

## **COUNSEL'S CORNER**

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### **Volunteer Protection Act of 1997**

A new federal law entitled the Volunteer Protection Act of 1997 was passed on June 18, 1997, with a goal to promote volunteerism by reducing the fear of liability by volunteers on behalf of nonprofit organizations and state educational institutions. The Act restricts liability of volunteers who are within the scope of their employment and who are not willful or grossly negligent. This protection does not apply, however, to acts involving motor vehicles, crimes of violence, hate crimes, sexual offenses, violations of Civil Rights, and cases involving intoxication.

Because of the protection under North Dakota law for volunteers acting on behalf of the University, the Federal Volunteer Protection Act of 1997 will probably not have a significant effect. However, it can provide a fall back protection for volunteers who do not make a timely claim under state law for protection or who may be sued for acts occurring outside of the State and for which a state law outside of North Dakota would not provide similar protection. Volunteer liability has been a significant concern in many programs, including Extension 4-H programs in the State.