

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1297

Short Title: MRC and CERT Volunteers Qualified Immunity. (Public)

Sponsors: Representatives Hackney; and LaRoque.

Referred to: Judiciary I.

April 20, 2005

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR
3 ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT
4 OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED
5 IN PROVIDING EMERGENCY SERVICES.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 1-539.10 reads as rewritten:

8 "§ 1-539.10. **Immunity from civil liability for volunteers.**

9 (a) A volunteer who performs services for a charitable organization and a
10 volunteer who serves in a Medical Reserve Corps (MRC) unit or on a Community
11 Emergency Response Team (CERT) while engaged in providing emergency services is
12 not liable in civil damages for any acts or omissions resulting in any injury, death, or
13 loss to person or property arising from the volunteer services rendered if:

- 14 (1) The volunteer was acting in good faith and the services rendered were
15 reasonable under the circumstances; and
16 (2) The acts or omissions do not amount to gross negligence, wanton
17 conduct, or intentional wrongdoing.
18 (3) The acts or omissions did not occur while the volunteer was operating
19 or responsible for the operation of a motor vehicle.

20 (b) To the extent that any charitable organization or volunteer has liability
21 insurance, that charitable organization or volunteer shall be deemed to have waived the
22 qualified immunity herein to the extent of indemnification by insurance for the
23 negligence by any volunteer.

24 (c) Nothing herein shall be construed to alter the standard of care requirement or
25 liability of persons rendering professional services.

26 (d) As used in this section, the following definitions apply:

- 27 (1) 'Emergency services' means the preparation for and the carrying out of
28 functions to prevent, minimize, and repair injury and damage resulting
29 from natural or man-made disasters and all other activities necessary

1 or incidental to the preparation for and carrying out of these functions,
2 which functions include firefighting services; police services; medical
3 and health services; rescue services; engineering services; warning
4 services and communications; radiological, chemical, and other special
5 weapons defense; evacuation of persons from stricken areas;
6 emergency welfare services, including providing emergency shelter;
7 emergency transportation; emergency resource management; existing
8 or properly assigned plant protection services; temporary restoration of
9 public utility services; and other functions related to civilian
10 protection, including the administration of approved State and federal
11 disaster recovery and assistance programs.

12 (2) 'Volunteer' means any person who provides goods or services without
13 any financial gain."

14 **SECTION 2.** This act is effective when it becomes law and applies to claims
15 that arise on or after that date.