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BILL ANALYSIS

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Senate Bill 230 (as introduced 3-3-11)

Sponsor: Senator Jim Marleau

Committee: Health Policy

Date Completed: 3-3-11

CONTENT

The bill would create the "Volunteer Driver's Protection Act" to provide immunity from liability for personal injury or property damage for a person acting as a volunteer driver for a nonprofit organization.

Specifically, an individual acting for a nonprofit organization, including an officer or director, who operated a motor vehicle without compensation for the benefit of a passenger who was a senior citizen or a person with a disability, or who had a low income level, would not be liable for any act or omission that resulted in personal injury to the passenger or damage to the passenger's property if both of the following applied:

- At the time of the act or omission, the person was acting in good faith within the scope of his or her duties related to the operation of the motor vehicle.
- The injury or damage was not caused by willful or wanton misconduct on the part of the individual.

The protection from liability provided by the bill would not affect any liability of the nonprofit organization for which the individual was acting.

"Compensation" would not include reimbursement for actual expenses; a stipend under the Federal Domestic Volunteer Service Act; or financial assistance, valued at less than two-thirds of the Federal hourly minimum wage standard, if the individual would not be financially able to operate the vehicle for the senior citizen or disabled individual without the assistance.

"Senior citizen" would mean an individual who is at least 65 years old. "Person with a disability" would mean an individual with a physical or mental disability that causes the person to have a functional limitation in one or more of the following: ambulation, self-care, communication, transportation, education, socialization, or employment. "Low income level" would mean an income that is at or below the Federal poverty guidelines.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Matthew Grabowski

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