S T A T E O F N E W Y O R K

5577

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. OAKS, CALHOUN, GIGLIO, HAWLEY, KOLB, TOWNSEND -- Multi-Sponsored by -- M. of A. BACALLES, BARCLAY, BURLING, BUTLER, CONTE, CORWIN, DUPREY, ERRIGO, FINCH, FITZPATRICK, JORDAN, McDONOUGH, MILLER, MOLINARO, O'MARA, RABBITT, RAIA, REILICH, SAYWARD, SCOZZAFAVA, THIELE, WALKER -- read once and referred to the Committee on Judiciary

AN ACT to amend the not-for-profit corporation law and the general obligations law, in relation to exempting volunteer coaches, managers, referees, assistants and members of the board of directors for certain youths programs from civil liability while providing services or assistance to a player or participant

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The not-for-profit corporation law is amended by adding a new section 727 to read as follows:

S 727. EXEMPTION OF CERTAIN PERSONS FROM CIVIL LIABILITY.

(A) DEFINITIONS:

(1) YOUTHS PROGRAM. A YOUTHS PROGRAM SHALL MEAN ANY RECREATIONAL ACTIVITY WHICH IS OPERATED BY THE BOY SCOUTS OF AMERICA, THE GIRL SCOUTS OF AMERICA, THE CAMPFIRE GIRLS, YOUNG MEN'S CHRISTIAN ASSOCIATION, YOUNG WOMEN'S CHRISTIAN ASSOCIATION, YOUNG MEN'S HEBREW ASSOCIATION, YOUNG WOMEN'S HEBREW ASSOCIATION, CATHOLIC YOUTH ORGANIZATION, KIWANIS INTERNATIONAL, HI-Y OR OTHER SIMILAR ORGANIZATIONS WITHOUT LIMITATION TO THE FOREGOING FOR THE RECREATIONAL OR ATHLETIC BENEFIT OF PERSONS EIGHTEEN YEARS OF AGE OR LESS.

(2) COMPENSATION. COMPENSATION SHALL MEAN THE EARNINGS OF A PERSON FOR LABOR OR SERVICES, BUT SHALL NOT INCLUDE REIMBURSEMENT FOR REASONABLE EXPENSES ACTUALLY INCURRED.

(B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON WHO WITHOUT COMPENSATION THEREFOR AND ACTING AS A VOLUNTEER RENDERS SERVICES WITHIN AN ORGANIZED YOUTHS PROGRAM AS A LEADER, COACH, MANAGER, UMPIRE, REFEREE OR AN

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD05183-01-9

ASSISTANT THERETO, OR WHO SERVES ON THE BOARD OF DIRECTORS OF SUCH PROGRAM SHALL BE LIABLE IN ANY CIVIL ACTION FOR DAMAGES TO A PARTICIPANT IN SUCH PROGRAM AS A RESULT OF SUCH PERSON'S ACTS OF COMMISSION OR OMISSION ARISING OUT OF AND IN THE COURSE OF SUCH PERSON'S RENDERING OF SUCH SERVICES OR ASSISTANCE RELATING THERETO.

(C) NOTHING IN THIS SECTION SHALL BE DEEMED TO GRANT IMMUNITY TO ANY PERSON CAUSING DAMAGE OR INJURY AS A RESULT OF HIS OR HER WILLFUL, WANTON OR GROSSLY NEGLIGENT ACTS OF COMMISSION OR OMISSION.

S 2. The general obligations law is amended by adding a new article 10 to read as follows:

ARTICLE 10

EXEMPTION OF CERTAIN PERSONS FROM CIVIL LIABILITY

PERSONS ASSISTING IN SPORTS PROGRAMS

SECTION 10-101. DEFINITIONS.

10-102. IMMUNITY FROM LIABILITY.

S 10-101. DEFINITIONS. AS USED IN THIS TITLE, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. YOUTHS PROGRAM. A YOUTHS PROGRAM SHALL MEAN ANY RECREATIONAL ACTIVITY WHICH IS OPERATED BY THE BOY SCOUTS OF AMERICA, THE GIRL SCOUTS OF AMERICA, THE CAMPFIRE GIRLS, YOUNG MEN'S CHRISTIAN ASSOCIATION, YOUNG WOMEN'S CHRISTIAN ASSOCIATION, YOUNG MEN'S HEBREW ASSOCIATION, YOUNG WOMEN'S HEBREW ASSOCIATION, CATHOLIC YOUTH ORGANIZATION, KIWANIS INTERNATIONAL, HI-Y OR OTHER SIMILAR ORGANIZATIONS WITHOUT LIMITATION TO THE FOREGOING FOR THE RECREATIONAL OR ATHLETIC BENEFIT OF PERSONS EIGHTEEN YEARS OF AGE OR LESS.

2. COMPENSATION. COMPENSATION SHALL MEAN THE EARNINGS OF A PERSON FOR LABOR OR SERVICES, BUT SHALL NOT INCLUDE REIMBURSEMENT FOR REASONABLE EXPENSES ACTUALLY INCURRED.

S 10-102. IMMUNITY FROM LIABILITY. 1. EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON WHO WITHOUT COMPENSATION THEREFOR AND ACTING AS A VOLUNTEER RENDERS SERVICES WITHIN AN ORGANIZED YOUTHS PROGRAM AS A LEADER, COACH, MANAGER, UMPIRE, REFEREE OR AN ASSISTANT THERETO, OR WHO SERVES ON THE BOARD OF DIRECTORS OF SUCH PROGRAM SHALL BE LIABLE IN ANY CIVIL ACTION FOR DAMAGES TO A PARTICIPANT IN SUCH PROGRAM AS A RESULT OF SUCH PERSON'S ACT OF COMMISSION OR OMISSION ARISING OUT OF AND IN THE COURSE OF SUCH PERSON'S RENDERING OF SERVICES OR ASSISTANCE RELATING THERETO.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO GRANT IMMUNITY TO ANY PERSON CAUSING DAMAGE OR INJURY AS A RESULT OF HIS OR HER WILLFUL, WANTON OR GROSSLY NEGLIGENT ACTS OF COMMISSION OR OMISSION.

S 3. This act shall take effect immediately.