

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 505  
HOUSE BILL 152

AN ACT TO PROVIDE QUALIFIED IMMUNITY FROM CIVIL LIABILITY IN  
TORT FOR VOLUNTEERS OF NONPROFIT CHARITABLE  
ORGANIZATIONS.

The General Assembly of North Carolina enacts:

Section 1. Article 43B of Chapter 1 of the General Statutes is amended as follows:

(1) By rewriting the catch line of that Article to read:

"Defense of Charitable Immunity Abolished; and Qualified Immunity for Volunteers."; and

(2) By adding two new sections to read:

**"§ 1-539.10. Immunity from civil liability for volunteers.**—(a) A volunteer who performs services for a charitable organization is not liable in civil damages for any acts or omissions resulting in any injury, death, or loss to person or property arising from the volunteer services rendered if:

- (1) The volunteer was acting in good faith and the services rendered were reasonable under the circumstances; and
- (2) The acts or omissions do not amount to gross negligence, wanton conduct, or intentional wrongdoing.
- (3) The acts or omissions did not occur while the volunteer was operating or responsible for the operation of a motor vehicle.

(b) To the extent that any charitable organization or volunteer has liability insurance, that charitable organization or volunteer shall be deemed to have waived the qualified immunity herein to the extent of indemnification by insurance for the negligence by any volunteer.

(c) Nothing herein shall be construed to alter the standard of care requirement or liability of persons rendering professional services.

**"§ 1-539.11. Definitions.**—As used in this Article:

- (1) 'Charitable Organization' means an organization that has humane and philanthropic objectives, whose activities benefit humanity or a significant rather than limited segment of the community without expectation of pecuniary profit or reward and is exempt from taxation under either G.S. 105-130.11(a)(3) or G.S. 105-130.11(a)(5) or Section 501(c)(3) of the Internal Revenue Code of 1954.
- (2) 'Volunteer' means an individual, serving as a direct service volunteer performing services for a charitable, nonprofit organization, who does

not receive compensation, or anything of value in lieu of compensation, for the services, other than reimbursement for expenses actually incurred."

Sec. 2. This act is effective upon ratification, and shall apply only to causes of action arising after that date.

In the General Assembly read three times and ratified this the 29th day of June, 1987.