

Introduced: 4/10/89  
Referred: Labor & Commerce  
and Judiciary

6-1115A

1 IN THE HOUSE

BY MARTIN

2

HOUSE BILL NO. 278

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to civil liability of certain sports  
7 volunteers and sports associations."

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

9 \* Section 1. AS 09.65 is amended by adding a new section to read:

10 Sec. 09.65.140. CIVIL LIABILITY OF CERTAIN SPORTS VOLUNTEERS AND  
11 SPORTS ASSOCIATIONS. (a) Except as provided in (b) of this section,  
12 a person may not recover civil damages resulting from an act or omis-  
13 sion performed by and within the scope of duties of

14 (1) a person who acts as a volunteer

15 (A) manager, coach, instructor, umpire, or referee in  
16 a sports program of a nonprofit association; or

17 (B) assistant to a manager, coach, instructor, umpire,  
18 or referee in a sports program of a nonprofit association; or

19 (2) a nonprofit association, or an officer or employee of a  
20 nonprofit association, while conducting or sponsoring a sports pro-  
21 gram.

22 (b) This section does not affect a civil action for damages  
23 resulting from

24 (1) gross negligence, recklessness, or intentional miscon-  
25 duct;

26 (2) transportation of persons to or from a game, event, or  
27 practice;

28 (3) acts or omissions relating to the care and maintenance  
29 of real estate, if the real estate is unrelated to the practice or

1 playing areas that are in the possession, ownership, or control of a  
2 person or association immune under (a) of this section.

3 (c) In this section,

4 (1) "nonprofit association" means an association incor-  
5 porated under AS 10.20 and exempt from taxation under 26 U.S.C.  
6 501(c)(3) (Internal Revenue Code of 1954), or an unincorporated asso-  
7 ciation if organized and operated on a nonprofit basis;

8 (2) "sports program" means baseball, softball, football,  
9 basketball, soccer, or another competitive activity recognized as a  
10 sport by the United States Olympic Committee, the Amateur Athletic  
11 Union, or the National Collegiate Athletic Association, that is organ-  
12 ized for recreational purposes and whose participants are 19 years of  
13 age or younger, or are participants in a program for the physically  
14 handicapped or mentally retarded;

15 (3) "volunteer" means a natural person who does not receive  
16 financial compensation, not including reimbursement for expenses  
17 actually incurred, for services performed in a sports program for a  
18 nonprofit association.