

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2477

By: Roussetot

AS INTRODUCED

An Act relating to torts; providing organizations that hold charitable events and members of the organizations immunity from civil liability under certain circumstances; defining terms; providing for application of law to actions filed on or after a certain date; 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 33 of Title 76, unless there is created a duplication in numbering, reads as follows:

A. Any organization or member of an organization shall be immune from liability in a civil action on the basis of any act or omission of the organization or member resulting in damage or injury if:

1. The damage or injury occurred during a charitable event hosted by the organization;

2. The organization or member was acting in good faith and within the scope of legitimate duties and activities associated with the charitable event;

3. The damage or injury was not caused by gross negligence or willful or wanton misconduct by the organization or member; and

4. The damage or injury was not caused by conduct of the organization or member that was a violation of law.

B. The immunity from civil liability provided for by this section shall extend only to the actions taken by an organization or

member of an organization performing duties and engaging in activities related to the charitable event.

C. An organization hosting a charitable event or a member of the organization shall not be vicariously liable for the acts or omissions of any person attending the charitable event who is not a member of the organization.

D. As used in this section:

1. "Charitable event" means a function:

- a. that is held for an objective that provides some benefit to the public, such as giving aid to the poor, the sick, victims of disasters, the public welfare in any form, education or educational activities, or any other form of activity directed toward the well-being of society,
- b. for which members of the organization do not receive any compensation or expectation of compensation in money or other thing of value, and
- c. for which the organization does not retain any funds or other thing of value collected for the event beyond an amount necessary to cover actual and necessary expenses incurred in hosting the event; and

2. "Organization" means any benevolent, philanthropic, patriotic, eleemosynary, educational, social, civic, recreational, religious group or association performing or purporting to perform acts beneficial to the public.

E. This section shall apply to all civil actions filed on or after November 1, 2006.

SECTION 2. This act shall become effective November 1, 2006.

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