

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 555

BY SENATOR FERNS

[Originating in the Committee on the Judiciary;

Reported on February 21, 2018]

1 A BILL to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating
2 to liability for qualified directors of volunteer organizations and entities; and providing that
3 a qualified director is not personally liable for the torts of a volunteer organization or entity,
4 or the torts of the agents or employees of a volunteer organization or entity, unless he or
5 she directed, sanctioned, or participated in the wrongful acts.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 7C. IMMUNITY FROM CIVIL LIABILITY FOR QUALIFIED DIRECTORS OF
CERTAIN GOVERNMENTAL AND NONPROFIT ENTITIES.**

§55-7C-3. Limited civil liability of qualified directors.

1 (a) Notwithstanding any other provision of this code, a qualified director ~~shall not be held~~
2 is not personally liable for negligence, either through act or omission, or whether actual or
3 imputed, in the performance of managerial functions performed on behalf of a volunteer
4 organization or entity: *Provided*, That this section shall not exempt a qualified director from liability
5 when he or she is found to be grossly negligent in the performance of his or her duties.

6 (b) Notwithstanding any other provision of this code to the contrary, a qualified director is
7 not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or
8 employees of a volunteer organization or entity, unless he or she approved of, ratified, directed,
9 sanctioned, or participated in the wrongful acts.

10 (c) Nothing herein shall relieve in this section relieves a volunteer organization or entity
11 from imputed liability for the negligent acts of a qualified director committed within the scope of
12 the qualified director's duties. Nothing in this article shall be construed as a grant of immunity to
13 any person who, through his or her operation of a motor vehicle, causes any injury or damage to
14 another person.