

2020 Second Extraordinary Session

HOUSE BILL NO. 55

BY REPRESENTATIVE EDMONDS

CHARITABLE ORGANIZATION: Provides relative to limitations of liability and immunity for volunteers and charitable organizations (Item #28)

1 AN ACT

2 To enact R.S. 9:2793.11, relative to civil liability; to provide for the immunity from civil  
3 liability for volunteers and charitable organizations; to provide for exceptions; to  
4 provide for limitation for recovery; to provide for definitions; to provide for  
5 applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2793.11 is hereby enacted to read as follows:

8 §2793.11. Limitation of liability for volunteers and charitable organizations

9 A. The legislature finds that charitable organizations within this state  
10 perform essential and necessary services. It is the intent of the legislature to  
11 encourage the formation of charitable organizations, promote charitable  
12 organizations, preserve the resources of charitable organizations, encourage  
13 volunteerism, and encourage volunteer and charitable organizations by limiting the  
14 liability of charitable organizations and volunteers.

15 B. For the purposes of this Section:

16 (1) "Charitable organization" shall mean any organization exempt from  
17 federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.

18 (2) "Good faith" shall mean the honest, conscientious pursuit of activities  
19 and purposes that the organization is organized and operated to provide.

1           (3) "Government entity" shall mean any entity as provided in R.S. 13:5102.

2           (4) "Health care" shall mean any act performed or furnished by a healthcare  
3           provider for, to, or on behalf of a patient pertaining to the diagnosis or treatment of  
4           any disease or disorder, mental or physical, or any physical disability, deformity, or  
5           injury.

6           (5) "Healthcare provider" shall mean any person, partnership, professional  
7           association, corporation, facility, or institution licensed, certified, or accredited by  
8           the state to provide health care, including but not limited to a physician, licensed  
9           practical nurse, registered nurse, hospital, dentist, podiatrist, pharmacist, nursing  
10          home, or any officer, employee, or agent thereof acting in the course and scope of  
11          their employment.

12          (6) "Volunteer" shall mean any person, including a director, officer, trustee,  
13          or direct service volunteer, who renders service for a charitable organization,  
14          nonprofit corporation, hospital, or government entity without compensation, other  
15          than reimbursement for actual expenses incurred.

16          C.(1) Except as provided by Paragraph (2) of this Subsection and Subsection  
17          E of this Section, a volunteer who is serving a charitable organization in any capacity  
18          is immune from civil liability for any act or omission resulting in death, damage, or  
19          injury if the volunteer was acting in good faith and in the course and scope of his  
20          duties or functions within the organization.

21          (2) A volunteer acting in good faith and in the course and scope of his duties  
22          or functions within the charitable organization is not liable to a person for death,  
23          damage, or injury to the person or the person's property caused by an act or omission  
24          arising from the operation or use of any motor-driven equipment, including an  
25          airplane, except to the extent of any existing insurance coverage applicable to the act  
26          or omission.

27          (3) The provisions of this Subsection apply only to the liability of volunteers  
28          and do not apply to the liability of the organization for acts or omissions of  
29          volunteers.

1           D. Except as provided in Subsection E of this Section, in any civil action  
2           brought against a charitable organization based on an act or omission by the  
3           organization or its members, recovery may be sought only in an action against the  
4           charitable organization for actual damages sustained in an amount not exceeding the  
5           following:

- 6                   (1) Three hundred thousand dollars for each person.
- 7                   (2) One million dollars for each single occurrence of bodily injury or death.
- 8                   (3) One hundred thousand dollars for each single act of destruction of  
9           property.
- 10                  (4) One hundred thousand dollars for any other injury.

11           E.(1) The provisions of this Section do not apply to an act or omission by a  
12           volunteer or organization that was caused by gross negligence or wanton or reckless  
13           misconduct.

14                   (2) The provisions of this Section do not limit or modify the duties or  
15           liabilities of a member of the board of directors or an officer to the organization or  
16           its members and shareholders.

17                   (3) The provisions of this Section do not apply to organizations or employees  
18           that are healthcare providers as defined in Subsection B of this Section.

19                   (4) The provisions of this Section do not affect the powers and duties of the  
20           attorney general with regard to the charitable organizations and their directors and  
21           officers.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 55 Original                    2020 Second Extraordinary Session                    Edmonds

**Abstract:** Provides for civil liability immunity and monetary limitations for volunteers and charitable organizations.

Proposed law provides that volunteers serving a charitable organization in any capacity are immune from civil liability from damages for acts performed in good faith and in the course and scope of their duties or functions within the organization.

Proposed law provides that any action brought against a charitable organization based on an act or omission by the organization or its members shall be limited to the following damage recovery:

- (1) \$300,000 for each person.
- (2) \$1,000,000 for each single occurrence of bodily injury or death.
- (3) \$100,000 for each single act of destruction of property.
- (4) \$100,000 for any other injury.

Proposed law does not provide a limitation of liability for healthcare providers nor to members of the board of directors, officers, or shareholders of charitable organizations.

Proposed law does not affect the powers and duties of the attorney general.

(Adds R.S. 9:2793.11)