

FIRST REGULAR SESSION

SENATE BILL NO. 109

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GROSS.

Pre-filed December 1, 2000, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0343S.011

AN ACT

To repeal section 537.118, RSMo 2000, relating to volunteers' liability, and to enact in lieu thereof one new section relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.118, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 537.118, to read as follows:

537.118. 1. As used in this section, the following terms mean:

(1) "Nonprofit organization", an entity which operates under the standards of section 501(c) of the Internal Revenue Code of 1986 as amended;

(2) "Prorated equivalent basis", any other basis for compensation except that used to compensate for expenses actually incurred; and

(3) "Volunteer", an individual performing services for a nonprofit organization or a governmental entity who is not compensated for [his] **the volunteer's** services on a salary or prorated equivalent basis. The term shall not include those covered by section 537.117.

2. Any volunteer of a nonprofit organization or governmental entity shall be immune from personal liability for any act or omission resulting in damage or injury to any person intended to receive benefit from such volunteer's service if:

(1) The volunteer acted in good faith and within the scope of [his] **the volunteer's** official functions and duties with the organization or entity; and

(2) The damage or injury was not caused by the intentional or malicious conduct or by the **gross** negligence of such volunteer.

3. Nothing in this section shall be construed to create or abolish an immunity in favor

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

of a nonprofit organization or a governmental entity.

[4. The provisions of this section shall apply to all causes of action accruing after August 28, 1989.]

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