY]**

Section

662D-1 Definitions

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public skateboard parks

## Cross References

Voluntary emergency medical disaster response personnel, see §321-23.3.

"  **[§662D-1] Definitions.** As used in this chapter, unless the context requires otherwise:

"Governmental entity" means any agency, association, authority, board, commission, division, office, officer, public body, task force, or any other similar entity authorized or established by any county or the State.

"Nonprofit corporation" means any corporation that is exempt from taxation pursuant to section 501(a) of the Internal Revenue Code, 26 U.S.C. section 501(a).

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

"Volunteer" means a person performing services without compensation, other than reimbursement for actual expenses incurred, for a nonprofit organization, a nonprofit corporation, a hospital, or a governmental entity. The term includes a volunteer serving as a director, officer, trustee, member, or direct service volunteer. [L 1997, c 351, pt of §2]

"  **[§662D-2] Scope of immunity.** (a) A volunteer shall be immune from civil liability in any action on the basis of any act or omission of a volunteer resulting in damage or injury if:

- (1) The volunteer was acting in good faith and within the scope of the volunteer's official functions and duties for a nonprofit organization, a nonprofit corporation, a hospital, or a governmental entity;
- (2) The damage or injury was caused by the volunteer's negligent conduct; and
- (3) With respect to a nonprofit organization, nonprofit corporation, or hospital, the entity for which the volunteer was acting either:
  - (A) Has a general liability policy in force, both at the time of injury and at the time the claim is made against the entity, and the minimum coverage is in an amount of not less than: \$200,000 per occurrence and \$500,000 aggregate; or
  - (B) Has total assets, exclusive of grants and allocations, of less than \$50,000.

(b) In any suit against a nonprofit organization, a nonprofit corporation, a hospital, or a governmental entity for civil damages based upon the negligent act or omission of a volunteer, proof of the act or omission shall be sufficient to

establish the responsibility of the entity therefor under the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer with respect to any act or omission included under subsection (a). [L 1997, c 351, pt of §2]

" **§662D-3 Exception.** Notwithstanding section 662D-2, if otherwise permitted by law, a person may sue and recover civil damages from a volunteer based upon:

- (1) Any conduct engaged in by the volunteer that would constitute gross negligence, wilful and wanton misconduct, or intentional misconduct;
- (2) Any act or omission in connection with the operation of a motor vehicle;
- (3) Any conduct engaged in by the volunteer while the volunteer is unreasonably interfering with the lawful activities of another;
- (4) Any conduct engaged in by the volunteer that takes place on private property when the volunteer's presence on the property was not consented to by the owner;
- (5) Any act or omission within a volunteer's scope of practice for which the volunteer is licensed, certified, permitted, or registered under state law to perform; provided that this paragraph shall not apply to volunteer medical assistance services pursuant to section 321-2.5; and
- (6) Any criminal offense committed by the volunteer. [L 1997, c 351, pt of §2; am L 2010, c 134, §2]

" **[§662D-4] Limited liability for volunteers for activities at public skateboard parks.** (a) A volunteer who designs, constructs, maintains, or repairs a skateboard park for a governmental entity shall not be liable to any person for injury or damage sustained when using a public skateboard park, except for injury or damages resulting from gross negligence or intentional misconduct.

(b) No nonprofit organization or nonprofit corporation that provides volunteers to a governmental entity to design, construct, maintain, or repair a public skateboard park shall be liable to any person for injury or damage sustained when using a public skateboard park, except under the doctrine of respondeat superior. [L 2003, c 144, §4]