
End the liability of volunteering

WASHINGTON—When your wife or husband tells you they're volunteering to serve on the board of the local United Way or park district, YMCA or school, the first thing you'd better ask is whether they have liability coverage for volunteers. Unfortunately, many organizations are having a tough time keeping volunteers protected. Either they can't get coverage at any cost or, if coverage is available, they can't justify the huge outlays.

Volunteers are the backbone of social progress and community life in America and run many of our local governments from townships to libraries to volunteer fire departments. Like it or not, they are increasingly being exposed to lawsuits which conceivably could cost them their homes or farms. While it is true that few have been successfully sued, the proclivity of trial lawyers to name everyone in sight as a party defendant and the increasingly unpredictable nature of our tort system have led insurance companies to withdraw from the market. The consequence is less and less liability insurance protection and fewer and fewer people coming forward to volunteer.

The solution: Exempt unpaid volunteers from personal civil liability, except for willful and wanton misconduct. Why should the assets of board members of the Junior League be jeopardized for a slip-and-fall injury in the local thrift shop? That judgment should be paid out of Junior League assets or its liability coverage, not by its volunteers. Otherwise, how can we expect volunteers to continue to come forward?

Who should implement such a solution? The states. It's here where jurisdiction over almost all personal injury litigation has resided for all 200

years of our republic. The Illinois General Assembly has just adopted such a provision in its insurance crisis package. All states should do so.

The role of the federal government? To prod the states to adopt this and other reforms to keep the liability crisis from destroying the competitiveness of American products, undermining the availability and quality of our doctors and hospitals, and withdrawing local government services—from paramedics to picnic grounds and toboggan hills.

To encourage the states, I have introduced legislation in the House of Representatives to redistribute a small amount of federal funds for social service programs to states which have acted by 1988 to exempt unpaid volunteers from civil liability. The money would come from the allocations to states that have not yet done so. State legislatures should be made to focus on the problem now, before the volunteer spirit is permanently crippled.

Eleven states already have enacted some legal immunity for volunteers without controversy. My bill [H.R. 5196] is based on the best of these state laws and has been developed in cooperation with the national councils representing the major private and public non-profit organizations served by volunteers.

Who are the volunteers of America? You and me and our families, friends and next-door neighbors. We should not have to fear placing family assets at risk when we donate our time and talent without compensation to serve our communities and charitable organizations.

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