

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1723

TITLE: An Act to eliminate the charitable immunity cap

SPONSOR: Rep. Carmine Gentile

CO-SPONSOR: Rep. Mary Keefe
Senator Michael Moore
Senator Patrick O'Connor

HEARING DATE: April 8, 2025

PRIOR HISTORY: 2023-2024, H1524
2021-2022, H1599
2019-2020, H3289
2017-2018, H813
2013-2014, S765
2011-2012, S825

SENATE BILL: S1193 (Montigny)

CURRENT LAW: Section 85K of Chapter 231 limits the tort liability of certain charitable organizations and the directors, officers or trustees of educational institutions. It limits the liability of charitable corporations, trusts and organizations to \$20,000 for any cause of action stemming from an act committed in the course of an activity done to directly accomplish the charitable purpose of the corporation, trust or association. Liability for medical malpractice claims against nonprofit organizations providing health care is limited to \$1000,000. This cap on charitable liability does not apply if the action was committed in the course of activities primarily commercial in character despite them being done to obtain revenue to be used for charitable purposes.

The section further limits the liability of volunteer directors, officers and trustees of non-profit educational institutions acting in good faith and within the scope of official functions and duties to damages or injuries unless caused by willful or wanton

misconduct. None of the liability limits in this section apply to any motor vehicle case.

BILL SUMMARY:

This legislation eliminates the charitable legal immunity cap exposing nonprofits to civil lawsuits.