

5291

2011-2012 Regular Sessions

I N A S S E M B L Y

February 15, 2011

Introduced by M. of A. OAKS, CALHOUN, GIGLIO, HAWLEY, KOLB, MONTESANO --
Multi-Sponsored by -- M. of A. BARCLAY, BURLING, BUTLER, CONTE,
CORWIN, CROUCH, DUPREY, FINCH, FITZPATRICK, GOODELL, JORDAN, McDONOUGH,
McLAUGHLIN, J. MILLER, MOLINARO, PALMESANO, RABBITT, RAIA,
REILICH, SALADINO, SAYWARD, THIELE -- 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:

1 Section 1. The not-for-profit corporation law is amended by adding a
2 new section 727 to read as follows:
3 S 727. EXEMPTION OF CERTAIN PERSONS FROM CIVIL LIABILITY.
4 (A) DEFINITIONS:
5 (1) YOUTHS PROGRAM. A YOUTHS PROGRAM SHALL MEAN ANY RECREATIONAL
6 ACTIVITY WHICH IS OPERATED BY THE BOY SCOUTS OF AMERICA, THE GIRL SCOUTS
7 OF AMERICA, THE CAMPFIRE GIRLS, YOUNG MEN'S CHRISTIAN ASSOCIATION, YOUNG
8 WOMEN'S CHRISTIAN ASSOCIATION, YOUNG MEN'S HEBREW ASSOCIATION, YOUNG
9 WOMEN'S HEBREW ASSOCIATION, CATHOLIC YOUTH ORGANIZATION, KIWANIS INTERNATIONAL,
10 HI-Y OR OTHER SIMILAR ORGANIZATIONS WITHOUT LIMITATION TO THE
11 FOREGOING FOR THE RECREATIONAL OR ATHLETIC BENEFIT OF PERSONS EIGHTEEN
12 YEARS OF AGE OR LESS.
13 (2) COMPENSATION. COMPENSATION SHALL MEAN THE EARNINGS OF A PERSON FOR
14 LABOR OR SERVICES, BUT SHALL NOT INCLUDE REIMBURSEMENT FOR REASONABLE
15 EXPENSES ACTUALLY INCURRED.
16 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AND NOTWITHSTANDING
17 ANY PROVISION OF LAW TO THE CONTRARY, NO PERSON WHO WITHOUT COMPENSATION
18 THEREFOR AND ACTING AS A VOLUNTEER RENDERS SERVICES WITHIN AN ORGANIZED

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

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1 YOUTHS PROGRAM AS A LEADER, COACH, MANAGER, UMPIRE, REFEREE OR AN
2 ASSISTANT THERETO, OR WHO SERVES ON THE BOARD OF DIRECTORS OF SUCH
3 PROGRAM SHALL BE LIABLE IN ANY CIVIL ACTION FOR DAMAGES TO A PARTICIPANT
4 IN SUCH PROGRAM AS A RESULT OF SUCH PERSON'S ACTS OF COMMISSION OR OMIS-
5 SION ARISING OUT OF AND IN THE COURSE OF SUCH PERSON'S RENDERING OF SUCH
6 SERVICES OR ASSISTANCE RELATING THERETO.

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

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

12 ARTICLE 10

13 EXEMPTION OF CERTAIN PERSONS FROM CIVIL LIABILITY
14 PERSONS ASSISTING IN SPORTS PROGRAMS

15 SECTION 10-101. DEFINITIONS.

16 10-102. IMMUNITY FROM LIABILITY.

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

19 1. YOUTHS PROGRAM. A YOUTHS PROGRAM SHALL MEAN ANY RECREATIONAL ACTIV-
20 ITY WHICH IS OPERATED BY THE BOY SCOUTS OF AMERICA, THE GIRL SCOUTS OF
21 AMERICA, THE CAMPFIRE GIRLS, YOUNG MEN'S CHRISTIAN ASSOCIATION, YOUNG
22 WOMEN'S CHRISTIAN ASSOCIATION, YOUNG MEN'S HEBREW ASSOCIATION, YOUNG
23 WOMEN'S HEBREW ASSOCIATION, CATHOLIC YOUTH ORGANIZATION, KIWANIS INTER-
24 NATIONAL, HI-Y OR OTHER SIMILAR ORGANIZATIONS WITHOUT LIMITATION TO THE
25 FOREGOING FOR THE RECREATIONAL OR ATHLETIC BENEFIT OF PERSONS EIGHTEEN
26 YEARS OF AGE OR LESS.

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

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

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

42 S 3. This act shall take effect immediately.