

Accompanying the ninth recommendation of the Executive Office of Elder Affairs (House, No. 98). The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT RELATIVE TO THE LIABILITY OF PERSONS WHO VOLUNTEER THEIR SERVICES TO NON-PROFIT ASSOCIATIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 231 of the General Laws is hereby amended by inserting
2 after section 85T the following:

3 SECTION 85U. As used in this section, the following words
4 and phrases shall have the meanings given to them in this
5 subsection:

6 "Compensation" shall not be defined to include reimbursement
7 for reasonable expenses actually incurred or to be incurred.

8 "Nonprofit Association." An entity which is organized as a
9 nonprofit unincorporated association under the laws of this
10 Commonwealth or the United States or any entity which is
11 authorized to do business in this Commonwealth as a nonprofit
12 corporation or unincorporated association under the laws of this
13 Commonwealth.

14 Except as otherwise provided in this section, no person who
15 without compensation and as a volunteer, renders services in a
16 program of a non-profit association, and no nonprofit association
17 or any officer or employee thereof, conducting such program,
18 shall be liable to any person for any civil damages as a result of
19 any acts or omissions in rendering such services or in conducting
20 such programs. The immunity conferred by this section shall not
21 apply to any acts or omissions intentionally designed to harm or
22 to any grossly negligent acts or omissions which result in harm
23 to the person. Nothing in this section shall be construed as
24 affecting or modifying any existing legal basis for determining the
25 liability, or any defense thereto, of any person not covered by the
26 immunity conferred by this section.

Approved: _____
of the _____ of the _____

The Government of _____
