

1 HOUSE BILL 224

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Yvette Herrell and Bob Wooley

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10 AN ACT

11 RELATING TO NONPROFIT ORGANIZATIONS; LIMITING THE PERSONAL  
12 LIABILITY OF VOLUNTEERS PERFORMING SERVICES FOR A NONPROFIT  
13 ORGANIZATION.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. [NEW MATERIAL] VOLUNTEERS--LIMITED PERSONAL  
17 LIABILITY--NONPROFIT ORGANIZATIONS.--

18 A. As used in this section:

19 (1) "nonprofit organization" means an entity  
20 that operates under the standards of Section 501(c)(3) of the  
21 Internal Revenue Code of 1986, as amended; and

22 (2) "volunteer" means an individual performing  
23 services for a nonprofit organization who is not compensated  
24 for those services, except that a meal or meal stipend provided  
25 by the nonprofit organization to the individual shall not

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1 constitute compensation.

2 B. A volunteer of a nonprofit organization shall be  
3 immune from personal liability for any act or omission  
4 resulting in damage or injury to any person intended to receive  
5 benefit from the volunteer's service if:

6 (1) the volunteer acted in good faith and  
7 within the scope of the volunteer's official functions and  
8 duties with the organization;

9 (2) the volunteer was properly licensed,  
10 certified or authorized by the state, if appropriate or  
11 required, to engage in the activity that was engaged in when  
12 the damage or injury occurred to the person intended to receive  
13 benefit from the volunteer's service; and

14 (3) the damage or injury was not caused by the  
15 intentional or malicious conduct of the volunteer.

16 SECTION 2. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2017.

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