

SHORT TITLE: Torts; protecting certain volunteers from civil liability; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 799

By: Hendrick, Helton, Hooper,
Brown, Price and Muegge of
the Senate

and

Boyd (Betty) of the House

AS INTRODUCED

An Act relating to torts; providing immunity from
civil liability for certain volunteers; providing
exceptions; defining term; declaring certain
liability under certain circumstances; providing
for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5.8 of Title 76, unless there is
created a duplication in numbering, reads as follows:

A. Except as otherwise provided for in this section, any person
who, in good faith and without compensation, renders service, care,
assistance, advice, or other benefit as a volunteer shall not be
liable for damages resulting from the conduct of said person in
rendering said service, care, assistance, advice, or other benefit
as a volunteer unless the damage was caused by the willful and
wanton misconduct of the person.

B. For the purposes of this section, the term "volunteer" means
a person who enters into a service or undertaking of such person's
free will without compensation in money or other thing of value in

order to provide a service, care, assistance, advice, or other benefit.

C. The provisions of this section shall not affect the potential liability that any person may have which arises from the operation of a motor vehicle in rendering the service, care, assistance, advice, or other benefit as a volunteer.

D. The immunity from civil liability provided for by the provisions of this section shall extend only to the actions taken by persons in rendering the service, care, assistance, advice, or other benefit as volunteers, and does not confer any immunity to any person for actions taken by the volunteer prior to or after the rendering of the service, care, assistance, advice, or other benefit as a volunteer.

E. In any suit against a nonprofit organization, nonprofit corporation, or a hospital for civil damages based upon the negligent act or omission of a volunteer authorized by such organization, corporation, or hospital, proof of such negligent act or omission by an authorized volunteer shall be sufficient to establish the responsibility of the organization or corporation pursuant to the doctrine of respondeat superior, notwithstanding the immunity granted to the volunteer pursuant to the provisions of this section.

SECTION 2. This act shall become effective September 1, 1994.

44-2-1429

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