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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. CALHOUN, CROUCH -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BURLING, BUTLER, ERRIGO, FINCH, KOLB, MILLER, OAKS, TEDISCO, THIELE, TOWNSEND -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to immunity from civil liability of persons assisting in sports programs of non-profit-making organizations

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

Section 1. Article 3 of the general obligations law is amended by adding a new title 7 to read as follows:

TITLE 7

CIVIL IMMUNITY OF PERSONS ASSISTING IN SPORTS PROGRAMS OF NON-PROFIT-MAKING ORGANIZATIONS

SECTION 3-701. DEFINITIONS.

3-702. CIVIL IMMUNITY OF PERSONS ASSISTING IN SPORTS PROGRAMS OF NON-PROFIT-MAKING ORGANIZATIONS.

S 3-701. DEFINITIONS. AS USED OR REFERRED TO IN THIS TITLE, UNLESS A DIFFERENT MEANING CLEARLY APPEARS FROM THE CONTEXT, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "COMPENSATION" MEANS THE EARNINGS OF A PERSON FOR LABOR OR SERVICES, BUT SHALL NOT INCLUDE REIMBURSEMENT FOR REASONABLE EXPENSES ACTUALLY INCURRED OR TO BE INCURRED.

2. "NON-PROFIT-MAKING ORGANIZATION" MEANS A CORPORATION, OR UNINCORPORATED ASSOCIATION, ORGANIZED AND OPERATED EXCLUSIVELY FOR RELIGIOUS, CHARITABLE OR EDUCATIONAL PURPOSES, NO PART OF THE NET EARNINGS OF WHICH INURE TO THE BENEFIT OF ANY PRIVATE SHAREHOLDER OR INDIVIDUAL.

3. "SPORTS PROGRAM" MEANS BASEBALL, SOFTBALL, FOOTBALL, BASKETBALL, SOCCER AND ANY OTHER COMPETITIVE SPORT FORMALLY RECOGNIZED AS A SPORT OF THE AMATEUR ATHLETIC UNION OR THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION. THE TERM SHALL BE LIMITED TO A PROGRAM WHICH IS OPERATED PRIMARI-

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

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LY FOR THE RECREATIONAL AND ATHLETIC BENEFIT OF PERSONS UNDER EIGHTEEN YEARS OF AGE.

S 3-702. CIVIL IMMUNITY OF PERSONS ASSISTING IN SPORTS PROGRAMS OF NON-PROFIT-MAKING ORGANIZATIONS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF ANY GENERAL, SPECIAL, OR LOCAL LAW, ANY PERSON WHO VOLUNTARILY AND WITHOUT COMPENSATION RENDERS SERVICES AS A MANAGER, COACH, UMPIRE OR REFEREE OR AS AN ASSISTANT TO A MANAGER OR COACH IN A SPORTS PROGRAM OF A NON-PROFIT-MAKING ORGANIZATION, OR ANY OFFICER OR EMPLOYEE OF SUCH ORGANIZATION, CONDUCTING A SPORTS PROGRAM, SHALL NOT BE LIABLE TO ANY PERSON FOR CIVIL DAMAGES AS A RESULT OF ANY ACTS OR OMISSIONS IN RENDERING SUCH SERVICES OR IN CONDUCTING SUCH SPORTS PROGRAM UNLESS IT IS ESTABLISHED THAT SUCH ACT OR OMISSION CONSTITUTED GROSS NEGLIGENCE OR WILLFUL MISCONDUCT ON THE PART OF ANY SUCH PERSON.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.