

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1297
Committee Substitute Favorable 4/27/05

Short Title: MRC and CERT Volunteers Qualified Immunity.

(Public)

Sponsors:

Referred to:

April 20, 2005

A BILL TO BE ENTITLED

AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY FOR ANY VOLUNTEER WHO SERVES IN A MEDICAL RESERVE CORPS UNIT OR ON A COMMUNITY EMERGENCY RESPONSE TEAM WHILE ENGAGED IN PROVIDING EMERGENCY SERVICES.

The General Assembly of North Carolina enacts:

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

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

(a) A volunteer who performs services for a charitable organization or a volunteer engaged in providing emergency services is not liable in civil damages for any acts or omissions resulting in any injury, death, or loss to person or property arising from the volunteer services rendered if:

(1) The volunteer was acting in good faith and the services rendered were reasonable under the circumstances; and

(2) The acts or omissions do not amount to gross negligence, wanton conduct, or intentional wrongdoing.

(3) The acts or omissions did not occur while the volunteer was operating or responsible for the operation of a motor vehicle.

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

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

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

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

1 which functions include firefighting services; police services; medical
2 and health services; rescue services; engineering services; warning
3 services and communications; radiological, chemical, and other special
4 weapons defense; evacuation of persons from stricken areas;
5 emergency welfare services, including providing emergency shelter;
6 emergency transportation; emergency resource management; existing
7 or properly assigned plant protection services; temporary restoration of
8 public utility services; services performed as a function of a Medical
9 Reserve Corps (MRC) unit or a Community Emergency Response
10 Team (CERT); and other functions related to civilian protection,
11 including the administration of approved State and federal disaster
12 recovery and assistance programs.

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

15 **SECTION 2.** This act becomes effective October 1, 2005, and applies to
16 claims that arise on or after that date.