

HOUSE STATE GOVERNMENT, INDIAN AND VETERANS AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 224

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

AN ACT

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

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

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

A. As used in this section:

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

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

underscoring material = new
~~[bracketed material] = delete~~

1 constitute compensation. "Volunteer" does not include a board
2 member or a person with a fiduciary responsibility to the
3 nonprofit organization.

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

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

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

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

18 C. Nothing in this section shall limit the
19 liability of a volunteer who possesses a business license
20 pursuant to Chapter 60 NMSA 1978 or a professional or
21 occupational license pursuant to Chapter 61 NMSA 1978 and who
22 is engaging in the activity for which that person is licensed.

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