

Volunteer Protection Act of 1997

Did you know that a federal law was enacted in 1997 that was designed to provide immunity from liability for those who do volunteer work for nonprofit organizations or governmental entities. The Act is intended to protect volunteers from liability for injuries incurred by third parties due to the volunteer's "ordinary negligence" while performing their volunteer duties. The Act also limits punitive (punishment) damages and non-economic damages (such as pain and suffering) brought against volunteers for injuries sustained through the volunteer's gross negligence.

The Act does not, however, protect the sponsoring nonprofit organization or governmental entity, which can still be held liable under respondent superior theory for the torts of its volunteers.

There are certain qualifications that must be met for the volunteer to gain immunity under the Federal Act. These qualifications apply to the organization, the volunteer, and the volunteer's action.

First and foremost, the organization must be a "qualifying organization." A "qualifying organization" falls into one of the following categories:

a. a nonprofit organization which is "organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare or health purposes"; or

b. any organization exempt from taxation under Sections 501(a) and 501-c-3 of the Internal Revenue Code (501-c-4 comes under the 501(a) category); or

c. a state or its subdivisions

Almost all states limit the liability of volunteers to some extent, and some state laws potentially provide greater protection than the Federal Act. These laws are frequently referred to as "Good Samaritan Laws." The federal statute serves as the minimum protection provided to all volunteers, unless a state law otherwise provides volunteers with additional or more protection beyond the Federal Act.

Whether you volunteer for an organization, or you are a horse owner or a property owner who is involved in operating a horse business, it may be worthwhile for you to talk with your attorney about this Federal Act and your state's "Good Samaritan" laws that may be helpful to you in assessing your liability risks.



Your non-profit organization's volunteers are not necessarily sitting ducks for a liability lawsuit. A federal law enacted in 1997 affords them some protection. Check your state's "Good Samaritan Laws" for the details.