

2A: 53A-7.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A: 53A-7.1

(Cemetery corporations--non-profit--board members & volunteers--exempt from civil liability)

LAWS OF: 1989

CHAPTER: 249

Bill No: S1244

Sponsor(s): Feldman

Date Introduced: Pre-filed

Committee: Assembly: Insurance

Senate: Judiciary

Amended during passage: Yes Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 11, 1989

Senate: June 13, 1989

Date of Approval: January 3, 1990

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: Yes

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

P.L.1989, CHAPTER 249, approved January 3, 1990
1988 Senate No. 1244 (First Reprint)

1 **AN ACT** exempting volunteers of certain organizations from
2 liability under certain conditions and amending P.L.1987, c.87
3 (C.2A:53A-7.1).

4
5 **BE IT ENACTED** by the Senate and General Assembly of the
6 **State of New Jersey:**

7 1. Section 1 of P.L.1987, c.87 (C.2A:53A-7.1) is amended to
8 read as follows:

9 1. a. Notwithstanding any other provision of law to the
10 contrary, no person serving without compensation, other than
11 reimbursement for actual expenses, as a trustee, director,
12 officer or voluntary member of any board, council or governing
13 body of an nonprofit corporation, society or association as
14 provided in P.L.1959, c.90 (C.2A:53A-7 to 2A:53A-11), or
15 nonprofit federation council or affiliated group composed of
16 these organizations or a voluntary association as provided by
17 P.L.1979, c.172 (C.18A:11-3) or to a conference under the
18 jurisdiction of such a voluntary association, shall be liable for
19 damages resulting from the exercise of judgment or discretion in
20 connection with the duties of his office unless the actions
21 evidence a reckless disregard for the duties imposed by the
22 position.

23 b. Notwithstanding any provisions of law to the contrary, no
24 person who provides volunteer service or assistance for any
25 nonprofit corporation, society or association as provided in
26 P.L.1959, c.90 (C.2A:53A-7 to 2A:53A-11), or nonprofit
27 federation council or affiliated group composed of these
28 organizations or a voluntary association as provided by P.L.1979,
29 c.172 (C.18A:11-3) or to a conference under the jurisdiction of
30 such a voluntary association shall be liable in any action for
31 damages as a result of his acts of commission or omission arising
32 out of and in the course of his rendering the volunteer service or
33 assistance.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
Assembly AIN committee amendments adopted December 12, 1988.

1 Nothing in this subsection shall be deemed to grant immunity
2 to any person causing damage by his willful, wanton or grossly
3 negligent act of commission or omission.

4 Nothing in this subsection shall be deemed to grant immunity
5 to any person causing damage as the result of his negligent
6 operation of a motor vehicle.

7 c. ¹Nothing in this section shall be deemed to supercede or
8 modify any provision of P.L.1986, c.13 (C.2A:62A-6) dealing
9 with the civil liability of persons involved with nonprofit sports
10 teams.

11 d.¹ (1) Notwithstanding any other provision of law to the
12 contrary, the provisions of subsection a. of this section shall be
13 applicable to any person serving without compensation, other
14 than reimbursement for actual expenses, as a trustee, director,
15 officer or voluntary member of the board or governing body of
16 any nonprofit corporation, society or association which is
17 organized pursuant to the laws of the State of New Jersey for
18 the purpose of operating or maintaining a cemetery or place of
19 burial.

20 (2) Notwithstanding any other provision of law to the
21 contrary, the provisions of subsection b. of this section shall be
22 applicable to any person who provides volunteer service or
23 assistance to any nonprofit corporation, society or association
24 organized pursuant to the laws of the State of New Jersey for
25 the purpose of operating or maintaining a cemetery or place of
26 burial.

27 (cf: P.L.1988, c.87, s.2)

28 2. This act shall take effect immediately.

29

30

31

CIVIL JUSTICE

32

Tort Liability

33

34 Exempts from civil liability under certain circumstances those
35 who serve on the boards or as volunteers with nonprofit
36 cemetery corporations.

[FIRST REPRINT]
SENATE, No. 1244
STATE OF NEW JERSEY

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PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator FELDMAN

1 AN ACT exempting volunteers of certain organizations from
liability under certain conditions and amending P.L.1987, c.87
3 (C.2A:53A-7.1).

5 BE IT ENACTED *by the Senate and General Assembly of the*
State of New Jersey:

7 1. Section 1 of P.L.1987, c.87 (C.2A:53A-7.1) is amended to
read as follows:

9 1. a. Notwithstanding any other provision of law to the
contrary, no person serving without compensation, other than
11 reimbursement for actual expenses, as a trustee, director,
officer or voluntary member of any board, council or governing
13 body of an nonprofit corporation, society or association as
provided in P.L.1959, c.90 (C.2A:53A-7 to 2A:53A-11), or
15 nonprofit federation council or affiliated group composed of
these organizations or a voluntary association as provided by
17 P.L.1979, c.172 (C.18A:11-3) or to a conference under the
jurisdiction of such a voluntary association, shall be liable for
19 damages resulting from the exercise of judgment or discretion in
connection with the duties of his office unless the actions
21 evidence a reckless disregard for the duties imposed by the
position.

23 b. Notwithstanding any provisions of law to the contrary, no
person who provides volunteer service or assistance for any
25 nonprofit corporation, society or association as provided in
P.L.1959, c.90 (C.2A:53A-7 to 2A:53A-11), or nonprofit
27 federation council or affiliated group composed of these
organizations or a voluntary association as provided by P.L.1979,
29 c.172 (C.18A:11-3) or to a conference under the jurisdiction of
such a voluntary association shall be liable in any action for
31 damages as a result of his acts of commission or omission arising
out of and in the course of his rendering the volunteer service or
33 assistance.

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above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Assembly AIN committee amendments adopted December 12, 1988.

1 Nothing in this subsection shall be deemed to grant immunity
to any person causing damage by his willful, wanton or grossly
3 negligent act of commission or omission.

Nothing in this subsection shall be deemed to grant immunity
5 to any person causing damage as the result of his negligent
operation of a motor vehicle.

7 c. ¹Nothing in this section shall be deemed to supercede or
modify any provision of P.L.1986, c.13 (C.2A:62A-6) dealing
9 with the civil liability of persons involved with nonprofit sports
teams.

11 d.¹ (1) Notwithstanding any other provision of law to the
contrary, the provisions of subsection a. of this section shall be
13 applicable to any person serving without compensation, other
than reimbursement for actual expenses, as a trustee, director,
15 officer or voluntary member of the board or governing body of
any nonprofit corporation, society or association which is
17 organized pursuant to the laws of the State of New Jersey for
the purpose of operating or maintaining a cemetery or place of
19 burial.

(2) Notwithstanding any other provision of law to the
21 contrary, the provisions of subsection b. of this section shall be
applicable to any person who provides volunteer service or
23 assistance to any nonprofit corporation, society or association
organized pursuant to the laws of the State of New Jersey for
25 the purpose of operating or maintaining a cemetery or place of
burial.

27 (cf: P.L.1988, c.87, s.2)

2. This act shall take effect immediately.

29

31 CIVIL JUSTICE
Tort Liability

33

Exempts from civil liability under certain circumstances those
35 who serve on the boards or as volunteers with nonprofit
cemetery corporations.

SENATE, No. 1244

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator FELDMAN

1 **AN ACT** exempting volunteers of certain organizations from
liability under certain conditions and amending P.L. 1987, c.
3 87 (C. 2A:53A-7.1).

5 **BE IT ENACTED** by the Senate and General Assembly of the
State of New Jersey:

7. 1. Section 1 of P.L. 1987, c. 87 (C. 2A:53A-7.1) is amended to
read as follows:

9 1. a. Notwithstanding any other provision of law to the
contrary, no person serving without compensation, other than
11 reimbursement for actual expenses, as a trustee, director,
officer or voluntary member of any board, council or governing
13 body of an nonprofit corporation, society or association as
provided in P.L. 1959, c. 90 (C. 2A:53A-7 to 2A:53A-11), or
15 nonprofit federation council or affiliated group composed of
these organizations or a voluntary association as provided by
17 P.L. 1979, c. 172 (C. 18A:11-3) or to a conference under the
jurisdiction of such a voluntary association, shall be liable for
19 damages resulting from the exercise of judgment or discretion in
connection with the duties of his office unless the actions
21 evidence a reckless disregard for the duties imposed by the
position.

23 b. Notwithstanding any provisions of law to the contrary, no
person who provides volunteer service or assistance for any
25 nonprofit corporation, society or association as provided in P.L.
1959, c. 90 (C. 2A:53A-7 to 2A:53A-11), or nonprofit federation
27 council or affiliated group composed of these organizations or a
voluntary association as provided by P.L. 1979, c. 172 (C.
29 18A:11-3) or to a conference under the jurisdiction of such a
voluntary association shall be liable in any action for damages as
31 a result of his acts of commission or omission arising out of and
in the course of his rendering the volunteer service or

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above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 assistance. Nothing in this subsection shall be deemed to grant
immunity to any person causing damage by his willful, wanton or
3 grossly negligent act of commission or omission. Nothing in this
subsection shall be deemed to grant immunity to any person
5 causing damage as the result of his negligent operation of a
motor vehicle.

7 c. (1) Notwithstanding any other provision of law to the
contrary, the provisions of subsection a. of this section shall be
9 applicable to any person serving without compensation, other
than reimbursement for actual expenses, as a trustee, director,
11 officer or voluntary member of the board or governing body of
any nonprofit corporation, society or association which is
13 organized pursuant to the laws of the State of New Jersey for
the purpose of operating or maintaining a cemetery or place of
15 burial.

17 (2) Notwithstanding any other provision of law to the
contrary, the provisions of subsection b. of this section shall be
applicable to any person who provides volunteer service or
19 assistance to any nonprofit corporation, society or association
organized pursuant to the laws of the State of New Jersey for
21 the purpose of operating or maintaining a cemetery or place of
burial.

23 (cf: P.L. 1987, c. 87; C. 2A:53A-7.1)

25 2. This act shall take effect immediately.

27 **CIVIL JUSTICE**

Tort Liability

29 Exempts from civil liability under certain circumstances those
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cemetery corporations.

SENATE, No. 1244

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1988 SESSION

By Senator FELDMAN

2 AN ACT exempting volunteers of certain organizations from
liability under certain conditions and amending P.L. 1987, c.
3 87 (C. 2A:-53A-7.1).

4
5 BE IT ENACTED by the Senate and General Assembly of the
6 State of New Jersey:

7 1. Section 1 of P.L. 1987, c. 87 (C. 2A:53A-7.1) is amended to
8 read as follows:

9 1. a. Notwithstanding any other provision of law to the
10 contrary, no person serving without compensation, other than
reimbursement for actual expenses, as a trustee, director,
12 officer or voluntary member of any board, council or governing
body of an nonprofit corporation, society or association as
14 provided in P.L. 1959, c. 90 (C. 2A:53A-7 to 2A:53A-11), or
nonprofit federation council or affiliated group composed of
16 these organizations or a voluntary association as provided by
P.L. 1979, c. 172 (C. 18A:11-3) or to a conference under the
18 jurisdiction of such a voluntary association, shall be liable for
damages resulting from the exercise of judgment or discretion in
20 connection with the duties of his office unless the actions
evidence a reckless disregard for the duties imposed by the
22 position.

23 b. Notwithstanding any provisions of law to the contrary, no
24 person who provides volunteer service or assistance for any
nonprofit corporation, society or association as provided in P.L.
26 1959, c. 90 (C. 2A:53A-7 to 2A:53A-11), or nonprofit federation
council or affiliated group composed of these organizations or a
28 voluntary association as provided by P.L. 1979, c. 172 (C.
18A:11-3) or to a conference under the jurisdiction of such a
30 voluntary association shall be liable in any action for damages as
a result of his acts of commission or omission arising out of and
32 in the course of his rendering the volunteer service or

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above bill is not enacted and is intended to be omitted in the law.

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2 assistance. Nothing in this subsection shall be deemed to grant
 4 immunity to any person causing damage by his willful, wanton or
 6 grossly negligent act of commission or omission. Nothing in this
 subsection shall be deemed to grant immunity to any person
 causing damage as the result of his negligent operation of a
 motor vehicle.

8 c. (1) Notwithstanding any other provision of law to the
contrary, the provisions of subsection a. of this section shall be
applicable to any person serving without compensation, other
 10 than reimbursement for actual expenses, as a trustee, director,
officer or voluntary member of the board or governing body of
 12 any nonprofit corporation, society or association which is
 14 organized pursuant to the laws of the State of New Jersey for
the purpose of operating or maintaining a cemetery or place of
burial.

16 (2) Notwithstanding any other provision of law to the
contrary, the provisions of subsection b. of this section shall be
 18 applicable to any person who provides volunteer service or
assistance to any nonprofit corporation, society or association
 20 organized pursuant to the laws of the State of New Jersey for
 22 the purpose of operating or maintaining a cemetery or place of
burial.

2. This act shall take effect immediately.

24

26

STATEMENT

28 Recently enacted P.L. 1987, c. 87 (C. 2A:53A-7.1) provides
 30 that persons serving without compensation on the boards of
 32 religious, charitable and educational organizations are not liable
 for damages resulting from the exercise of judgment or
 discretion in connection with that service unless their actions
 evidence a reckless disregard for their duties. N.J.S.A.
 34 2A:53A-7.1 also provides civil immunity, except for damages
 resulting from willful or grossly negligent acts or from the
 36 operation of a motor vehicle, to those who provide volunteer
 service to such organizations. This bill would extend the
 38 provisions of N.J.S.A. 2A:53A-7.1 to those who serve on the
 governing bodies or as volunteers with nonprofit corporations
 40 organized for the purpose of operating or maintaining a
 cemetery or place of burial.

CIVIL JUSTICE

Tort Liability

2

4 Exempts from civil liability under certain circumstances those
who serve on the boards or as volunteers with nonprofit
6 cemetery corporations.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1244

STATE OF NEW JERSEY

DATED: FEBRUARY 29, 1988

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The Senate Judiciary Committee reports favorably Senate Bill No. 1244.

Recently enacted P.L. 1987, c. 87 (C. 2A:53A-7.1) provides that persons serving without compensation on the boards of religious, charitable and educational organizations are not liable for damages resulting from the exercise of judgment or discretion in connection with that service unless their actions evidence a reckless disregard for their duties. N.J.S.A. 2A:53A-7.1 also provides civil immunity, except for damages resulting from willful or grossly negligent acts or from the operation of a motor vehicle, to those who provide volunteer service to such organizations. This bill would extend the provisions of N.J.S.A. 2A:53A-7.1 to those who serve on the governing bodies or as volunteers with nonprofit corporations organized for the purpose of operating or maintaining a cemetery or place of burial.

This bill was pre-filed for introduction in the 1988 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

SENATE, No. 1244

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 1988

The Assembly Insurance Committee reports Senate Bill No. 1244 favorably with committee amendments.

This bill provides certain immunities to trustees, directors, officers, or volunteers of nonprofit corporations, societies, or associations which operate or maintain cemeteries or places of burial. The bill amends P.L.1987, c.87 (C.2A:53A-7.1), which provides immunity for officers or board members from damages resulting from the exercise of judgment or discretion in connection with the duties of office unless the actions of the person in question evidence a reckless disregard for the duties imposed by the position. P.L.1987, c.87 also provides immunity for volunteers for damages which result from acts of commission or omission which arise out of and in the course of his rendering the volunteer service.

The provisions of P.L.1987, c.87 gave immunity to board members and volunteers of nonprofit corporations which were organized for religious, charitable, and educational purposes. Members of boards and volunteers for cemetery corporations do not fall within the purview of that statute because, while they are nonprofit organizations, they cannot be said to be organized for either religious, charitable, or educational purposes. The purpose of this legislation, therefore, is to extend the same immunity to them as has been given to those other nonprofit institutions.

The Assembly Insurance Committee has made technical amendments to the bill to conform it to the provisions of P.L.1988, c.87.