

# WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

**Enrolled**  
**Committee Substitute**  
**for**  
**Senate Bill 555**

SENATOR FERNS, *original sponsor*

[Passed March 7, 2018; in effect 90 days from passage]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2018 MAR 27 A 10:07

FILED

SB555

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1 AN ACT to amend and reenact §55-7C-3 of the Code of West Virginia, 1931, as amended, relating  
2 to liability for qualified directors of volunteer organizations and entities; and providing that  
3 a qualified director is not personally liable for the torts of a volunteer organization or entity,  
4 or the torts of the agents or employees of a volunteer organization or entity, unless he or  
5 she approved of, ratified, directed, sanctioned, or participated in the wrongful acts.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 7C. IMMUNITY FROM CIVIL LIABILITY FOR QUALIFIED DIRECTORS OF  
CERTAIN GOVERNMENTAL AND NONPROFIT ENTITIES.**


**§55-7C-3. Limited civil liability of qualified directors.**

1 (a) Notwithstanding any other provision of this code, a qualified director is not personally  
2 liable for negligence, either through act or omission, or whether actual or imputed, in the  
3 performance of managerial functions performed on behalf of a volunteer organization or entity:  
4 *Provided*, That this section shall not exempt a qualified director from liability when he or she is  
5 found to be grossly negligent in the performance of his or her duties.

6 (b) Notwithstanding any other provision of this code to the contrary, a qualified director is  
7 not personally liable for the torts of a volunteer organization or entity, or the torts of the agents or  
8 employees of a volunteer organization or entity, unless he or she approved of, ratified, directed,  
9 sanctioned, or participated in the wrongful acts.

10 (c) Nothing in this section relieves a volunteer organization or entity from imputed liability  
11 for the negligent acts of a qualified director committed within the scope of the qualified director's  
12 duties. Nothing in this article shall be construed as a grant of immunity to any person who, through  
13 his or her operation of a motor vehicle, causes any injury or damage to another person.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Member ~~Chairman~~, Senate Committee

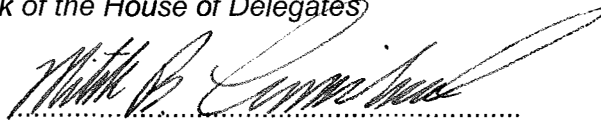
  
.....  
Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

  
.....  
Clerk of the Senate

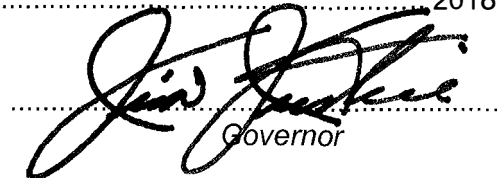
  
.....  
Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

FILED  
2018 MAR 27 A 10:07  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The within is approved this the 27th  
Day of March ..... 2018.

  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 19 2018

Time 1:45 pm