

114TH CONGRESS
1ST SESSION

H. R. 2290

To amend the Volunteer Organization Protection Act of 1997, to provide for liability protection for organizations or entities.

IN THE HOUSE OF REPRESENTATIVES

MAY 13, 2015

Mr. CHABOT (for himself, Mr. FRANKS of Arizona, Mr. FORBES, Mr. KING of Iowa, Mr. ROSKAM, Mr. PETERSON, Mr. MARINO, and Mr. KLINE) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend the Volunteer Organization Protection Act of 1997, to provide for liability protection for organizations or entities.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Volunteer Organization
5 Protection Act of 2015”.

6 **SEC. 2. LIABILITY PROTECTION FOR ORGANIZATION OR**
7 **ENTITY.**

8 The Volunteer Protection Act of 1997, Public Law
9 105–19, is amended as follows:

1 (1) In section 3(a), by inserting after “relating
2 to volunteers” the following: “or volunteer nonprofit
3 organizations”.

4 (2) In section 3(b), in the matter preceding
5 paragraph (1), by inserting after “against a volun-
6 teer” the following: “or a volunteer nonprofit organi-
7 zation”.

8 (3) In section 4, in the heading, by inserting
9 **“AND VOLUNTEER NONPROFIT ORGANIZA-**
10 **TIONS”** after **“VOLUNTEERS”**.

11 (4) In section 4, by amending subsection (c) to
12 read as follows:

13 “(c) LIABILITY PROTECTION FOR ORGANIZATION OR
14 ENTITY.—

15 “(1) No volunteer nonprofit organization shall
16 be liable for harm caused by an act or omission of
17 a volunteer on behalf of the organization unless—

18 “(A) the organization would be liable for
19 the act or omission under generally applicable
20 laws governing the direct or vicarious liability of
21 organizations; and

22 “(B) the organization itself has expressly
23 authorized the specific conduct constituting the
24 act or omission.

1 “(2) Notwithstanding section 4(c)(1), no volun-
2 teer nonprofit organization shall be liable for harm
3 caused by an act or omission of the organization or
4 of a volunteer acting on behalf of the organization
5 if—

6 “(A) the organization or the volunteer en-
7 gaged in the act or omission at the request of
8 or pursuant to an authorization by a state or
9 the united states or any agency or subdivision
10 of either; and

11 “(B) either—

12 “(i) the requesting or authorizing gov-
13 ernmental entity would have been immune
14 either from suit or from liability in dam-
15 ages if it had engaged in the acts or omis-
16 sions itself or through employees or inde-
17 pendent contractors; or

18 “(ii) the governmental employee,
19 agent, or contractor who engaged in the
20 acts would have been immune either from
21 suit or from liability in damages by virtue
22 of immunity extended to individual govern-
23 mental actors.

24 “(3) Except as provided in paragraphs (1) and
25 (2), nothing in this section shall be construed to af-

1 fect the liability of any nonprofit organization or
2 governmental entity with respect to harm caused to
3 any person.”.

4 (5) In section 4(d), by striking paragraph (2)
5 and redesignating paragraphs (3) and (4) as para-
6 graphs (2) and (3), respectively.

7 (6) In section 4(e), in paragraph (1), by adding
8 the following after the period: “Punitive damages
9 may not be awarded against a volunteer nonprofit
10 organization in an action brought for harm based on
11 the action of a volunteer acting within the scope of
12 the volunteer’s responsibilities to the organization
13 unless the claimant establishes by clear and con-
14 vincing evidence that the organization itself ex-
15 pressly authorized the volunteer’s action and did so
16 with a conscious, flagrant indifference to the rights
17 or safety of the individual harmed.”.

18 (7) In section 4(f), by inserting “or of a volun-
19 teer nonprofit organization” after “liability of a vol-
20 unteer”.

21 (8) In section 5—

22 (A) in subsection (a)—

23 (i) by inserting “or a volunteer non-
24 profit organization” after “action against a
25 volunteer”; and

1 (ii) by inserting “or volunteer non-
2 profit organization” after “liability of the
3 volunteer”; and

4 (B) in subsection (b)—

5 (i) in paragraph (1), by inserting “or
6 a volunteer nonprofit organization” after
7 “who is a volunteer”; and

8 (ii) in paragraph (2), by inserting “or
9 volunteer nonprofit organization” after
10 “who is a volunteer”.

11 (9) In section 6, by adding at the end the fol-
12 lowing:

13 “(7) VOLUNTEER NONPROFIT ORGANIZATION.—
14 An entity is a ‘volunteer nonprofit organization’ if it
15 is any one or more of the following:

16 “(A) A nonprofit organization that con-
17 ducts substantially all of its activities solely
18 through the actions of volunteers or of inde-
19 pendent contractors. A nonprofit organization is
20 conclusively presumed to be a ‘volunteer non-
21 profit organization’ if the organization has no
22 employees.

23 “(B) A nonprofit organization is presumed
24 to be a ‘volunteer nonprofit organization’ if the
25 organization’s primary office and the majority

1 of its employees function primarily to provide
2 support to local affiliated organizations that do
3 not have employees and who act in furtherance
4 of the organization’s nonprofit mission. This
5 presumption can be rebutted only by a clear
6 and convincing showing that the organization’s
7 board expressly authorized its employees to as-
8 sert active control over the local affiliated orga-
9 nization with respect to the act or omission in
10 question.

11 “(C) A nonprofit organization that has
12 fewer than 50 employees, that has annual gross
13 receipts of less than \$200,000, and that is any
14 of the following:

15 “(i) A public charity that is exempt
16 from taxation under section 501(c)(3) of
17 the internal revenue code.

18 “(ii) A private foundation that is ex-
19 empt from taxation under section
20 501(c)(3) of the internal revenue code but
21 that does not qualify as a public charity.

22 “(iii) A social welfare organization
23 that is exempt from taxation under section
24 501(c)(4) of the internal revenue code.

1 “(8) A volunteer nonprofit organization acts
2 ‘itself’ for purposes of this act only when the person
3 or body who is authorized by the organization’s gov-
4 erning documents to act in the name of and on be-
5 half of the organization expressly acts in accordance
6 with those documents. If the organization’s gov-
7 erning documents do not identify the person or body
8 who is authorized to act in the name of and on be-
9 half of the organization, the organization acts ‘itself’
10 for the purposes of this Act only when the person or
11 body whose action is required under the applicable
12 State law in order to bind the organization acts
13 strictly in accordance with such State law.”.

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