

Liability: Nonprofit Volunteers

S.D. Codified Laws 47-23-29

A nonprofit organization, a free clinic, or governmental volunteer who, in good faith and within the scope of their official duties, provides services will not be held legally responsible. They can be held legally responsible if they purchase liability insurance or if acting with extreme carelessness or intent to cause harm. They can be held legally responsible if they caused injury, death, or damage to property while carelessly operating a motor vehicle.

47-23-29

Any volunteer, including any volunteer who is a licensed health care professional under Title 36, providing services on behalf of a nonprofit organization, a nonprofit corporation, a free clinic, any hospital organized pursuant to chapter 34-8, 34-9, or 34-10, or a governmental entity are immune from civil liability in any action brought in any court in this state on the basis of any act or omission resulting in damage or injury if:

- (1) The individual was acting in good faith and within the scope of such individual's official functions and duties for the nonprofit organization, the nonprofit corporation, the free clinic, a hospital organized pursuant to chapter 34-8, 34-9, or 34-10, or a governmental entity; and

- (2) The damage or injury was not caused by gross negligence or willful and wanton misconduct by such individual.