

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 555

SENATOR FERNS, *original sponsor*

[Passed March 7, 2018; in effect 90 days from passage]

1 AN ACT 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 approved of, ratified, 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 is not personally
2 liable for negligence, either through act or omission, or whether actual or imputed, in the
3 performance of managerial functions performed on behalf of a volunteer organization or entity:
4 *Provided*, That this section shall not exempt a qualified director from liability when he or she is
5 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 in this section relieves a volunteer organization or entity from imputed liability
11 for the negligent acts of a qualified director committed within the scope of the qualified director's
12 duties. Nothing in this article shall be construed as a grant of immunity to any person who, through
13 his or her operation of a motor vehicle, causes any injury or damage to another person.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2018.

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Governor