

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, distressed, underprivileged, or abused persons, support of youth
6 and youth programs, prevention of cruelty to children or animals, or similar
7 condition of public concern.

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

12 3. "Employee" means every present or former officer or employee of the charitable
13 organization or any person acting on behalf of the charitable organization in an
14 official capacity, temporarily or permanently, with or without compensation. The
15 term does not include an independent contractor.

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

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

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

21 7. "Property damage" includes injury to or destruction of tangible or intangible
22 property.

1 8. "Scope of employment" means the employee was acting on behalf of the charitable
2 organization in the performance of duties or tasks of the charitable organization
3 assigned to the employee by the charitable organization.

4 **SECTION 2. Liability of charitable organizations - Limitations - Statute of**
5 **limitations.**

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