

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:62A-6

(Liability--exemption--volunteers of non-profit community and service organizations)

LAWS OF: 1986

CHAPTER: 13

Bill No: S1678

Sponsor(s): Dalton

Date Introduced: February 10, 1986

Committee: Assembly: Insurance
Senate: Judiciary

Amended during passage: Yes Substituted for A2398 (not attached since identical to S1678). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: May 8, 1986
Senate: April 21, 1986

Date of Approval: May 12, 1986

Following statements are attached if available:

Sponsor statement: Yes Attached: Senate amendments adopted 4-7-86 (with statement)

Committee statement: Assembly Yes
Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: No

See newspaper clippings--attached:

- "Sports leagues reeling from liability 'hardball'," 3-2-86 Star Ledger.
- "Kean signs bill protecting coaches," 5-13-86 Trenton Times.
- "Playball! Little League finds insurance coverage," 3-14-86 Bergen Record.
- "Sports kept alive for kids . . .," 1-25-88 The Record.

DEPOSITORY COPY
Do Not Remove From Library

[SECOND OFFICIAL COPY REPRINT]

SENATE, No. 1678

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1986

By Senator DALTON

Referred to Committee on Judiciary

AN ACT providing civil immunity from liability to certain volunteer athletic coaches **and officials** and supplementing Title 2A of the New Jersey Statutes.

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

1 1. a. Notwithstanding any provisions of law to the contrary, no
2 person who provides services or assistance **free of charge, except*
3 *for reimbursement of expenses,** as an athletic coach ***[or]**,***
4 manager*, *or official** for a sports team**[**, free of charge, except
5 for reimbursement of expenses,**]** **which is organized or perform-*
6 *ing pursuant to a non-profit or similar charter** shall be liable in
6A any civil action for damages ***to a player or participant*** as a re-
6B sult of his acts of commission or omission arising out of and in the
6C course of his rendering that service or assistance.

7 b. The provisions of subsection a. of this section shall apply not
8 only to organized sports competitions, but shall also apply to prac-
9 tice and instruction in that sport.

10 c. Nothing in this section shall be deemed to grant immunity to
11 any person causing damage by his willful, wanton, or grossly
12 negligent act of commission or omission*, *nor to any coach, man-*
13 *ager, or official who has not participated in a safety orientation*
14 *and training program established by the league or team with*
15 *which he is affiliated*.*

16 **d. Nothing in this section shall be deemed to grant immunity*
17 *to any person causing damage as the result of his negligent opera-*
18 *tion of a motor vehicle.*

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 printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Senate committee amendments adopted March 24, 1986.**

****—Senate amendment adopted April 7, 1986.**

19 e. *Nothing in this section shall be deemed to grant immunity*
20 *to any person for any damage caused by that person permitting a*
21 *sport competition or practice to be conducted without supervision.*

22 f. *Nothing in this act shall apply to an athletic coach, manager,*
23 *or official who provides services or assistance as part of a public*
24 *or private educational institution's athletic program.**

1 2. This act shall take effect immediately.

TORT LIABILITY AND MALPRACTICE

Provides immunity from civil suits to volunteer athletic coaches.

SENATE, No. 1678
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 10, 1986

By Senator DALTON

Referred to Committee on Judiciary

AN ACT providing civil immunity from liability to certain volunteer athletic coaches and supplementing Title 2A of the New Jersey Statutes.

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

1 1. a. Notwithstanding any provisions of law to the contrary, no
2 person who provides services or assistance as an athletic coach
3 or manager for a sports team, free of charge, except for reimburse-
4 ment of expenses, shall be liable in any civil action for damages
5 as a result of his acts of commission or omission arising out of and
6 in the course of his rendering that service or assistance.

7 b. The provisions of subsection a. of this section shall apply not
8 only to organized sports competitions, but shall also apply to prac-
9 tice and instruction in that sport.

10 c. Nothing in this section shall be deemed to grant immunity to
11 any person causing damage by his willful, wanton, or grossly
12 negligent act of commission or omission.

1 2. This act shall take effect immediately.

STATEMENT

This bill provides immunity from civil suits for damages to volunteer athletic coaches and managers for certain actions taken or not taken in the ordinary course of their coaching. This immunity extends not only to organized sports competition, but to practice and instruction in the sport as well.

The sponsor believes this bill is necessary to ensure that interested persons will continue to serve as volunteers for local community sports organizations such as the Little League. These persons devote large amounts of time to a worthy cause and should not be subject to possible lawsuits for good faith decisions made during the course of play. The bill provides, however, that willful or manton acts or grossly negligent acts on the part of the volunteer coach are not protected.

TORT LIABILITY AND MALPRACTICE

Provides immunity from civil suits to volunteer athletic coaches.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT ON

Senate, Bill No. 1678

DATED: May 8, 1986

This bill would provide civil immunity to persons who provide services or assistance free of charge as athletic coaches, managers, or officials for sports teams which are organized on a non-profit basis. The immunity would extend to all civil actions for damages to a player or participant as a result of the coach's, manager's, or official's acts of omission or commission arising out of and in the course of his rendering his services in that capacity.

No person would be immune under the provisions of the bill who had not participated in a safety orientation and training program established by the league or team with which he is affiliated. The bill does not apply to negligence with respect to the operation of a motor vehicle.

No person would be immune for damages caused by willful, wanton, or grossly negligent acts of commission or omission.

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE, No. 1678

STATE OF NEW JERSEY

DATED: MARCH 24, 1986

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 1678.

This bill provides immunity for damages to volunteer athletic coaches and managers for action taken in the ordinary course of their coaching. This immunity would be extended to both organized sports competitions and to practice and instruction in the sport. This immunity would not apply if the damages are the result of a coach's or manager's willful, wanton or grossly negligent act of commission or omission.

The amendments adopted by the committee would:

1. Expand the bill's provisions to cover officials.
2. Clarify that the sports team must be organized pursuant to a nonprofit or similar charter.
3. Provide that immunity from liability would not apply to a coach, manager or official who has not participated in a safety orientation and training program established by the league or team with which he was affiliated.
4. Provide that immunity from liability would not apply to any damages caused by the negligent operation of a motor vehicle.
5. Provide that immunity from liability would not apply to damages caused by permitting a competition or practice to be conducted without supervision.
6. Clarify that the bill's provisions are not applicable to persons acting as coaches, managers or officials as part of a public or private school's athletic program.

4/7/86 kb

JE - 0077
SR JE - 0077
TR JE - 0054

Senate Amendments

NOTE TO PRINTER:
Line reference to
S-1678 (original version).

Proposed by Senator Dalton
to

Senate Bill No. 1678 OCR
Sponsored by Senator Dalton (4/7/86)
ADOPTED

Amend:

APR 7 1986

Page	Sec.	Line
1	1	4

After "damages" insert "to a player or participant"

STATEMENT

This amendment would clarify that the immunity for volunteer coaches provided by this bill extends only to damages suffered by participants and players.



661

OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

Contact: CARL GOLDEN
292-8956 or

609-292-6000, Ext. 207

TRENTON, N.J. 08625

Release: MON., MAY 12, 1986

Governor Thomas H. Kean today signed legislation to grant immunity from civil suits to volunteer athletic coaches, managers and officials.

The legislation, S-1678, was sponsored by Senator Daniel Dalton, D-Camden, and merged with an identical Assembly bill sponsored by Assemblyman Jose Arango, R-Hudson.

Kean signed the bill at a ceremony in his outer office.

The legislation, effective immediately, provides immunity from civil actions for volunteer athletic coaches, managers and officials in the performance of their service.

"The problem this bill addresses and corrects is symptomatic of the ills of a system which holds individuals liable for damages as a result of their volunteer work," Kean said. "Whether it is a Little League Baseball coach or a volunteer serving on the board of a charitable group, he or she can be held personally liable in a civil action."

"Obviously, the result has been a rather dramatic decrease in the number of persons willing to give of their time to the community," the Governor said. "The risk of substantial personal financial loss is severe enough to scare most people away."

- more -

Kean pointed out that there are sufficient safeguards in the legislation to permit suits for negligence and disregard of standard safety procedures.

"What this bill does is protect those who give their time to the community and to helping young persons," Kean said.

#####

PROPERTY OF
NEW JERSEY STATE LIBRARY

MAY 1 6 1986

185 W. State Street
Trenton, N. J.