

By Mr. Binienda of Worcester, petition of John J. Binienda relative to the liability of persons who volunteer services to nonprofit organizations. The Judiciary.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

### AN ACT RELATIVE TO THE LIABILITY OF PERSONS WHO VOLUNTEER SERVICES TO NONPROFIT ORGANIZATIONS.

*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  
2 inserting after section 85W the following section: —

3 Section 85X. As used in this section, unless the context  
4 requires otherwise, the following words shall have the following  
5 meanings: —

6 “Compensation”, shall not include reimbursement for  
7 reasonable expenses actually incurred or to be incurred.

8 “Nonprofit association”, an entity which is organized as a  
9 nonprofit corporation or nonprofit unincorporated association  
10 under the laws of the commonwealth or the United States or any  
11 entity which is authorized to do business in the commonwealth  
12 as a nonprofit corporation or unincorporated association under  
13 the laws of the commonwealth.

14 Except as otherwise provided, in this section, no person who  
15 without compensation and as a volunteer, renders service to a  
16 nonprofit association shall be liable to any person for any action  
17 in tort as a result of any acts or failures to act intentionally  
18 designed to harm, or to any grossly negligent act or failures to  
19 act which result in harm to the person. Nothing in this section  
20 shall be construed to affect or modify any existing legal basis for  
21 determining the liability or any defense thereto of any person not  
22 covered by the immunity conferred by this section.

