

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 9-222

"District of Columbia Nonprofit Corporation
Amendment Act of 1992".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 9-316 on first and second readings, December 1, 1992, and December 15, 1992, respectively. Following the signature of the Mayor on December 31, 1992, this legislation was assigned Act No. 9-353, published in the January 22, 1993, edition of the D.C. Register, (Vol. 40 page 587) and transmitted to Congress on January 15, 1993 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 9-222, effective March 17, 1993.


JOHN WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 20,21,22,25,26,27
February 2,3,4,16,17,18,19,22,23,24,25,26
March 1,2,3,4,5,8,9,10,11,12,15,16

AN ACT

D.C. ACT 9-353

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 31, 1992

To amend the District of Columbia Nonprofit Corporation Act to provide immunity from civil liability for volunteers and employees of nonprofit corporations.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Nonprofit Corporation Amendment Act of 1992".

Sec. 2. The District of Columbia Nonprofit Corporation Act, approved August 6, 1962 (76 Stat. 265; D.C. Code § 29-501 *et seq.*), is amended by adding new sections 113 and 114 to read as follows:

"Sec. 113. Immunity from civil liability for a volunteer of the corporation. New, Section
29-599.15

"(a) For the purposes of this section, the term "volunteer" means an officer, director, trustee, or other person who performs services for the corporation and who does not receive compensation other than reimbursement of expenses for those services.

"(b) Any person who serves as a volunteer of the corporation shall be immune from civil liability except where the injury or damage was a result of:

- "(1) The willful misconduct of the volunteer;
- "(2) A crime, unless the volunteer had reasonable cause to believe that the act was lawful;
- "(3) A transaction that resulted in an improper personal benefit of money, property, or service to the volunteer;
- "(4) An act or omission that occurred prior to the effective date of the District of Columbia Nonprofit Corporation Amendment Act of 1992; or
- "(5) An act or omission that is not in good faith and is beyond the scope of authority of the corporation pursuant to this act or the corporate charter.

"(c) This section shall apply only if the corporation maintains liability insurance with a limit of coverage of not less than \$200,000 per individual claim and \$500,000 per total claims that arise from the same occurrence. This subsection shall not apply to any corporation having annual total functional expenses, exclusive of grants and allocations, of less than \$100,000, and which is exempt from federal taxation under §501(c)(3) of the Internal Revenue Code of the United States.

"(d) This section shall not be deemed to exempt the corporation from liability for the conduct of the volunteer, but the corporation shall be liable only to the extent of the applicable limit of insurance coverage it maintains.

"Sec. 114. Limited liability for an employee of the corporation.

New, Section
29-599.16

"(a) For the purposes of this section, the term "employee" means a person regularly employed to perform a service for a salary or wages.

"(b) Except as provided in subsections (c) and (d) of this section, no employee of the corporation shall be held personally liable in damages for any acts or omissions in providing services or performing duties on behalf of the corporation in an amount greater than the amount of total compensation, other than reimbursement of expenses, received from the corporation for performing those services or duties during the 12 months immediately preceding the act or omission for which liability was imposed.

"(c) The limitation of liability in this section shall not apply when the injury or damage was a result of:

"(1) The willful misconduct of the employee;

"(2) A crime, unless the employee had reasonable cause to believe that the act was lawful;

"(3) A transaction that resulted in an improper personal benefit of money, property, or service to the employee;

"(4) An act or omission that occurred prior to the effective date of the District of Columbia Nonprofit Corporation Amendment Act of 1992; or


"(5) An act or omission that is not in good faith and is beyond the scope of authority of the corporation pursuant to this act or the corporate charter.

"(d) The limitation of liability in this section shall not apply to any licensed professional employee operating in his or her professional capacity.

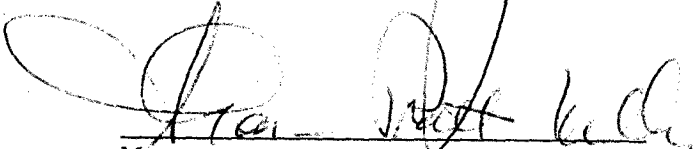
"(e) This section shall not be deemed to exempt the corporation from liability, but the corporation shall be liable only to the extent of the applicable limit of insurance coverage it maintains."

Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District

of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: December 31, 1992



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Nine

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B9-316

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 12-1-92

VOICE VOTE: Approved

Recorded vote on request

Absent: Cropp, Jarvis, Thomas

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Phyllis Jones
Secretary to the Council

12-17-92
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 12-15-92

VOICE VOTE: Approved

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Phyllis Jones
Secretary to the Council

12-17-92
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (/ /)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. WILSON					JARVIS					ROLARK				
BRAZIL					LIGHTFOOT					SMITH, JR.				
CRAWFORD					MASON					THOMAS, SR.				
CROPP					NATHANSON									
EVANS					RAY									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date