

**PROPOSED AMENDMENTS TO
HOUSE BILL 4027**

1 On page 1 of the printed bill, delete lines 5 through 27.

2 On page 2, delete lines 1 through 3 and insert:

3 **“SECTION 1.** ORS 30.792 is amended to read:

4 “30.792. (1) As used in this section:

5 “(a)(A) ‘Charitable [*corporation*] **organization**’ [*has the meaning given*
6 *that term in ORS 128.620.*] **means a charitable organization, as defined**
7 **in ORS 128.620, that:**

8 **“(i) Spends at least 65 percent of its revenues on charitable pro-**
9 **grams; and**

10 **“(ii) Has a financially secure source of recovery for individuals who**
11 **suffer harm as a result of actions taken by a volunteer on behalf of**
12 **the organization.**

13 **“(B) ‘Charitable organization’ does not include hospitals, interme-**
14 **diate care facilities or long term care facilities, as those terms are**
15 **defined in ORS 442.015.**

16 “(b) ‘Health care provider’ means [*any person*] **an individual** licensed in
17 this state as a practitioner of one or more healing arts as described in ORS
18 31.740.

19 “(c) ‘Health clinic’ means a public health clinic or a health clinic oper-
20 ated by a charitable [*corporation*] **organization** that provides primarily pri-
21 mary physical health, dental or mental health services to low-income patients
22 without charge or using a sliding fee scale based on the income of the pa-

1 tient.

2 “(2) Except as provided in subsection (3) of this section, [no] a person
3 may **not** maintain an action for damages against:

4 “(a) A health care provider who voluntarily provides [*to a charitable cor-*
5 *poration any*] assistance, services or advice [*directly related to the charitable*
6 *purposes of the corporation*] **through a charitable organization** if:

7 “(A) The assistance, services or advice **that caused the damages** are
8 within the scope of the license of the health care provider; [*or*] **and**

9 “(B) **The health care provider was acting within the course and**
10 **scope of the provider’s volunteer duties when the damages occurred;**
11 **or**

12 “(b) A health clinic for the assistance, services or advice provided by a
13 health care provider described in paragraph (a) of this subsection.

14 “(3) The immunity provided in this section [*shall*] **does** not apply to:

15 “(a) Any person who receives compensation other than reimbursement for
16 expenses incurred by the person providing [*such*] **the** assistance, services or
17 advice **described in subsection (2) of this section.**

18 “(b) **A person operating a motor vehicle, vessel, aircraft or other**
19 **vehicle for which the person or owner of the vehicle, vessel, aircraft**
20 **or other vehicle is required to possess an operator’s license or to**
21 **maintain insurance.**

22 “[*b*] (c) The liability of any person for damages resulting from the
23 person’s gross negligence or from the person’s reckless, wanton or inten-
24 tional misconduct.

25 “[*c*] (d) Any activity for which a person is otherwise strictly liable
26 without regard to fault.”.

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