

1 ENGROSSED SENATE  
2 BILL NO. 1095

By: Dahm of the Senate

3 and

4 Echols of the House

5  
6 An Act relating to volunteer immunity; amending 76  
7 O.S. 2011, Section 31, as last amended by Section 3,  
8 Chapter 18, O.S.L. 2013, 1st Ex.Sess. (76 O.S. Supp.  
9 2015, Section 31), which relates to immunity from  
civil liability; providing exemption from liability  
for certain acts; providing exception; and providing  
an effective date.

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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 76 O.S. 2011, Section 31, as last  
14 amended by Section 3, Chapter 18, O.S.L. 2013, 1st Ex.Sess. (76 O.S.  
15 Supp. 2015, Section 31), is amended to read as follows:

16 Section 31. A. Any volunteer shall be immune from liability in  
17 a civil action on the basis of any act or omission of the volunteer  
18 resulting in damage or injury if:

19 1. The volunteer was acting in good faith and within the scope  
20 of the volunteer's official functions and duties for a charitable  
21 organization or not-for-profit corporation; and

22 2. The damage or injury was not caused by gross negligence or  
23 willful and wanton misconduct by the volunteer.

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1 B. In any civil action against a charitable organization or  
2 not-for-profit corporation for damages based upon the conduct of a  
3 volunteer, the doctrine of respondeat superior shall apply,  
4 notwithstanding the immunity granted to the volunteer in subsection  
5 A of this section.

6 C. Any person who, in good faith and without compensation, or  
7 expectation of compensation, donates or loans emergency service  
8 equipment to a volunteer shall not be liable for damages resulting  
9 from the use of such equipment by the volunteer, except when the  
10 donor of the equipment knew or should have known that the equipment  
11 was dangerous or faulty in a way which could result in bodily  
12 injury, death or damage to property.

13 D. Definitions.

14 1. For the purposes of this section, the term "volunteer" means  
15 a person who enters into a service or undertaking of the person's  
16 free will without compensation or expectation of compensation in  
17 money or other thing of value in order to provide a service, care,  
18 assistance, advice, or other benefit; provided, being legally  
19 entitled to receive compensation for the service or undertaking  
20 performed shall not preclude a person from being considered a  
21 volunteer.

22 2. For the purposes of this section, the term "charitable  
23 organization" means any benevolent, philanthropic, patriotic,  
24 eleemosynary, educational, social, civic, recreational, religious

1 group or association or any other person performing or purporting to  
2 perform acts beneficial to the public.

3 3. For the purposes of this section, the term "not-for-profit  
4 corporation" means a corporation formed for a purpose not involving  
5 pecuniary gain to its shareholders or members, paying no dividends  
6 or other pecuniary remuneration, directly or indirectly, to its  
7 shareholders or members as such, and having no capital stock.

8 E. The provisions of this section shall not affect the  
9 liability that any person may have which arises from the operation  
10 of a motor vehicle, watercraft, or aircraft in rendering the  
11 service, care, assistance, advice or other benefit as a volunteer.  
12 Provided, however, the liability of any person with a current motor  
13 vehicle insurance policy at the required minimum limits who  
14 volunteers to provide transportation shall not exceed the limits of  
15 such insurance policy, except for gross negligence or willful or  
16 wanton conduct committed in providing such transportation. In no  
17 event shall the limitation on liability provided under this  
18 subsection apply to a person who does not possess a current motor  
19 vehicle policy when providing transportation.

20 F. The immunity from civil liability provided for by this  
21 section shall extend only to the actions taken by a person rendering  
22 the service, care, assistance, advice, or other benefit as a  
23 volunteer, where such actions are agreed upon in advance by all  
24 involved persons to be provided on a volunteer basis. This section

1 shall not be construed to confer any immunity to any person for  
2 actions taken by the volunteer prior to or after the rendering of  
3 the service, care, assistance, advice, or other benefit as a  
4 volunteer.

5 G. This section shall apply to all civil actions filed after  
6 August 25, 1995.

7 SECTION 2. This act shall become effective November 1, 2016.

8 Passed the Senate the 7th day of March, 2016.

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Presiding Officer of the Senate

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12 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
13 2016.

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Presiding Officer of the House  
of Representatives

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