

No. 2001-66

AN ACT

HB 59

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for civil immunity for antidrug and town-watch volunteers.

The General Assembly finds and declares as follows:

(1) The willingness of antidrug and town-watch volunteers to offer their services has been increasingly deterred by a perception that they put personal assets at risk in the event of tort actions seeking damages arising from their activities as volunteers.

(2) The contributions of antidrug and town-watch programs, activities and services to communities are diminished by the resulting unwillingness of individuals to serve either as volunteers or as officers, directors and trustees of nonprofit public and private organizations.

(3) It is in the public interest to strike a balance between the right of a person to seek redress for injury and the right of an individual to freely give time and energy without compensation as a volunteer working to reduce crime and drug use in the community, without fear of personal liability for acts undertaken in good faith, absent willful or wanton conduct on the part of the volunteer.

(4) This act is intended to encourage volunteers to contribute their services to reduce the amount of crime and drug use in their communities and at the same time provide a reasonable basis for redress of claims which may arise relating to those services.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 8332.6. Antidrug and town-watch volunteer civil immunity.

(a) General rule.—An antidrug or town-watch volunteer who acts in good faith and within the scope of the volunteer's role with an antidrug or crime prevention volunteer organization or government agency shall be immune from civil liability for damage caused by acts or omissions unless all of the following apply:

(1) The conduct of the volunteer falls substantially below the standards generally practiced and accepted in like circumstances by similar persons rendering such services.

(2) It is shown that the volunteer performed an act or failed to perform an act which the volunteer was under a recognized duty to another to perform, knowing or having reason to know that such act or

omission created a substantial risk or actual harm to the person or property of another. It is insufficient to impose liability under this paragraph to establish only that the conduct of the volunteer fell below ordinary standards of care.

(b) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Antidrug or town-watch volunteer.” A person performing services for an antidrug or town-watch volunteer organization or government agency without compensation other than reimbursement for actual expenses incurred. The term includes a volunteer serving as a director, officer, trustee or direct service volunteer.

“Antidrug or town-watch volunteer organization.” A nonprofit organization, corporate volunteer program, medical facility or substance abuse treatment program that uses volunteers to reduce crime and drug use in the community.

“Corporate volunteer program.” A program administered by an entity other than a nonprofit organization or government agency that enlists primarily its own employees, retirees, partners or professional affiliates in a volunteer capacity to achieve objectives that would qualify as charitable under section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)).

“Nonprofit organization.” An organization which is described in section 501(c) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)), whether or not it has been certified by the Internal Revenue Service.

Section 2. This act shall take effect in 60 days.

APPROVED—The 25th day of June, A.D. 2001.

THOMAS J. RIDGE