

**Sixty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 3, 2023**

HOUSE BILL NO. 1284
(Representatives Pyle, Hagert, O'Brien, D. Ruby, Wagner)
(Senators J. Roers, Vedaa)

AN ACT to amend and reenact section 32-03.3-02 of the North Dakota Century Code, relating to liability limitations of charitable organizations; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 32-03.3-02 of the North Dakota Century Code is amended and reenacted as follows:

32-03.3-02. Liability of charitable organizations - Limitations - Statute of limitations.

1. A charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee's scope of employment.
2. The liability of the charitable organization under this chapter is limited to a total of ~~twethree~~ hundred ~~fiftyseventy-five~~ thousand dollars per person and one million dollars for any number of claims arising from any single occurrence. The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages. The liability limits under this subsection must be adjusted annually as follows:
 - a. On July 1, 2025, a total of four hundred six thousand two hundred fifty dollars per person and one million six hundred twenty-five thousand dollars for any single occurrence.
 - b. On July 1, 2026, a total of four hundred thirty-seven thousand five hundred dollars per person and one million seven hundred fifty thousand dollars for any single occurrence.
 - c. On July 1, 2027, a total of four hundred sixty-eight thousand seven hundred fifty dollars per person and one million eight hundred seventy-five thousand dollars per occurrence.
3. An action brought under this chapter must be commenced within the period provided in chapter 28-01.

SECTION 2. AMENDMENT. Section 32-03.3-02 of the North Dakota Century Code is amended and reenacted as follows:

32-03.3-02. Liability of charitable organizations - Limitations - Statute of limitations.

1. A charitable organization may be only held liable for money damages for a personal injury or property damage proximately caused by the negligence or wrongful act or omission of an employee acting within the employee's scope of employment.
2. The liability of the charitable organization under this chapter is limited to a total of ~~threefive~~ hundred ~~seventy-five~~ thousand dollars per person and ~~one~~~~two~~ million dollars for any number of claims arising from any single occurrence. The charitable organization may not be held liable, or be ordered to indemnify an employee held liable, for punitive or exemplary damages. ~~The liability limits under this subsection must be adjusted annually as follows:~~

- a. ~~On July 1, 2025, a total of four hundred six thousand two hundred and fifty dollars per person and one million six hundred twenty five thousand dollars for any single occurrence.~~
 - b. ~~On July 1, 2026, a total of four hundred thirty seven thousand five hundred dollars per person and one million seven hundred fifty thousand dollars for any single occurrence.~~
 - c. ~~On July 1, 2027, a total of four hundred sixty eight thousand seven hundred fifty dollars per person and one million eight hundred seventy five thousand dollars per occurrence.~~
3. An action brought under this chapter must be commenced within the period provided in chapter 28-01.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 2023.

SECTION 4. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 2029.

SECTION 5. EMERGENCY. Section 1 of this Act is declared to be an emergency measure.

Dennis E Johnson
Speaker of the House

Tammy Jell
President of the Senate

Buell T. Reuck
Chief Clerk of the House

Shanda Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1284 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 93 Nays 0 Absent 1

Dennis E Johnson
Speaker of the House

Buell T. Reuck
Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 47 Nays 0 Absent 0

Tammy Jell
President of the Senate

Shanda Morgan
Secretary of the Senate

Received by the Governor at 3:00 PM. on April 7, 2023.

Approved at 1:13 PM. on April 11, 2023.

Doug Burgum
Governor

Filed in this office this 12th day of April, 2023,

at 12:03 o'clock P. M.

Michael Howe
Secretary of State