

SUBJECT: Extending charitable immunity to volunteer centers

COMMITTEE: Civil Practices — favorable, without amendment

VOTE: 8 ayes — Bosse, Janek, Clark, Hope, Martinez Fischer, Nixon, Smithee,
Zbranek

0 nays

1 absent — Dutton

SENATE VOTE: On final passage, February 14 — 30-0

WITNESSES: None

BACKGROUND: The Charitable Immunity and Liability Act (Civil Practice and Remedies Code, chapter 84) limits the damages that can be recovered from charitable organizations in civil suits arising out of their charitable activities. It also provides that a charity's volunteers and employees are immune from civil liability for actions taken on behalf of the charity as long as those actions were not intentional, willfully or wantonly negligent, or committed with conscious indifference or reckless disregard for the safety of others.

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

DIGEST: SB 84 would add volunteer centers to the list of charitable organizations covered by the Charitable Immunity and Liability Act.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS
SAY:

SB 84 is needed to specify that volunteer centers receive the protection of the Charitable Immunity and Liability Act. Under current law, it is not clear whether the definition of charitable organization would apply to a volunteer center. That definition requires the organization to be operated for certain listed purposes, but the purpose of a volunteer center does not fall clearly within any of those categories. SB 84 would rectify that problem.

Volunteer centers serve a valuable purpose and provide a needed service, bringing together charitable organizations and qualified and trained volunteers. The rationale behind providing liability limits for charitable organizations — promoting volunteerism — applies equally, if not more, to volunteer organizations that facilitate volunteering. Volunteer centers should be considered charitable organizations under the Charitable Immunity and Liability Act and should receive the protections of that act.

OPPONENTS
SAY:

No apparent opposition.

NOTES:

A similar bill in the 76th Legislature in 1999, SB 34 by Shapiro, passed the Senate and was reported favorably without amendment by the House Civil Practices Committee, but died on the General State Calendar.