

1 S.173

2 Introduced by Senator Kitchel

3 Referred to Committee on

4 Date:

5 Subject: Court procedure; immunity from liability; volunteers; municipalities

6 Statement of purpose of bill as introduced: This bill proposes to establish
7 immunity from civil liability for persons who volunteer for nonprofit
8 organizations and municipalities, and to limit the liability of municipalities that
9 make municipally owned property available for recreational uses without
10 compensation.

11 An act relating to volunteer and municipal immunity

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 12 V.S.A. § 5784 is added to read:

14 § 5784. VOLUNTEER SERVICES

15 (a) A person who provides volunteer services shall not be subject to civil
16 liability for injury or death arising from his or her provision of the volunteer
17 services if the services were provided:

18 (1) voluntarily without the expectation of directly or indirectly receiving
19 monetary or other compensation; and

1 (2)(A) to a nonprofit organization organized under Title 11B of the
2 Vermont Statutes Annotated or qualified as tax-exempt under Section 501(c)
3 of the Internal Revenue Code of 1986, as from time to time may be
4 amended; or

5 (B) at the request of a municipality's legislative body, municipal
6 officer, or employee acting within the scope of the employee's authority.

7 (b) This section shall not apply to gross negligence, recklessness, or
8 intentional misconduct by the volunteer.

9 Sec. 2. 12 V.S.A. § 5795 is amended to read:

10 § 5795. EXCEPTIONS

11 This chapter shall not apply to lands owned by ~~a municipality or the state~~
12 State.

13 Sec. 3. EFFECTIVE DATE

14 This act shall take effect on passage.