

5291

2011-2012 Regular Sessions

I N   A S S E M B L Y

February 15, 2011

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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, McDO-  
NOUGH, 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 obli-  
gations 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 ASSEM-  
BLY, 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 INTER-  
10    NATIONAL, 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.