

Introduced by

Representative Fegley

1 A BILL for an Act to amend and reenact section 1-01-49, subsection 4 of section 11-28.3-06,
2 and section 23-27-04.1 of the North Dakota Century Code, relating to the definition of volunteer.

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

4 **SECTION 1. AMENDMENT.** Section 1-01-49 of the North Dakota Century Code is amended
5 and reenacted as follows:

6 **1-01-49. Other general definitions.**

7 As used in this code, unless the context otherwise requires or unless otherwise defined:

- 8 1. "Children" includes children by birth and by adoption.
- 9 2. "Coal" means all kinds of coal and includes what is known as lignite coal.
- 10 3. "Compound interest" means interest added to the principal as the interest becomes
11 due and which thereafter bears interest.
- 12 4. "Corporate surety" means a corporation or limited liability company duly authorized
13 under the laws of this state to transact a surety business in the state.
- 14 5. "Decree" has the same meaning as the word "judgment".
- 15 6. "Depose" includes every mode of written statement under oath or affirmation.
- 16 7. "Executor" includes administrator and "administrator" includes executor.
- 17 8. "Female" means a girl, woman, or an individual whose biological reproductive system
18 is developed to produce ova.
- 19 9. "Good faith" means an honest intention to abstain from taking any unconscientious
20 advantage of another even through the forms or technicalities of law, together with an
21 absence of all information or belief of facts which would render the transaction
22 unconscientious.
- 23 10. "Individual" means a human being.

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- 1 11. "Male" means a boy, man, or an individual whose biological reproductive system is
2 developed to produce sperm.
- 3 12. "Oath" includes "affirmation".
- 4 13. "Organization" includes a foreign or domestic association, business trust, corporation,
5 enterprise, estate, joint venture, limited liability company, limited liability partnership,
6 limited partnership, partnership, trust, or any legal or commercial entity.
- 7 14. "Paper" means any flexible material upon which it is usual to write.
- 8 15. "Partnership" includes a limited liability partnership registered under chapter 45-22.
- 9 16. "Penitentiary" includes any affiliated facilities.
- 10 17. "Person" means an individual, organization, government, political subdivision, or
11 government agency or instrumentality. The term does not include environmental
12 elements, artificial intelligence, an animal, or an inanimate object.
- 13 18. "Personal property" includes money, goods, chattels, things in action, and evidences
14 of debt.
- 15 19. "Population" means the number of inhabitants as determined by the last preceding
16 state or federal census.
- 17 20. "Preceding" and "following" when used by way of reference to a chapter or other part
18 of a statute means the next preceding or next following chapter or other part.
- 19 21. "Primary sector business" means an individual, corporation, limited liability company,
20 partnership, or association certified by the department of commerce division of
21 economic development and finance which through the employment of knowledge or
22 labor adds value to a product, process, or service which results in the creation of new
23 wealth. The term includes tourism operations demonstrating the creation of new
24 wealth by attracting out-of-state visitors.
- 25 For purposes of this subsection, "new wealth" means revenues generated by a
26 business or tourism operation in this state through the sale of products or services to:
- 27 a. Customers or visitors from outside this state; or
- 28 b. Customers in this state if the products or services were previously unavailable or
29 difficult to obtain from a business in this state.
- 30 22. "Process" means a writ or summons issued in the course of judicial proceedings.
- 31 23. "Property" includes property, real and personal.

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- 1 24. "Qualified elector", as used in this code concerning qualifications for signing petitions
2 to governmental bodies, means a citizen of the United States who is eighteen years of
3 age or older; and is a resident of this state and of the area affected by the petition.
- 4 25. "Real property" shall be coextensive with lands, tenements, and hereditaments.
- 5 26. "Rule" includes regulation.
- 6 27. "Several" in relation to number means two or more.
- 7 28. "Sex" means the biological state of being male or female, based on the individual's
8 nonambiguous sex organs, chromosomes, or endogenous hormone profiles at birth.
- 9 29. "Signature" or "subscription" includes "mark" when the individual cannot write, the
10 individual's name being written near it and written by another individual who writes the
11 individual's own name as a witness.
- 12 30. "State" when applied to the different parts of the United States, includes the District of
13 Columbia and the territories.
- 14 31. "Testify" includes every mode of oral statement under oath or affirmation.
- 15 32. "Third persons" includes all who are not parties to the obligation or transaction
16 concerning which the phrase is used.
- 17 33. "United States" includes the District of Columbia and the territories.
- 18 34. "Value" or "valuable consideration" means something of value parted with, or a new
19 obligation assumed at the time of obtaining something, which serves as substantial
20 compensation for what is received in return.
- 21 35. "Verdict" includes not only the verdict of a jury, but also the finding upon the facts of a
22 judge or of a master appointed to determine the issues in a cause.
- 23 36. "Verified" means sworn to before an officer authorized to administer oaths.
- 24 37. "Volunteer" means an individual who receives no compensation or who is paid
25 expenses, reasonable benefits, nominal fees, or a combination of expenses,
26 reasonable benefits, and nominal fees to perform the services for which the individual
27 volunteered, provided that the fees do not exceed ten thousand dollars in any
28 calendar year.
- 29 38. "Will" includes codicils.
- 30 ~~38-39.~~ "Writ" means an order or precept in writing, issued in the name of the state or of a
31 court or judicial officer.

1 **SECTION 2. AMENDMENT.** Subsection 4 of section 11-28.3-06 of the North Dakota
2 Century Code is amended and reenacted as follows:

3 4. If a vacancy occurs in a board position due to a resignation, a special meeting must be
4 called and held within sixty days of the resignation for the purpose of electing a
5 director to serve the remainder of the term. Board members may receive
6 compensation at a rate set by the board of directors. No more than two elected
7 members of the board may be members of the licensed ambulance service serving the
8 district territory and those board members must meet the definition of volunteer in
9 section ~~23-27-04.11-01-49~~.

10 **SECTION 3. AMENDMENT.** Section 23-27-04.1 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **23-27-04.1. Emergency care or services rendered by officers, employees, or agents of**
13 **emergency medical services operations - Physician medical direction.**

- 14 1. An officer, employee, or agent of an emergency medical services operation and a
15 physician licensed in this state who provides medical direction to an emergency
16 medical services operation, who is a volunteer, who in good faith renders emergency
17 care, services, or medical direction, is not liable to the recipient of the emergency care,
18 services, or medical direction for any civil damages resulting from any acts or
19 omissions by the person in rendering the emergency care, services, or medical
20 direction provided the person is properly trained according to law.
- 21 2. ~~For the purpose of this section, "volunteer" means an individual who receives no~~
22 ~~compensation or who is paid expenses, reasonable benefits, nominal fees, or a~~
23 ~~combination of expenses, reasonable benefits, and nominal fees to perform the~~
24 ~~services for which the individual volunteered, provided that the fees do not exceed ten~~
25 ~~thousand dollars in any calendar year.~~
- 26 3. For a volunteer physician providing medical overview to an emergency medical
27 services operation and the operation's personnel, the ten thousand dollar maximum
28 fees amount is calculated separately for each emergency medical services operation
29 for which the physician volunteered medical overview. This section does not relieve a
30 person from liability for damages resulting from the intoxication, willful misconduct, or
31 gross negligence of the person rendering the emergency care or services.

1 4.3. An officer, employee, or agent of any emergency medical services operation and a
2 physician licensed in this state who provides medical direction to any emergency
3 medical services operation who in good faith does not render emergency care,
4 service, or medical direction to an individual based on a determination that transport of
5 that individual to a hospital is not medically necessary is not liable to that individual for
6 damages unless the damages resulted from intoxication, willful misconduct, or gross
7 negligence.