

67-5b-107 Immunity -- Limited liability.

- (1) Officers and employees performing services for two or more public agencies pursuant to contracts executed under the provisions of this part are considered to be officers and employees of the public agency employing their services, even though performing those functions outside of the territorial limits of any one of the contracting public agencies, and are considered to be officers and employees of public agencies in accordance with Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (2) The officers and employees of the center, while acting within the scope of their authority, are not subject to any personal or civil liability resulting from carrying out any of the purposes of a center under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (3) A volunteer is considered a government employee in accordance with Section 67-20-3 and entitled to immunity under the provisions of Title 63G, Chapter 7, Governmental Immunity Act of Utah.
- (4) A volunteer, other than one considered a government employee in accordance with Section 67-20-3, may not incur any personal financial liability for any tort claim or other action seeking damage for an injury arising from any act or omission of the volunteer while providing services for the nonprofit organization if:
 - (a) the individual was acting in good faith and reasonably believed he was acting within the scope of the individual's official functions and duties with the center; and
 - (b) the damage or injury was not caused by an intentional or knowing act by the volunteer which constitutes illegal or wanton misconduct.
- (5) The center is not liable for the acts or omissions of its volunteers in any circumstance where the acts of its volunteers are not as described in Subsection (4) unless:
 - (a) the center had, or reasonably should have had, reasonable notice of the volunteer's unfitness to provide services to the center under circumstances that make the center's use of the volunteer reckless or wanton in light of that notice; or
 - (b) a business employer would be liable under the laws of this state if the act or omission were the act or omission of one of its employees.

Amended by Chapter 382, 2008 General Session