

# SENATE BILL No. 230

March 3, 2011, Introduced by Senators MARLEAU, ROBERTSON, KOWALL, EMMONS, JONES, HUNE, PAPPAGEORGE and SCHUITMAKER and referred to the Committee on Health Policy.

A bill to provide immunity from liability for personal injury and property damage to individuals providing driving services without compensation to certain individuals.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1. This act shall be known and may be cited as the  
2 "volunteer driver's protection act".

3       Sec. 2. As used in this act:

4       (a) "Compensation" does not include any of the following:

5       (i) Reimbursement for actual expenses.

6       (ii) A stipend under the domestic volunteer service act of  
7 1973, Public Law 93-113.

8       (iii) Financial assistance, valued at less than two-thirds of  
9 the federal hourly minimum wage standard, if the individual would  
10 not be financially able to operate the vehicle for the senior  
11 citizen or disabled individual without the assistance.

1 (b) "Low-income level" means an income that is at or below the  
2 poverty guidelines published annually in the federal register by  
3 the United States department of health and human services under its  
4 authority to revise the poverty line under 42 USC 9902.

5 (c) "Nonprofit organization" means an organization that is  
6 exempt from taxation under 26 USC 501.

7 (d) "Person with a disability" means an individual with a  
8 physical or mental disability that causes the person to have a  
9 functional limitation in 1 or more of the following:

10 (i) Ambulation.

11 (ii) Self-care.

12 (iii) Communication.

13 (iv) Transportation.

14 (v) Education.

15 (vi) Socialization.

16 (vii) Employment.

17 (e) "Senior citizen" means an individual 65 years of age or  
18 older.

19 Sec. 3. (1) An individual acting for a nonprofit organization,  
20 including an officer or director of the organization, who operates  
21 a motor vehicle without compensation for the benefit of a passenger  
22 who is a senior citizen, is a person with a disability, or has a  
23 low-income level is not liable for any act or omission by the  
24 individual that results in personal injury to the passenger or  
25 damage to the passenger's property if both of the following apply:

26 (a) At the time of the act or omission, the individual was  
27 acting in good faith within the scope of his or her duties related

1 to the operation of the motor vehicle.

2 (b) The injury or damage was not caused by willful or wanton  
3 misconduct on the part of the individual.

4 (2) The protection from liability provided by subsection (1)  
5 does not affect any liability of the nonprofit organization for  
6 which the individual was acting.