

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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HOUSE BILL 1297  
Committee Substitute Favorable 4/27/05  
Senate Judiciary I Committee Substitute Adopted 7/6/05

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

Sponsors:

Referred to:

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 or a  
10 volunteer engaged in providing emergency services is not liable in civil damages for  
11 any acts or omissions resulting in any injury, death, or loss to person or property arising  
12 from the volunteer services rendered if:

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

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

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

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

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

25 (d) As used in this section, the following terms mean:

26 (1) Emergency services. – The preparation for and the carrying out of  
27 functions to prevent, minimize, and repair injury and damage resulting  
28 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                    These functions include firefighting services, police services, medical  
3                    and health services, rescue services, engineering services, land  
4                    surveying services, warning services and communications,  
5                    radiological, chemical and other special weapons defense services,  
6                    evacuation of persons from stricken areas, emergency welfare services,  
7                    including providing emergency shelter, emergency transportation, and  
8                    emergency resource management services, existing or properly  
9                    assigned plant protection services, temporary restoration of public  
10                   utility services, services performed as a function of a Medical Reserve  
11                   Corps (MRC) unit or a Community Emergency Response Team  
12                   (CERT), and other functions related to civilian protection, including  
13                   the administration of approved State and federal disaster recovery and  
14                   assistance programs.

15                   (2)     Volunteer. – Any person who provides goods or services without any  
16                   financial gain."

17                   **SECTION 2.** This act becomes effective October 1, 2005, and applies to  
18 causes of action that arise on or after that date.