

SECOND REGULAR SESSION

HOUSE BILL NO. 1622

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MOLENDORP.

4287L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 537, RSMo, by adding thereto one new section relating to immunity from liability for certain volunteers.

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

Section A. Chapter 537, RSMo, is amended by adding thereto one new section, to be known as section 537.119, to read as follows:

537.119. 1. As used in this section:

(1) "Compensation" does not include actual and necessary expenses that are incurred by a volunteer in connection with the services that the volunteer performs for a nonprofit homeowners organization and that are reimbursed to the volunteer or otherwise paid;

(2) "Nonprofit homeowners organization" means those nonprofit organizations exempt from federal income tax under Section 528 of the Internal Revenue Code of 1986, as amended as in effect on the effective date of this section;

(3) "Volunteer" means an officer, director, trustee, or other person who performs services for a nonprofit homeowners organization but does not receive compensation, either directly or indirectly, for those services.

2. A volunteer of a nonprofit homeowners organization shall not be liable for damages in a civil action for acts or omissions as such volunteer unless:

(1) Such conduct constitutes willful or wanton misconduct or intentionally tortious conduct; or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (2) Such volunteer is required to be insured by law or is otherwise insured against
17 such acts or omissions but, in such case, liability shall be only to the extent of the insurance
18 coverage.

19 3. A volunteer of a nonprofit homeowners organization shall not be liable for
20 damages in a civil action for the actions or omissions of any of the officers, directors,
21 trustees, employees or other volunteers of the nonprofit organization unless:

22 (1) The volunteer authorizes, approves, ratifies, or otherwise actively participates
23 in the action or omission and the action or omission constitutes willful or wanton
24 misconduct or intentionally tortious conduct; or

25 (2) Such volunteer is required to be insured by law or is otherwise insured against
26 such acts or omissions but, in such case, liability shall be only to the extent of the insurance
27 coverage.

28 4. Nothing in this section shall be construed to affect the liability of a nonprofit
29 homeowners organization for damages caused by the negligent or wrongful act or omission
30 of its volunteer, and a volunteer's negligence or wrongful act or omission, when acting as
31 a volunteer, shall be imputed to the nonprofit homeowners organization for the purpose
32 of apportioning liability for damages to a third party.

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