

2A.53A-7

LEGISLATIVE HISTORY CHECKLIST
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(Charitable immunity)

NJSA: 2A:53A-7

LAWS OF: 1995 CHAPTER: 183

BILL NO: A1775

SPONSOR(S): Bagger and Bateman

DATE INTRODUCED: May 12, 1994

COMMITTEE: ASSEMBLY: Insurance
SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 5, 1994
SENATE: May 25, 1995

DATE OF APPROVAL: July 24, 1995

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

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See newspaper clippings--attached:
"State shields charity employees from negligence suits," 7-25-95, Star Ledger.

KBG:pp

P.L.1995, CHAPTER 183, *approved July 24, 1995*
 1994 Assembly No. 1775 (*Second Reprint*)

1 AN ACT concerning immunity from liability in certain instances
 2 and amending P.L.1959, c.90.

3
 4 BE IT ENACTED by the Senate and General Assembly of the
 5 State of New Jersey:

6 1. Section 1 of P.L.1959, c.90 (C.2A:53A-7) is amended to read
 7 as follows:

8 1.1 2a.2 No nonprofit corporation, society or association
 9 organized exclusively for religious, charitable [,] or educational
 10 [or hospital] purposes or its trustees, directors, officers,
 11 employees, agents¹, servants¹ or volunteers shall, except as is
 12 hereinafter set forth, be liable to respond in damages to any
 13 person who shall suffer damage from the negligence of any agent
 14 or servant of such corporation, society or association, where such
 15 person is a beneficiary, to whatever degree, of the works of such
 16 nonprofit corporation, society or association; provided, however,
 17 that such immunity from liability shall not extend to any person
 18 who shall suffer damage from the negligence of such corporation,
 19 society, or association or of its agents or servants where such
 20 person is one unconcerned in and unrelated to and outside of the
 21 benefactions of such corporation, society or association [; but
 22 nothing herein contained shall be deemed to exempt the said
 23 agent or servant individually from their liability for any such
 24 negligence].

25 2Nothing in this subsection shall be deemed to grant immunity
 26 to any health care provider, in the practice of his profession, who
 27 is a compensated employee, agent or servant of any nonprofit
 28 corporation, society or association organized exclusively for
 29 religious, charitable or educational purposes.

30 b.2 No nonprofit corporation, society or association organized
 31 exclusively for hospital purposes ¹or its trustees, directors,
 32 officers or volunteers¹ shall, except as is hereinafter set forth,
 33 be liable to respond in damages to any person who shall suffer
 34 damage from the negligence of any agent or servant of such
 35 corporation, society or association, where such person is a
 36 beneficiary, to whatever degree, of the works of such nonprofit
 37 corporation, society or association; provided, however, that such
 38 immunity from liability shall not extend to any person who shall
 39 suffer damage from the negligence of such corporation, society,
 40 or association or of its agents or servants where such person is
 41 one unconcerned in and unrelated to and outside of the
 42 benefactions of such corporation, society or association; but

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:

¹ Assembly floor amendments adopted June 27, 1994.

² Senate SJU committee amendments adopted January 12, 1995.

1 nothing herein contained shall be deemed to exempt the agent¹,
2 employee¹ or servant individually from their liability for any such
3 negligence.

4 ²c.² Nothing in this section shall be deemed to grant immunity
5 to²: (1)² any trustee, director, officer, employee, agent¹,
6 servant¹ or volunteer causing damage by a willful, wanton or
7 grossly negligent act of commission or omission ²[or] , including
8 sexual assault and other crimes of a sexual nature; (2)² to any
9 trustee, director, officer, employee, agent¹, servant¹ or
10 volunteer causing damage as the result of the negligent operation
11 of a motor vehicle ²; or (3) to an independent contractor of a
12 nonprofit corporation, society or association organized
13 exclusively for religious, charitable, educational or hospital
14 purposes².

15 (cf: P.L.1959, c.90, s.1)

16 2. This act shall take effect immediately and shall apply to all
17 causes of action arising on or after the effective date.

18

19

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21

22 Extends charitable immunity to trustees, directors, officers,
23 employees, agents or volunteers of certain nonprofit
24 corporations, societies or associations.

ASSEMBLY, No. 1775
STATE OF NEW JERSEY

INTRODUCED MAY 12, 1994

By Assemblyman BAGGER

1 **AN ACT** concerning immunity from liability in certain instances
2 and amending P.L.1959, c.90.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the
5 *State of New Jersey*:

6 1. Section 1 of P.L.1959, c.90 (C.2A:53A-7) is amended to read
7 as follows:

8 **No nonprofit corporation, society or association organized**
9 **exclusively for religious, charitable [.] or educational [or hospital]**
10 **purposes or its trustees, directors, officers, employees, agents or**
11 **volunteers shall, except as is hereinafter set forth, be liable to**
12 **respond in damages to any person who shall suffer damage from**
13 **the negligence of any agent or servant of such corporation,**
14 **society or association, where such person is a beneficiary, to**
15 **whatever degree, of the works of such nonprofit corporation,**
16 **society or association; provided, however, that such immunity**
17 **from liability shall not extend to any person who shall suffer**
18 **damage from the negligence of such corporation, society, or**
19 **association or of its agents or servants where such person is one**
20 **unconcerned in and unrelated to and outside of the benefactions**
21 **of such corporation, society or association [; but nothing herein**
22 **contained shall be deemed to exempt the said agent or servant**
23 **individually from their liability for any such negligence].**

24 **No nonprofit corporation, society or association organized**
25 **exclusively for hospital purposes shall, except as is hereinafter**
26 **set forth, be liable to respond in damages to any person who shall**
27 **suffer damage from the negligence of any agent or servant of**
28 **such corporation, society or association, where such person is a**
29 **beneficiary, to whatever degree, of the works of such nonprofit**
30 **corporation, society or association; provided, however, that such**
31 **immunity from liability shall not extend to any person who shall**
32 **suffer damage from the negligence of such corporation, society,**
33 **or association or of its agents or servants where such person is**
34 **one unconcerned in and unrelated to and outside of the**
35 **benefactions of such corporation, society or association; but**
36 **nothing herein contained shall be deemed to exempt the agent or**
37 **servant individually from their liability for any such negligence.**

38 **Nothing in this section shall be deemed to grant immunity to**
39 **any trustee, director, officer, employee, agent or volunteer**
40 **causing damage by a willful, wanton or grossly negligent act of**
41 **commission or omission or to any trustee, director, officer,**
42 **employee, agent or volunteer causing damage as the result of the**
43 **negligent operation of a motor vehicle.**

44 (cf: P.L.1959, c.90, s.1)

**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.

(1994)

1 2. This act shall take effect immediately and shall apply to all
2 causes of action arising on or after the effective date.

3
4
5 **SPONSORS' STATEMENT**
6

7 This bill amends N.J.S.A.2A:53A-7 concerning charitable
8 immunity. The bill specifically includes a reference to the
9 trustees, directors, officers, employees, agents or volunteers of a
10 nonprofit corporation, society or association organized
11 exclusively for religious, charitable or educational purposes as
12 being covered by the provisions of the act. The bill separates the
13 language referring to nonprofit corporations, societies or
14 associations organized exclusively for hospital purposes and does
15 not provide extended immunity to individuals associated with
16 these institutions. The bill restates the current statutory
17 language for the hospital institutions since N.J.S.A.2A:53A-8
18 presently provides a \$250,000.00 cap on the damages resulting
19 from an accident, together with interest and costs of suit for any
20 corporation, society or association organized exclusively for
21 hospital purposes.

22 The bill also adds language providing that all individuals
23 covered by the act do not enjoy this immunity for damage caused
24 by a willful, wanton or grossly negligent act of commission or
25 omission or for damage resulting from the negligent operation of
26 a motor vehicle.

27 The sponsor believes that the strongly held public policy of
28 protecting charitable institutions against claims by its
29 beneficiaries has been consistently reaffirmed and extended.
30 Within recent years there have been specific statutory extensions
31 of the charitable immunity concept to individuals in response to
32 specific circumstances including: uncompensated board members
33 and other volunteers of non profit organizations,
34 N.J.S.A.2A:53A-7.1; blood bank volunteers, N.J.S.A.2A:53A-7.2;
35 trustees of libraries or members of county library commissions,
36 N.J.S.A.2A:53A-7.3; volunteer athletic coaches,
37 N.J.S.A.2A:62A-6; and certain other compensated sports
38 officials, N.J.S.A.2A:62A-6.1.

39 The charitable immunity statute, however, has been held to
40 immunize only the charity itself, and not its compensated agents
41 or employees, who do the charity's work. The result of the
42 statute in its present form is that negligence claims are,
43 practically speaking, being asserted against non profit
44 organizations by means of naming as defendants the paid officers
45 and employees of the charities in their individual capacity, rather
46 than the charities themselves. The assumption on the part of
47 plaintiffs' lawyers may be that either the institution will
48 indemnify the individuals with the institution's own funds, or the
49 institution maintains insurance which may cover the claims
50 against the individuals.

51 Given the purpose of the charitable immunity statute, to
52 preserve the assets of the charity, it seems inconsistent with New
53 Jersey public policy for the statute to preclude claims against the
54 institution relating to the actions of its officers or employees,

1 but permit claims directly against those officers or employees
2 who are acting within the scope of their employment and to
3 which the institution answers financially.

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7

8 Extends charitable immunity to trustees, directors, officers,
9 employees, agents or volunteers of certain nonprofit
10 corporations, societies or associations.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1775

STATE OF NEW JERSEY

DATED: JUNE 13, 1994

The Assembly Insurance Committee reports favorably Assembly, No. 1775.

This bill amends N.J.S.A.2A:53A-7 concerning charitable immunity. The bill specifically includes a reference to the trustees, directors, officers, employees, agents or volunteers of a nonprofit corporation, society or association organized exclusively for religious, charitable or educational purposes as being covered by the provisions of the act. The bill separates the language referring to nonprofit corporations, societies or associations organized exclusively for hospital purposes and does not provide extended immunity to individuals associated with these institutions. The bill restates the current statutory language for the hospital institutions since N.J.S.A.2A:53A-8 presently provides a \$250,000 cap on the damages resulting from an accident, together with interest and costs of suit for any corporation, society or association organized exclusively for hospital purposes.

The bill also adds language providing that all individuals covered by the act do not enjoy this immunity for damage caused by a willful, wanton or grossly negligent act of commission or omission or for damage resulting from the negligent operation of a motor vehicle.

Within recent years there have been specific statutory extensions of the charitable immunity concept to individuals in response to specific circumstances including: uncompensated board members and other volunteers of non-profit organizations, N.J.S.A.2A:53A-7.1; blood bank volunteers, N.J.S.A.2A:53A-7.2; trustees of libraries or members of county library commissions, N.J.S.A.2A:53A-7.3; volunteer athletic coaches, N.J.S.A.2A:62A-6; and certain other compensated sports officials, N.J.S.A.2A:62A-6.1.

The charitable immunity statute, however, has been held to immunize only the charity itself, and not its compensated agents or employees, who do the charity's work. Practically speaking, in the statute's present form, negligence claims may be asserted against non-profit organizations by means of naming as defendants the paid officers and employees of the charities in their individual capacity, rather than the charities themselves. The assumption on the part of plaintiffs' lawyers may be that either the institution will indemnify the individuals with the institution's own funds, or the institution maintains insurance which may cover the claims against the individuals.

Given the purpose of the charitable immunity statute, to preserve the assets of the charity, it seems inconsistent with New Jersey public policy for the statute to preclude claims against the institution relating to the actions of its officers or employees, but permit claims directly against those officers or employees who are acting within the scope of their employment and to which the institution answers financially.

27 JUN 94 2:15

CLFLRA-218
Speaker
Clerk (3)
Majority Leader
Minority Leader
Sponsor of Aa
Sponsor of B1

ASSEMBLY Amendments
(Proposed by Assemblyman Bagger)

10

ASSEMBLY, No. 1775



(Sponsored by Assemblyman BAGGER)

REPLACE SECTION 1 TO READ:

ADOPTED Section 1 of P.L.1959, c.90 (C.2A:53A-7) is amended to read

' 1. No nonprofit corporation, society or association organized exclusively for religious, charitable [.] or educational [or hospital] purposes or its trustees, directors, officers, employees, agents or volunteers shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association; provided, however, that such immunity from liability shall not extend to any person who shall suffer damage from the negligence of such corporation, society, or association or of its agents or servants where such person is one unconcerned in and unrelated to and outside of the benefactions of such corporation, society or association [; but nothing herein contained shall be deemed to exempt the said agent or servant individually from their liability for any such negligence].

'servants'

No nonprofit corporation, society or association organized exclusively for hospital purposes ¹ or its trustees, directors, officers or volunteers¹ shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association; provided, however, that such immunity from liability shall not extend to any person who shall suffer damage from the negligence of such corporation, society, or association or of its agents or servants where such person is one unconcerned in and unrelated to and outside of the benefactions of such corporation, society or association; but nothing herein contained shall be deemed to exempt the agent ¹, employee¹ or servant individually from their liability for any such negligence.

Nothing in this section shall be deemed to grant immunity to any trustee, director, officer, employee, agent or volunteer causing damage by a willful, wanton or grossly negligent act of commission or omission or to any trustee, director, officer, employee, agent or volunteer causing damage as the result of the negligent operation of a motor vehicle.

'servant'

(cf: P.L.1959, c.90, s.1)

'servant'

STATEMENT

These amendments extend the immunity provided by the bill to nonprofit corporations, societies or associations organized exclusively for hospital purposes to their trustees, directors, officers and volunteers and further specifies that employees of such institutions are not exempt individually from their liability for negligence.

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1994

By Assemblymen BAGGER and Bateman

1 AN ACT concerning immunity from liability in certain instances
2 and amending P.L.1959, c.90.

3

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

6 1. Section 1 of P.L.1959, c.90 (C.2A:53A-7) is amended to read
7 as follows:

8 ¹.¹ No nonprofit corporation, society or association organized
9 exclusively for religious, charitable [,] or educational [or hospital]
10 purposes ~~or its trustees, directors, officers, employees, agents¹,
11 servants¹ or volunteers~~ shall, except as is hereinafter set forth,
12 be liable to respond in damages to any person who shall suffer
13 damage from the negligence of any agent or servant of such
14 corporation, society or association, where such person is a
15 beneficiary, to whatever degree, of the works of such nonprofit
16 corporation, society or association; provided, however, that such
17 immunity from liability shall not extend to any person who shall
18 suffer damage from the negligence of such corporation, society,
19 or association or of its agents or servants where such person is
20 one unconcerned in and unrelated to and outside of the
21 benefactions of such corporation, society or association [; but
22 nothing herein contained shall be deemed to exempt the said
23 agent or servant individually from their liability for any such
24 negligence].

25 ~~No nonprofit corporation, society or association organized
26 exclusively for hospital purposes ¹or its trustees, directors,
27 officers or volunteers¹ shall, except as is hereinafter set forth,
28 be liable to respond in damages to any person who shall suffer
29 damage from the negligence of any agent or servant of such
30 corporation, society or association, where such person is a
31 beneficiary, to whatever degree, of the works of such nonprofit
32 corporation, society or association: provided, however, that such
33 immunity from liability shall not extend to any person who shall
34 suffer damage from the negligence of such corporation, society,
35 or association or of its agents or servants where such person is
36 one unconcerned in and unrelated to and outside of the
37 benefactions of such corporation, society or association; but
38 nothing herein contained shall be deemed to exempt the agent ¹,
39 employee¹ or servant individually from their liability for any such
40 negligence.~~

41 ~~Nothing in this section shall be deemed to grant immunity to
42 any trustee, director, officer, employee, agent¹, servant¹ or~~

1 volunteer causing damage by a willful, wanton or grossly
2 negligent act of commission or omission or to any trustee,
3 director, officer, employee, agent¹, servant¹ or volunteer causing
4 damage as the result of the negligent operation of a motor
5 vehicle.

6 (cf: P.L.1959, c.90, s.1)

7 2. This act shall take effect immediately and shall apply to all
8 causes of action arising on or after the effective date.

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10
11
12

13 Extends charitable immunity to trustees, directors, officers,
14 employees, agents or volunteers of certain nonprofit
15 corporations, societies or associations.

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:

¹ Assembly floor amendments adopted June 27, 1994.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

[FIRST REPRINT]

ASSEMBLY, No. 1775

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 12, 1995

The Senate Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1775 [1R].

N.J.S.2A:53A-7 presently provides immunity from civil liability for nonprofit corporations and associations organized exclusively for religious, charitable, educational or hospital purposes. This bill would extend the immunity provided by 2A:53A-7 to the trustees, directors and officers of such charitable organizations and to persons who serve as volunteers with such organizations. These bills would also provide the same immunity from civil liability for the employees of charitable organizations other than those organized for hospital purposes.

The bill also includes language providing that the immunity provided under 2A:53A-7 does not cover damages caused by willful, wanton or grossly negligent acts or for damages resulting from the negligent operation of a motor vehicle.

The amendments adopted by the committee would:

1. Clarify that the section of 2A:53A-7 dealing with nonprofits other than hospitals does not grant immunity to health care professionals who are compensated for their services by such nonprofit corporations.

2. Specially include among the willful acts for which 2A:53A-7 does not provide immunity sexual assault and other crimes of a sexual nature.

3. Clarify that the immunity granted by 2A:53A-7 does not cover independent contractors.

*These amendments make
this bill identical to
Senate Bill No. 1510 (R)*

SENATE JUDICIARY COMMITTEE

AMENDMENTS

to

ASSEMBLY, No. 1775 (R)

(Sponsored by Assemblyman Bagger)

APPROVED
JAN 12 1995

REPLACE SECTION 1 TO READ:

1. Section 1 of P.L. 1959, c. 90 (C.2A:53A-7) is amended to read as follows:

^{1.12a.2} No nonprofit corporation, society or association organized exclusively for religious, charitable [.] or educational [or hospital] purposes or its trustees, directors, officers, employees, agents¹, servants¹ or volunteers shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association: provided, however, that such immunity from liability shall not extend to any person who shall suffer damage from the negligence of such corporation, society, or association or of its agents or servants where such person is one unconcerned in and unrelated to and outside of the benefactions of such corporation, society or association [; but nothing herein contained shall be deemed to exempt the said agent or servant individually from their liability for any such negligence].

²Nothing in this subsection shall be deemed to grant immunity to any health care provider, in the practice of his profession, who is a compensated employee, agent or servant of any nonprofit corporation, society or association organized exclusively for religious, charitable or educational purposes.

b.² No nonprofit corporation, society or association organized exclusively for hospital purposes ¹or its trustees, directors, officers or volunteers¹ shall, except as is hereinafter set forth, be liable to respond in damages to any person who shall suffer damage from the negligence of any agent or servant of such corporation, society or association, where such person is a beneficiary, to whatever degree, of the works of such nonprofit corporation, society or association: provided, however, that such immunity from liability shall not extend to any person who shall suffer damage from the negligence of such corporation, society, or association or of its agents or servants where such person is one unconcerned in and unrelated to and outside of the benefactions of such corporation, society or association: but nothing herein contained shall be deemed to exempt the agent ¹, employee¹ or servant individually from their liability for any such negligence.

2c.2 Nothing in this section shall be deemed to grant immunity to²: (1)² any trustee, director, officer, employee, agent¹, servant¹ or volunteer causing damage by a willful, wanton or grossly negligent act of commission or omission ²[or] . including sexual assault and other crimes of a sexual nature; (2)² to any trustee, director, officer, employee, agent¹, servant¹ or volunteer causing damage as the result of the negligent operation of a motor vehicle ²; or (3) to an independent contractor of a nonprofit corporation, society or association organized exclusively for religious, charitable, educational or hospital purposes².

(cf: P.L.1959, c.90, s.1)

[SECOND REPRINT]
ASSEMBLY, No. 1775

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1994

By Assemblymen BAGGER and Bateman

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5 State of New Jersey:

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7 as follows:

8 1.1 2a.2 No nonprofit corporation, society or association
9 organized exclusively for religious, charitable [,] or educational
10 [or hospital] purposes or its trustees, directors, officers,
11 employees, agents¹, servants¹ or volunteers shall, except as is
12 hereinafter set forth, be liable to respond in damages to any
13 person who shall suffer damage from the negligence of any agent
14 or servant of such corporation, society or association, where such
15 person is a beneficiary, to whatever degree, of the works of such
16 nonprofit corporation, society or association; provided, however,
17 that such immunity from liability shall not extend to any person
18 who shall suffer damage from the negligence of such corporation,
19 society, or association or of its agents or servants where such
20 person is one unconcerned in and unrelated to and outside of the
21 benefactions of such corporation, society or association [; but
22 nothing herein contained shall be deemed to exempt the said
23 agent or servant individually from their liability for any such
24 negligence].

25 2Nothing in this subsection shall be deemed to grant immunity
26 to any health care provider, in the practice of his profession, who
27 is a compensated employee, agent or servant of any nonprofit
28 corporation, society or association organized exclusively for
29 religious, charitable or educational purposes.

30 b.2 No nonprofit corporation, society or association organized
31 exclusively for hospital purposes ¹or its trustees, directors,
32 officers or volunteers¹ shall, except as is hereinafter set forth,
33 be liable to respond in damages to any person who shall suffer
34 damage from the negligence of any agent or servant of such
35 corporation, society or association, where such person is a
36 beneficiary, to whatever degree, of the works of such nonprofit
37 corporation, society or association; provided, however, that such
38 immunity from liability shall not extend to any person who shall
39 suffer damage from the negligence of such corporation, society,
40 or association or of its agents or servants where such person is
41 one unconcerned in and unrelated to and outside of the
42 benefactions of such corporation, society or association; but

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:

¹ Assembly floor amendments adopted June 27, 1994.

² Senate SJU committee amendments adopted January 12, 1995.

1 nothing herein contained shall be deemed to exempt the agent ¹,
2 employee¹ or servant individually from their liability for any such
3 negligence.

4 ²c.² Nothing in this section shall be deemed to grant immunity
5 to²: (1)² any trustee, director, officer, employee, agent¹,
6 servant¹ or volunteer causing damage by a willful, wanton or
7 grossly negligent act of commission or omission ²[or] , including
8 sexual assault and other crimes of a sexual nature; (2)² to any
9 trustee, director, officer, employee, agent¹, servant¹ or
10 volunteer causing damage as the result of the negligent operation
11 of a motor vehicle ²; or (3) to an independent contractor of a
12 nonprofit corporation, society or association organized
13 exclusively for religious, charitable, educational or hospital
14 purposes².

15 (cf: P.L.1959, c.90, s.1)

16 2. This act shall take effect immediately and shall apply to all
17 causes of action arising on or after the effective date.

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22 Extends charitable immunity to trustees, directors, officers,
23 employees, agents or volunteers of certain nonprofit
24 corporations, societies or associations.



A 1775

OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact:

BECKY TAYLOR
777-2600

TRENTON, N.J. 08625

Release: JULY 24, 1995

Gov. Christie Whitman today signed legislation which extends immunity from negligence lawsuits to officials working for nonprofit religious, charitable and educational organizations.

The bill, A1775, sponsored by Assemblyman Richard H. Bagger (R-Middlesex/Morris/Somerset/Union), extends charitable immunity to trustees, directors, officers, employees, agents or volunteers of nonprofit corporations, societies or associations that operate for religious, charitable and educational purposes.

The bill also extends charitable immunity to trustees, officers or volunteers of nonprofit hospitals. It does not grant immunity to health care providers who are associated with the hospitals and who are compensated for their services by nonprofit corporations.

The current charitable immunity statute has been held to immunize only the charity itself but not its agents or employees. As a result, negligence claims have been filed against paid officers and employees, with plaintiffs assuming that either the institution would indemnify the individuals with the institution's own funds or that the institution's insurance would cover the claims against the individuals.

To preserve the assets of the charities, which is the goal of the original charitable immunity statute, the amendment signed by Gov. Whitman today precludes claims directly against those officers or employees who are acting within the scope of their employment.

The companion bill to A1775, S1510, was sponsored by Senator Peter A. Inverso (R-Mercer/Middlesex).

The Governor also signed S1049, sponsored by Senators James S. Cafiero (R-CapeMay/Atlantic/Cumberland) and C. Louis Bassano (R-Essex/Union), which amends the assault statute to provide that a simple assault committed against a Division of Youth and Family Services worker be graded as an aggravated assault if the DYFS employee is on duty and is assaulted because of his status as a DYFS employee. The companion bill, A1966, was sponsored by Assemblymen John C. Gibson (R-Cape May/Atlantic/Cumberland) and Nicholas Assetta (R-Cape May/Atlantic/Cumberland).

-more-