

**SUBJECT:** Providing charitable immunity for volunteer centers

**COMMITTEE:** Civil Practices — favorable, without amendment

**VOTE:** 6 ayes — Bosse, Janek, Hope, Nixon, Smithee, Zbranek  
0 nays  
3 absent — Alvarado, Dutton, Goodman

**SENATE VOTE:** On final passage, March 25 — 31-0

**WITNESSES:** None

**BACKGROUND:** The Charitable Immunity and Liability Act of 1987 (Civil Practice and Remedies Code, chapter 84) provides civil liability protection for charitable organizations. Volunteer officers, directors, trustees, and direct service volunteers are immune from any civil liability for acts that are not intentional, willfully or wantonly negligent, or done with conscious indifference or reckless disregard for the safety of others. A volunteer is liable if the injury involves the operation of a motor vehicle, to the extent covered by insurance. Charitable organizations must have liability insurance coverage to be eligible for limited liability.

Government Code, sec. 411.126 defines a volunteer center as a nonprofit, tax-exempt organization whose primary purpose is to recruit and refer individual volunteers for other nonprofit groups in the area and that is certified as a volunteer center by the Department of Public Safety.

**DIGEST:** SB 34 would extend the provisions of the Charitable Immunity and Liability Act to volunteer centers.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS SAY:** Volunteer centers are designed to recruit volunteers to serve in other charitable organizations. One of their primary functions is to provide other nonprofit organizations with background information on potential volunteers. They should be considered charitable organizations under the Charitable Immunity and Liability Act and should receive liability limits when they are covered by liability insurance.

SB 34 would clarify that volunteer centers are covered under the act. By providing immunity from expensive lawsuits, this bill would allow greater expansion and use of volunteer centers in additional communities to recruit volunteers for other nonprofit organizations.

To receive the liability protection under the Charitable Immunity and Liability Act, an organization must carry insurance. Also, the act does not apply to intentional, wantonly negligent, or reckless acts. These two protections would ensure that persons injured by volunteer centers would be compensated, to some degree, for such injuries.

**OPPONENTS SAY:** The bill should clarify that the immunity from liability for volunteer centers should apply only to the officers and directors of such centers. These centers serve a vital role in providing background information to other nonprofit groups and should be held to higher standards when providing such information.

**NOTES:** A related bill, SB 215 by Duncan, which would include certain volunteer health-care providers under the Charitable Immunity and Liability Act, passed the Senate on April 30, was reported favorably by the House Civil Practices Committee on May 13, and was placed on the House General State Calendar for May 20.