

By: Senator(s) Hewes

To: Judiciary

SENATE BILL NO. 2748

1 AN ACT TO AMEND SECTION 95-9-1, MISSISSIPPI CODE OF 1972, TO  
2 SPECIFICALLY INCLUDE THE DONATION OF FOOD TO SERVICE ORGANIZATIONS  
3 FOR THE NEEDY IN THE TORT LIABILITY EXEMPTION FOR VOLUNTEER  
4 CHARITABLE ACTIVITY; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 95-9-1, Mississippi Code of 1972, is  
7 amended as follows:

8 95-9-1. (1) For the purposes of this section, unless the  
9 context otherwise requires:

10 (a) "Qualified volunteer" means any person who freely  
11 provides services, food, goods or the use of real or personal  
12 property or equipment, without any compensation or charge to any  
13 volunteer agency in connection with a volunteer activity. For  
14 purposes of this chapter, reimbursement of actual expenses,  
15 including travel expenses, necessarily incurred in the discharge  
16 of a member's duties, insurance coverage and workers' compensation  
17 coverage of volunteers, shall not be considered monetary  
18 compensation.

19 (b) "Volunteer agency" means any department,  
20 institution, community volunteer organization, food service  
21 organization for the needy or any nonprofit corporation designated  
22 501(c)(3) by the United States Internal Revenue Service, except an  
23 agency established primarily for the recreational benefit of its  
24 stockholders or members. Volunteer agency shall also include any  
25 volunteer fire fighter association which is eligible to be  
26 designated as a nonprofit corporation under 501(c)(3) by the  
27 United States Internal Revenue Service.

28           (c) "Volunteer activity" means any activity within the  
29 scope of any project, program or other activity regularly  
30 sponsored by a volunteer agency with the intent to effect a  
31 charitable purpose, or other public benefit including, but not  
32 limited to, fire protection, rescue services, the enhancement of  
33 the cultural, civic, religious, educational, scientific or  
34 economic resources of the community or equine activity as provided  
35 in Section 95-11-1 et seq.

36           (2) A qualified volunteer shall not be held vicariously  
37 liable for the negligence of another in connection with or as a  
38 consequence of his volunteer activities.

39           (3) A qualified volunteer who renders assistance to a  
40 participant in, or a recipient, consumer or user of the services  
41 or benefits of a volunteer activity shall not be liable for any  
42 civil damages for any personal injury or property damage caused to  
43 a person as a result of any acts or omissions committed in good  
44 faith except:

45           (a) Where the qualified volunteer engages in acts or  
46 omissions which are intentional, willful, wanton, reckless or  
47 grossly negligent; or

48           (b) Where the qualified volunteer negligently operates  
49 a motor vehicle, aircraft, boat or other powered mode of  
50 conveyance.

51           SECTION 2. This act shall take effect and be in force from  
52 and after July 1, 1999.