



Lions Clubs International

Volunteer Organization Protection Act (VOPA), H.R. 2432 **Amendments to the Volunteer Protection Act (VPA)**

FAQs and Q&A

Q. What is the Volunteer Protection Act of 1997?

A. The VPA is a federal law that was enacted in 1997 to protect community service volunteers of a nonprofit organization by protecting volunteers from liability for acts performed on behalf of a nonprofit organization. This protection does not extend to harm caused by willful or criminal misconduct, gross negligence, flagrant indifference, or operation of any vehicle where a license or insurance is required.

Q. Why should liability protections be extended to volunteer nonprofit organizations?

A. The organizations that would enjoy liability protection under this bill are primarily local groups composed entirely of volunteers who perform vital community service work. These are the most vulnerable groups given their limited financial resources. The continued existence of these organizations/clubs are threatened by the legal actions used to circumvent the landmark Volunteer Protection Act of 1997.

Q. What kind of organizations would be protected by this bill?

A. This bill would apply to many nonprofit organizations, including but not limited to local affiliates of esteemed service groups such as Lions Clubs International, Rotary International, Kiwanis, and other groups. The bill would not provide liability protection to highly institutionalized organizations that can accommodate large liability insurance costs.

Here are some types of covered non-profit entities as defined in the proposal:

- A nonprofit organization that conducts activities solely through volunteers or independent contractors (no employees).
- The nonprofit organization whose primary function is to provide support to local affiliate nonprofit organizations that do not have employees and who act to further the organization's mission.
- A nonprofit organization with fewer than 50 employees and annual gross revenues of less than \$200,000 (including public charities, limited private foundations, and social welfare organizations).



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Q. Do other organizations support this bill?

A. This proposal also has the support of the following volunteer service organizations, representing more than 2 million of America's community leaders in all 50 states:

Lions Clubs International. Rotary International. Kiwanis International. YMCA of the USA. Optimist International. Sertoma International. Soroptimist International of the Americas. Zonta International. Ruritan National. Toastmasters International. Y Service Clubs International U.S. Area. The National Exchange Club . AMBUCS. National Civitan International . Junior Chamber International

Q. Can you give a good example where volunteer organizations can be held liable for injuries when neither the organization nor its volunteers had anything to do with it?

A. In a recent Ohio State Court case, a Fremont, Ohio service club conducted its annual Drive-In, Fly-In pancake-breakfast fundraiser in a hangar at the local airport. The owner of the airport chose, entirely on his own and without the approval or endorsement of the service club, to use the occasion to advertise sight-seeing flights and sell tickets with proceeds kept entirely for his own business. Neither the local service club nor its volunteers who organized and conducted the pancake breakfast had anything to do with the flights. On its return to the airport, the sight-seeing plane crashed, killing all six persons on board.

The international service clubs association, the local service club, and 15 volunteer members of the local club were sued. The Complaint alleged "negligence" on the part of the individual members, who had no involvement in the accident on the ground, that they were vicariously liable for the supposed wrongful acts and omissions of the Club members, as well as a theory of negligent supervision of the volunteers.

While the trial court protected the individual volunteers by dismissing them from the case, it failed to protect the international service club organization and local club by keeping them in the case. As a result, the Fremont service club, which had no resources for its own defense and no money with which to satisfy any court-ruling, was forced to declare bankruptcy and effectively go out of existence.

This is one of many examples where existing legal theories have threatened the viability and growth of local non-profit organizations that do nothing but volunteer their time, effort, and financial resources to charitable causes.



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Q. Does this bill affect any state's rights in changing liability rules?

A. No. There is a safety valve that protects state's rights in the original Volunteer Protection Act of 1997 that allows states to opt out of the VPA in its entirety. It is not necessary for a state to pass its own volunteer act. The state legislature must merely enact a special law stating that the state will opt out of the VPA.

Q. Was there consideration to include immunity for nonprofit organizations in the Volunteer Protection Act (VPA) of 1997?

A. Yes. However, the focus of the discussions at the congressional hearing surrounded the individual volunteers because they had no protection.

One possible rationale for omitting nonprofit organizations from protection was that states could require that charitable nonprofits purchase general liability insurance in order to protect their volunteers. This rationale is flawed, because if organizations do not choose to purchase liability insurance for their volunteers, then the individual volunteers will be at risk.

Q. How would a proposed amendment to the Volunteer Protection Act (VPA) of 1997 impact volunteer nonprofit organizations?

A. With the dwindling federal and state resources, nonprofit organizations have seen an explosion in demand for their services in recent years. As charitable giving has also fallen commensurately, it is increasingly important for nonprofit organizations to rely on these volunteers to accomplish their mission. The proposed Amendment would afford the same liability protections to nonprofit volunteer organizations that are afforded to the individual volunteers under the existing VPA. The protection afforded under the proposed Amendment would limit the financial risk and liability to nonprofit organizations resulting from the acts of the individual volunteers. In addition the proposed Amendment would result in additional financial resources to support the missions of nonprofit organizations that were previously allocated to address costly liability insurance. We believe the proposed Amendment will result in the increased viability and growth of local nonprofit organizations that do nothing but volunteer their time, effort, and financial resources to charitable causes.