



1           1. The volunteer was acting in good faith and within the scope  
2 of the volunteer's official functions and duties for a charitable  
3 organization or not-for-profit corporation; and

4           2. The damage or injury was not caused by gross negligence or  
5 willful and wanton misconduct by the volunteer.

6           B. In any civil action against a charitable organization or  
7 not-for-profit corporation for damages based upon the conduct of a  
8 volunteer, the doctrine of respondeat superior shall apply,  
9 notwithstanding the immunity granted to the volunteer in subsection  
10 A of this section.

11           C. Any person who, in good faith and without compensation, or  
12 expectation of compensation, donates or loans emergency service  
13 equipment to a volunteer shall not be liable for damages resulting  
14 from the use of such equipment by the volunteer, except when the  
15 donor of the equipment knew or should have known that the equipment  
16 was dangerous or faulty in a way which could result in bodily  
17 injury, death or damage to property.

18           D. Definitions.

19           1. For the purposes of this section, the term "volunteer" means  
20 a person who enters into a service or undertaking of the person's  
21 free will without compensation or expectation of compensation in  
22 money or other thing of value in order to provide a service, care,  
23 assistance, advice, or other benefit; ~~provided, being legally~~  
24 ~~entitled to receive compensation for the service or undertaking~~

1 ~~performed shall not preclude a person from being considered a~~  
2 ~~volunteer where the person does not offer that type of service,~~  
3 ~~care, assistance, advice or other benefit for sale to the public.~~

4 2. For the purposes of this section, the term "charitable  
5 organization" means any benevolent, philanthropic, patriotic,  
6 eleemosynary, educational, social, civic, recreational, religious  
7 group or association or any other person performing or purporting to  
8 perform acts beneficial to the public.

9 3. For the purposes of this section, the term "not-for-profit  
10 corporation" means a corporation formed for a purpose not involving  
11 pecuniary gain to its shareholders or members, paying no dividends  
12 or other pecuniary remuneration, directly or indirectly, to its  
13 shareholders or members as such, and having no capital stock.

14 E. The provisions of this section shall not affect the  
15 liability that any person may have which arises from the operation  
16 of a motor vehicle, watercraft, or aircraft in rendering the  
17 service, care, assistance, advice or other benefit as a volunteer.

18 F. The immunity from civil liability provided for by this  
19 section shall extend only to the actions taken by a person rendering  
20 the service, care, assistance, advice, or other benefit as a  
21 volunteer, ~~where such actions are agreed upon in advance by all~~  
22 ~~involved persons to be provided on a volunteer basis. This section~~  
23 ~~shall not be construed to~~ and does not confer any immunity to any  
24 person for actions taken by the volunteer prior to or after the

1 rendering of the service, care, assistance, advice, or other benefit  
2 as a volunteer.

3 G. This section shall apply to all civil actions filed after  
4 ~~August 25, 1995~~ the effective date of this act.

5 SECTION 3. AMENDATORY 76 O.S. 2011, Section 31, as  
6 amended by Section 2 of this act, is amended to read as follows:

7 Section 31. A. Any volunteer shall be immune from liability in  
8 a civil action on the basis of any act or omission of the volunteer  
9 resulting in damage or injury if:

10 1. The volunteer was acting in good faith and within the scope  
11 of the volunteer's official functions and duties for a charitable  
12 organization or not-for-profit corporation; and

13 2. The damage or injury was not caused by gross negligence or  
14 willful and wanton misconduct by the volunteer.

15 B. In any civil action against a charitable organization or  
16 not-for-profit corporation for damages based upon the conduct of a  
17 volunteer, the doctrine of respondeat superior shall apply,  
18 notwithstanding the immunity granted to the volunteer in subsection  
19 A of this section.

20 C. Any person who, in good faith and without compensation, or  
21 expectation of compensation, donates or loans emergency service  
22 equipment to a volunteer shall not be liable for damages resulting  
23 from the use of such equipment by the volunteer, except when the  
24 donor of the equipment knew or should have known that the equipment

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2 injury, death or damage to property.

3 D. Definitions.

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5 a person who enters into a service or undertaking of the person's  
6 free will without compensation or expectation of compensation in  
7 money or other thing of value in order to provide a service, care,  
8 assistance, advice, or other benefit ~~where the person does not offer~~  
9 ~~that type of service, care, assistance, advice or other benefit for~~  
10 ~~sale to the public; provided, being legally entitled to receive~~  
11 compensation for the service or undertaking performed shall not  
12 preclude a person from being considered a volunteer.

13 2. For the purposes of this section, the term "charitable  
14 organization" means any benevolent, philanthropic, patriotic,  
15 eleemosynary, educational, social, civic, recreational, religious  
16 group or association or any other person performing or purporting to  
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24 liability that any person may have which arises from the operation

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2 service, care, assistance, advice or other benefit as a volunteer.

3 F. The immunity from civil liability provided for by this  
4 section shall extend only to the actions taken by a person rendering  
5 the service, care, assistance, advice, or other benefit as a  
6 volunteer, ~~and does not~~ where such actions are agreed upon in  
7 advance by all involved persons to be provided on a volunteer basis.

8 This section shall not be construed to confer any immunity to any  
9 person for actions taken by the volunteer prior to or after the  
10 rendering of the service, care, assistance, advice, or other benefit  
11 as a volunteer.

12 G. This section shall apply to all civil actions filed after  
13 ~~the effective date of this act~~ August 25, 1995.

14 SECTION 4. It being immediately necessary for the preservation  
15 of the public peace, health and safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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19 DIRECT TO CALENDAR.

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