

HOUSE BILL No. 1283

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-4-11-2.

Synopsis: Civil immunity for volunteers. Grants civil immunity from liability for civil damages resulting from a negligent act or omission to an individual who, without compensation, contributes personal time to a nonprofit organization. Specifies that a person who donates money to a nonprofit organization is not liable for negligent acts of an individual acting without compensation as a result of the contribution.

Effective: July 1, 1998.

Frizzell

January 13, 1998, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1283

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-4-11.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]:

4 **Chapter 11.2. Immunity from Civil Liability of Volunteers**

5 **Sec. 1. This chapter supplements all other laws granting civil**
6 **immunity to an individual.**

7 **Sec. 2. As used in this chapter, "compensation" means anything**
8 **of value given as payment for performing a function. It does not**
9 **include:**

- 10 (1) payment for expenses, prizes, or trophies; or
11 (2) a payment to an individual of fifteen dollars (\$15) or less
12 for performing one (1) or more functions during a day.

13 **Sec. 3. As used in this chapter, "nonprofit organization" means**
14 **the following:**

- 15 (1) The state.
16 (2) A political subdivision (as defined in IC 36-1-2-13).
17 (3) A body corporate and politic created as an instrumentality



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1 of the state or a political subdivision, including a state
 2 educational institution (as defined in IC 20-12-0.5-1), a public
 3 holding company under IC 21-5-11, or a private holding
 4 company under IC 21-5-12.

5 (4) An organization that is described in Section 501(c)(3) of
 6 the Internal Revenue Code and is exempt from federal income
 7 taxation under Section 501(a) of the Internal Revenue Code.

8 (5) Any other nonprofit entity that:

9 (A) is:

10 (i) organized and conducted for public benefit; and

11 (ii) operated primarily for charitable, civic, educational,
 12 religious, welfare, or health purposes; and

13 (B) is not exempt from federal income taxation under
 14 Section 501(a) of the Internal Revenue Code.

15 **Sec. 4.** As used in this chapter, "person" includes:

16 (1) an individual;

17 (2) an incorporated or unincorporated organization or
 18 association;

19 (3) the state of Indiana;

20 (4) a political subdivision (as defined in IC 36-1-2-13);

21 (5) an agency of the state or a political subdivision; or

22 (6) a group of such persons acting in concert.

23 **Sec. 5. (a)** This chapter does not grant immunity from civil
 24 damages that are proximately caused by:

25 (1) the negligent operation of a motor vehicle, aircraft, vessel,
 26 or other vehicle for which the state or a political subdivision in
 27 Indiana requires the operator or owner to possess an
 28 operator's license or maintain insurance; or

29 (2) an action by an individual that may be performed in
 30 Indiana only by a person who possesses a license, permit, or
 31 certification if the individual did not have the required license,
 32 permit, or certification.

33 (b) This chapter does not affect the vicarious civil liability of the
 34 entity that the individual serves.

35 **Sec. 6.** An individual who without compensation contributes
 36 personal time to a nonprofit organization is not liable for civil
 37 damages as a result of a negligent act or omission of the individual
 38 arising from that contribution.

39 **Sec. 7.** A person who contributes only money to a nonprofit
 40 organization is not liable for civil damages as a consequence of a
 41 negligent act or omission of an individual described in section 5 of
 42 this chapter solely because of that contribution.



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1 SECTION 2. [EFFECTIVE JULY 1, 1998] IC 34-4-11.2, as added
2 by this act, applies only to civil liability that without IC 34-4-11.2,
3 as added by this act, would otherwise accrue after June 30, 1998.

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