Statutory Protection of SDO Volunteers

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Statutory Protection of SDO Volunteers

- Volunteer Protection Act of 1997
  - Applies to volunteers serving non-profits
  - Qualified immunity
    - Acts within scope of responsibilities
    - No criminal, grossly negligent, or reckless conduct, or “flagrant indifference”
    - Harm not caused by operation of a vehicle, vessel or aircraft
Statutory Protection of SDO Volunteers

- Volunteer Protection Act of 1997
  - Distinction between negligence and “gross negligence”
  - What is “within the scope”?
Statutory Protection of SDO Volunteers

- State Statutes
  - Apply to volunteers serving non-profits
  - Qualified immunity
  - Some have liability insurance requirements
Statutory Protection of SDO Volunteers

- **Voluntary Consensus Standards Act of 2005**
  - No liability of SDO for injuries attributed to standards
  - SDO must have developed standard using
    - ANSI-accredited process for American National Standards (or)
    - OMB Voluntary Consensus Process
  - Liability requires showing that standard was developed by SDO “knowingly and willingly engaged in intentional, bad faith or criminal misconduct”
Statutory Protection of SDO Volunteers

- Belts and Suspenders
  - Volunteer Protection Act of 1997
  - State Volunteer Statutes
  - Indemnification and Insurance