

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Rep. Doug Wood

HOUSE BILL 1056

"AN ACT TO PROVIDE THAT QUALIFIED VOLUNTEERS SHALL NOT BE CIVILLY LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM ANY ACT OR OMISSION IN CARRYING OUT THEIR RESPONSIBILITIES AS VOLUNTEERS IF SUCH ACT OR OMISSION WAS PERFORMED IN GOOD FAITH AND DID NOT CONSTITUTE GROSS NEGLIGENCE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Declaration of Legislative Intent. Since the spirit of voluntarism has long animated citizens of this State to give of their time and abilities to help others, the State of Arkansas would be wise to ensure that qualified volunteers shall not be civilly liable for personal injury or property damage resulting from any act or omission in carrying out their authority or responsibilities as volunteers if such act or omission was in good faith and did not constitute gross negligence.

SECTION 2. This Act may be cited as the "Arkansas Volunteer Liability Act."

SECTION 3. Definitions. As used in this Act, the following terms shall have the following meaning, unless another meaning may be clearly inferred from the content:

(1) "Volunteer" shall mean any person who, of his or her own free will, provides goods or services without financial gain to any state and local government agency and any community volunteer or non-profit agency.

(2) "Qualified Volunteer" shall mean any volunteer providing services to an agency which has established the following:

(a) a job description which lists responsibilities and

qualifications;

(b) training necessary to perform duties;

(c) recordkeeping which includes number of hours, location, date and time of volunteer service.

(3) "Agency" shall mean all departments, institutions and divisions of State and local government and all community volunteer and non-profit organizations.

SECTION 4. Qualified volunteers shall not be civilly liable for personal injury or property damage resulting from any act or omission in carrying out their authority or responsibilities as volunteers if such act or omission was in good faith and did not constitute gross negligence.

SECTION 5. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 6. Emergency. It is hereby found and determined by the General Assembly that many persons contribute their valuable knowledge and services as unpaid volunteers in the promotion and performance of various programs administered by State and local agencies which are designed to meet the needs of the State and the several communities and that such persons should not be held civilly liable for their acts or omissions in carrying out their authority and responsibilities as volunteers if such acts or omissions were performed in good faith and did not constitute gross negligence; that the law does not now specifically provide such civil immunity; that the present state of the law results in inequitable burdens being placed upon such persons; and that this Act is immediately necessary to eliminate such inequity. Therefore, an emergency is hereby declared to exist and this Act being necessary for the presentation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

