

Sixtieth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1452

Introduced by

Representatives Conrad, Klemin, L. Meier, Schneider

Senator Wardner

1 A BILL for an Act to provide for limitations on the civil liability of a charitable organization.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1. Definitions.** As used in this Act, unless the context otherwise requires:

4 1. "Charitable organization" means a nonprofit organization whose primary purpose is
5 for relief of poor, disabled, underprivileged, or abused persons, support of youth
6 and youth programs, or the prevention of abuse to children and vulnerable adults.

7 2. "Claim" means any claim for money damages brought against a charitable
8 organization or an employee of the charitable organization for an injury caused by
9 the charitable organization or an employee of the charitable organization acting
10 within the scope of the employee's employment.

11 3. "Employee" means every present or former officer or employee of the charitable
12 organization or any person acting on behalf of the charitable organization in an
13 official capacity, temporarily or permanently, with or without compensation.

14 4. "Injury" means personal injury, death, or property damage.

15 5. "Occurrence" means an accident, including continuous or repeated exposure to a
16 condition, which results in an injury.

17 6. "Personal injury" includes bodily injury, mental injury, sickness, or disease
18 sustained by a person and injury to a person's rights or reputation.

19 7. "Property damage" includes injury to or destruction of tangible or intangible
20 property.

21 8. "Scope of employment" means the employee was acting on behalf of the
22 charitable organization in the performance of duties or tasks of the charitable
23 organization assigned to the employee by the charitable organization.

SECTION 2. Liability of charitable organizations - Limitations - Statute of limitations.

1. A charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee's scope of employment.
2. The liability of the charitable organization under this Act is limited to a total of two hundred fifty thousand dollars per person and one million dollars for any number of claims arising from any single occurrence. The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages.
3. An action brought under this Act must be commenced within the period provided in chapter 28-01.