

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Provide Limited Immunity for Road Association Directors, Commissioners and Volunteers**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 14 MRSA §172** is enacted to read:

### **§ 172. Immunity for road association directors, commissioners and volunteers**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Commissioner" means a person who serves without compensation as the commissioner of a road association, except that the person may be paid for expenses.

B. "Director" means a person who serves without compensation on the board of directors of a road association, except that the person may be paid for expenses.

C. "Road association" means any organization formed for the purpose of repairing or maintaining a private road, way or bridge under Title 13-B, section 403 or Title 23, chapter 305, subchapter 2.

D. "Volunteer" means a person who provides services without compensation to a road association, except that the person may be paid for expenses.

**2. Immunity.** A director, commissioner or volunteer is immune from civil liability for personal injury, death or property damage, including any monetary loss:

A. When the cause of action sounds in negligence and arises from an act or omission by the director, commissioner or volunteer that occurs within the course and scope of the activities of the road association in which the director, commissioner or volunteer serves; or

B. Arising from any act or omission that occurs within the course and scope of the activities of the road association in which the director, commissioner or volunteer serves and is not personal to the director, commissioner or volunteer.

**3. Exception for environmental violations.** Notwithstanding subsection 2, a director, commissioner or volunteer is not immune from an enforcement action for a violation of law under the jurisdiction of the Department of Environmental Protection.

**4. Limited waiver of immunity while operating vehicles.** Notwithstanding any immunity granted in subsection 2, a director, commissioner or volunteer is considered to have waived immunity from liability when the cause of action arises out of the director's, commissioner's or volunteer's operation of a motor vehicle or other vehicle for which the operator or the owner of the vehicle is required to possess an operator's license or maintain insurance. The amount of damages in an action authorized

by this subsection may not exceed the combined limits of coverage of any applicable insurance policies other than umbrella insurance coverage and the court shall abate a verdict in an action to the extent that it exceeds such limits. A provision in a policy of insurance that attempts to exclude coverage for a claim that is authorized by this subsection is void.

## **SUMMARY**

This bill establishes immunity from civil liability for a director, commissioner or volunteer of a road association similar to the immunity afforded to charitable directors, officers and volunteers.