

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 695

Short Title: Immunity for Public Sch. Volunteers.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary.

April 3, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE SCHOOL VOLUNTEERS, LOCAL SCHOOL BOARDS, AND
SCHOOL OFFICIALS LIMITED IMMUNITY FROM CIVIL LIABILITY FOR
NEGLIGENT ACTS BY PUBLIC SCHOOL VOLUNTEERS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 115C of the General Statutes is amended by adding a new
Part to read:

"PART 4. PUBLIC SCHOOL VOLUNTEERS.

"§ 115C-266. Immunity from civil liability for volunteers.

(a) A volunteer who performs services for a public school is not liable in civil
damages for any acts or omissions resulting in any injury, death, or loss to person or
property arising from the volunteer services rendered if:

(1) The volunteer was acting in good faith and the services rendered were
reasonable under the circumstances.

(2) The acts or omissions do not amount to gross negligence, wanton
conduct, or intentional wrongdoing.

(3) The acts or omissions did not occur while the volunteer was operating
or responsible for the operation of a motor vehicle.

1 **(b)** No local board of education or school official shall be liable in civil damages
2 for any acts or omissions by a volunteer if the volunteer is immune from civil liability
3 under subsection (a) of this section.

4 **(c)** Any local board of education that has obtained liability insurance under G.S.
5 115C-42 and any volunteer that has liability insurance shall be deemed to have waived
6 the qualified immunity under this section, but only to the extent the school board or
7 volunteer is indemnified by the insurance for the volunteer's negligence.

8 **(d)** Nothing herein shall be construed to alter the standard of care requirement or
9 liability of persons rendering professional services.

10 **(e)** As used in this section, 'public school' means a school operated under Section 2
11 of Article IX of the Constitution of North Carolina."

12 Section 2. This act is effective when it becomes law.