

HIGHLIGHTS
VOLUNTEER PROTECTION ACT OF 1997
PUBLIC LAW 105-19

- Date of Enactment - June 18, 1997
- Effective Date - 90 days after enactment

Purpose

To provide certain protection from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

Liability Protection

No volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer if:

- (1) the volunteer was acting **within the scope of the volunteer's responsibilities**;
- (2) if appropriate or required, the volunteer was properly **licensed, certified, or authorized** in the State in which the harm occurred;
- (3) the harm was not caused by **willful or criminal misconduct, gross negligence, reckless misconduct**, or a conscious, flagrant indifference to the rights and safety of the individual harmed by the volunteer;
- (4) the harm was not caused by the volunteer **operating a motor vehicle**, vessel, aircraft, or other vehicle for which the State requires an operator or owner to have an operator's license or maintain insurance.

Exceptions

The limitations on the liability of a volunteer under the Act do not apply to any misconduct that:

- (1) constitutes a **crime of violence**, or act of international terrorism, for which the defendant has been convicted in any court;
- (2) constitutes a **hate crime**;

- (3) involves a **sexual offense** for which the defendant has been convicted any court;
- (4) involves misconduct for which the defendant has been found to have violated a Federal or State **civil rights law**; or
- (5) the defendant was under the influence of **intoxicating alcohol or any drug** at the time of the misconduct.

Non-applicability to Certain State Actions

The Act does not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State, and the State enacts a statute that meets certain conditions.

Limitation on Punitive Damages

Punitive damages may not be awarded against a volunteer unless a claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of the volunteer which constitutes willful or criminal misconduct, or a conscious flagrant indifference to the rights or safety of the individual harmed.

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