

Introduced: 2/16/88
Referred: Community and Regional Affairs
and Judiciary

5-1484B

1 IN THE SENATE

BY DUNCAN

2

SENATE BILL NO. 448

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to civil liability of certain volun-
7 teers."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 09.65.090 is amended by adding new subsections to read:

10 (c) An organization and its members are not liable for civil
11 damages as a result of an act or omission in providing first aid,
12 search, rescue, or other emergency services, regardless of whether the
13 organization or members are under a preexisting duty to render assis-
14 tance, if

15 (1) the organization exists for the purpose of providing
16 the service rendered; and

17 (2) the member provided the service while acting as a
18 volunteer member of the organization.

19 (d) In this section, "volunteer" means a person who receives
20 financial consideration of not more than \$500 a year, not including
21 reimbursement for expenses actually incurred, for providing emergency
22 services.

23 * Sec. 2. AS 09.65 is amended by adding a new section to read:

24 Sec. 09.65.098. CIVIL LIABILITY OF CERTAIN VOLUNTEERS. (a) A
25 person working as a volunteer for the division of parks and outdoor
26 recreation, Department of Natural Resources, for a municipality, or
27 for a nonprofit entity is not liable for civil damages as a result of
28 an act or omission while acting in good faith and within the person's
29 official functions and duties.

1 (b) This section does not preclude liability for civil damages
2 as a result of gross negligence, recklessness, or intentional miscon-
3 duct.

4 (c) This section does not affect

5 (1) a civil action brought by the state, a municipality, or
6 a nonprofit entity against, respectively, a volunteer of the division
7 of parks and outdoor recreation, the municipality, or the entity;

8 (2) the liability of the state, a municipality, or a non-
9 profit entity with respect to injury caused to a person.

10 (d) In this section,

11 (1) "municipality" has the meaning given in AS 01.10.060
12 and includes a public corporation established by a municipality;

13 (2) "nonprofit entity" means an entity

14 (A) incorporated under AS 10.20; or

15 (B) exempt from taxation under 26 U.S.C. 501(c)(3)

16 (Internal Revenue Code of 1954);

17 (3) "volunteer" means a person who receives financial
18 consideration of not more than \$500 a year, not including reimburse-
19 ment for expenses actually incurred, for services performed for a
20 municipality or nonprofit entity.