

**Editorial Notes**

## REFERENCES IN TEXT

The Hate Crime Statistics Act, referred to in subsec. (g)(1)(B), is Pub. L. 101-275, Apr. 23, 1990, 104 Stat. 140, which was set out as a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification as section 41305 of Title 34, Crime Control and Law Enforcement, and as provisions set out as a note under section 41305 of Title 34.

## AMENDMENTS

2018—Subsec. (a). Pub. L. 115-254, §584(2), in introductory provisions, substituted “subsections (b), (c), and (e)” for “subsections (b) and (d)”.

Subsecs. (b) to (g). Pub. L. 115-254, §584(1), (3), added subsec. (b) and redesignated former subsecs. (b) to (f) as (c) to (g), respectively.

Subsec. (g)(2). Pub. L. 115-254, §584(4), substituted “(f)” for “(e)”.

**§ 14504. Liability for noneconomic loss****(a) General rule**

In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer’s responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

**(b) Amount of liability****(1) In general**

Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

**(2) Percentage of responsibility**

For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant’s harm.

(Pub. L. 105-19, §5, June 18, 1997, 111 Stat. 221.)

**§ 14505. Definitions**

For purposes of this chapter:

**(1) Economic loss**

The term “economic loss” means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

**(2) Harm**

The term “harm” includes physical, non-physical, economic, and noneconomic losses.

**(3) Noneconomic losses**

The term “noneconomic losses” means losses for physical and emotional pain, suf-

fering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

**(4) Nonprofit organization**

The term “nonprofit organization” means—

(A) any organization which is described in section 501(c)(3) of title 26 and exempt from tax under section 501(a) of such title and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note);<sup>1</sup> or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note).<sup>1</sup>

**(5) State**

The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

**(6) Volunteer**

The term “volunteer” means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of \$500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

(Pub. L. 105-19, §6, June 18, 1997, 111 Stat. 221.)

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## REFERENCES IN TEXT

The first section of the Hate Crime Statistics Act, referred to in par. (4), is Pub. L. 101-275, §1, Apr. 23, 1990, 104 Stat. 140, which was set out in a note under section 534 of Title 28, Judiciary and Judicial Procedure, prior to editorial reclassification as section 41305 of Title 34, Crime Control and Law Enforcement.

<sup>1</sup> See References in Text note below.