



California Association of Nonprofits

Protecting, Strengthening & Promoting Nonprofits

April 14, 2008

LETTERS NEEDED TODAY!

Support Emergency Liability Immunity for Nonprofits

The California Association of Nonprofits (CAN) has joined with Assembly Member Pedro Nava (D-Santa Barbara) to ensure that nonprofits will be able to respond to earthquakes, fires, floods and other emergencies.

Assembly Member Nava's AB 2796 puts nonprofit organizations and their personnel - both professional and volunteer - on equal liability footing with government agencies and employees when they are needed most by our communities. Current law leaves a gap of liability exposure for private and nonprofit emergency responders, creating a chilling effect on the availability of organizations and personnel who may be key to health, safety and recovery.

Strengthening California law to include emergency liability protections would create incentives for private and nonprofit entities to join with government agencies as they prepare for and respond to catastrophic events and engage in recovery efforts.

AB 2796 NEEDS YOUR HELP

To pass its first hearing in Assembly Judiciary Committee on April 29th!

Please read "Talking Points" below and send your letter TODAY!

Address your letter to:

Dave Jones, Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, California 95814
916.319.2188 fax
916.319.2334 phone

Your letter must arrive in the Assembly Judiciary Committee office no later than Tuesday, April 22nd! CC to: klarsen@CANonprofits.org.

Talking points for your letter

The Problem

- Under current law, liability protections exist for government entities and employees and private sector volunteers for their actions taken during an emergency.
- Similar and even broader liability protections and Good Samaritan laws also exist for certain professionals such as doctors and architects.
- No such protections exist for nonprofit entities.
- As a result, your organization has been – or would be, if called upon to do so – reluctant to risk liability exposure by responding to disasters and emergencies in your community.

The Solution

- AB 2796 (Nava) provides very limited – but necessary - protections from liability for nonprofit organizations that voluntarily, and without the expectation of compensation, provide assistance during an emergency at the request of the government.
- Recent disasters have made it clear that to best protect Californians and ensure that the state is prepared and has the ability to respond to emergencies, government and nonprofit sectors must work cooperatively. AB 2796 removes barriers to effective planning and action that will help to both reduce injury and loss of life and speed recovery.

For complete text of AB 2796: <http://www.leginfo.ca.gov/bilinfo.html>

For more information contact: Jackie Koenig, Office of Assembly Member Pedro Nava, (916) 319-2035, Jackie.Koenig@asm.ca.gov; Ken Larsen, California Association of Nonprofits, (916) 402-1335, klarsen@CANonprofits.org.

Legislative Counsel's Digest

AB 2796, as amended Nava Civil obligations. Existing law generally provides that every person is responsible, not only for the result of his or her willful acts, but also for an injury occasioned to another by his or her want of ordinary care or skill in the management of his or her property or person, except as specified. Existing law exempts certain persons and agencies from liability during a state of emergency under specified circumstances. Existing law exempts from liability the state and any city, county, city and county, or other political subdivision of the state, or a person that owns or maintains a building or premises that have been designated as a defense shelter in certain emergency situations. This bill would additionally exempt from liability a nonprofit, religious, or private business entity that owns or maintains a building or premises that have been designated as a defense shelter in certain emergency situations. This bill would also exempt a private business entity or nonprofit or religious organization that is duly enrolled or registered with the Office of Emergency Services or a responsible county or city emergency management entity that voluntarily and without the expectation of, or receipt of, compensation provides services or other specified resources during any state of emergency or formal exercise or training at the express request of the Office of Emergency Services or that responsible county or city emergency management entity from liability for any injury sustained by any person by reason of those services or resources, except for damage or injury proximately caused by a grossly negligent act or omission or willful or wanton misconduct by that entity or organization.

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