

**VOLUNTEER WORKERS AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Scott K. Jenkins**

House Sponsor: \_\_\_\_\_

**LONG TITLE**

**General Description:**

This bill modifies general government provisions and provisions related to state officers and employees to limit the liability of volunteers and volunteer facilitators.

**Highlighted Provisions:**

This bill:

~~§→ [→ addresses liability of certain volunteers;] ←§~~

▶ defines "volunteer facilitator";

▶ limits the liability of volunteer facilitators under the Immunity for Persons

Performing Voluntary Services Act;

▶ limits the liability of volunteer facilitators under the Volunteer Government

Workers Act; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63G-8-102**, as renumbered and amended by Laws of Utah 2008, Chapter 382

**63G-8-201**, as renumbered and amended by Laws of Utah 2008, Chapter 382

S.B. 246



28 67-20-2, as last amended by Laws of Utah 2011, Chapter 248

29 67-20-3, as last amended by Laws of Utah 2011, Chapter 248



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 63G-8-102 is amended to read:

33 **63G-8-102. Definitions.**

34 As used in this act:

35 ~~[(2)]~~ (1) "Compensation" means payment for services in any form whatsoever, whether  
36 per diem or otherwise, except where the payment is solely for the purpose of paying  
37 subsistence, travel, or other expenses incurred by the person performing those services.

38 ~~[(1)]~~ (2) "Public entity" means the state or any political subdivision of it, or any office,  
39 department, division, board, agency, commission, council, authority, institution, hospital,  
40 school, college, university, or other instrumentality of the state or any political subdivision.

41 (3) "Volunteer facilitator" is as defined in Section 67-20-2.

42 Section 2. Section 63G-8-201 is amended to read:

43 **63G-8-201. Voluntary services -- Immunity from liability -- Exceptions.**

44 ~~[Any]~~ (1) A person performing services on a voluntary basis, without compensation,  
45 under the general supervision of, and on behalf of any public entity, ~~[shall be]~~ is immune from  
46 liability with respect to any decisions or actions, other than in connection with the operation of  
47 a motor vehicle, taken during the course of those services, unless it is established that ~~§→~~ [f] such  
48 decisions or actions were grossly negligent, not made in good faith, or were made maliciously [h] ~~←§~~  
49 ~~§→ [the volunteer willfully and knowingly caused harm to a person or property] ←§ .~~

50 (2) A volunteer facilitator is immune from liability to the extent provided in Subsection  
51 67-20-3(4).

52 Section 3. Section 67-20-2 is amended to read:

53 **67-20-2. Definitions.**

54 As used in this chapter:

55 (1) "Agency" means:

56 (a) a department, institution, office, college, university, authority, division, board,  
57 bureau, commission, council, or other agency of the state;

58 (b) a county, city, town, school district, or special improvement or taxing district; or

121 agency, unless:

122 (a) an action or omission of the volunteer facilitator ~~§→ [willfully and knowingly caused]~~ is

122a **grossly negligent, not made in good faith, or made maliciously, and causes ←§**

123 harm to a person or property; or

124 (b) the volunteer facilitator fails to exercise due diligence in determining the fitness of

125 a volunteer to provide voluntary service to the agency under circumstances that make the

126 volunteer facilitator's failure to exercise due diligence ~~§→ [a willful and knowing violation of the~~

127 ~~volunteer facilitator's duty]~~ **grossly negligent, not in good faith, or malicious ←§** .

**Legislative Review Note**

as of 2-26-13 11:31 AM

**Office of Legislative Research and General Counsel**