

HB 89 INTRODUCED BY WINSLOW
PRIVATE NONPROFIT SPORTS ORGANIZATION AND MEMBERS'
TORT IMMUNITY
1/06 INTRODUCED
1/06 REFERRED TO JUDICIARY
2/12 HEARING
 FAILED TO MEET TRANSMITTAL DEADLINE

1 HB BILL NO. 89
2 INTRODUCED BY Winters

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING IMMUNITY FOR
5 PERSONAL INJURY AND PROPERTY DAMAGE TO CERTAIN PRIVATE,
6 SPORTS-ORIENTED, NONPROFIT CORPORATIONS OR ORGANIZATIONS AND
7 TO THEIR UNCOMPENSATED OFFICERS AND WORKERS; AND AMENDING
8 SECTION 27-1-701, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Negligent tort immunity of
12 sports organizations and their uncompensated officers and
13 workers. (1) Except as provided in subsection (2), the
14 following may not be held liable for negligent personal
15 injury or property damage arising from or during operations
16 relating to sports:

17 (a) a private nonprofit corporation or organization
18 organized under the laws of this or any other state
19 primarily to carry out one or more sports programs or
20 events; and

21 (b) an uncompensated worker or officer of such a
22 corporation or organization, including but not limited to an
23 uncompensated manager, trustee, board member, coach, umpire,
24 referee, or trainer.

25 (2) The immunity provided in subsection (1) does not

1 apply to actions or omissions constituting gross negligence.
2 (3) For purposes of this section, compensation does
3 not include reimbursement for expenses incurred or to be
4 incurred.

5 Section 2. Section 27-1-701, MCA, is amended to read:
6 "27-1-701. Liability for negligence as well as willful
7 acts. Everyone Except as otherwise provided by law, everyone
8 is responsible not only for the results of his willful acts
9 but also for an injury occasioned to another by his want of
10 ordinary care or skill in the management of his property or
11 person except so far as the latter has willfully or by want
12 of ordinary care brought the injury upon himself."

13 NEW SECTION. Section 3. Saving clause. This act does
14 not affect rights and duties that matured, penalties that
15 were incurred, or proceedings that were begun before the
16 effective date of this act.

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