

**SENATE, No. 2420**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 7, 2020

**Sponsored by:**

**Senator PAUL A. SARLO**

**District 36 (Bergen and Passaic)**

**SYNOPSIS**

Grants immunity from personal liability to certain athletic coaches, managers, and sports officials and establishes insurance requirements for certain organizations and entities.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT granting immunity from personal liability to certain  
2 athletic coaches, managers, and officials and amending various  
3 sections of the statutory law.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 1 of P.L.1986, c.13 (C.2A:62A-6) is amended to  
9 read as follows:

10 1. a. Notwithstanding any provisions of law to the contrary,  
11 no person who provides services or assistance **【free of charge,**  
12 **except for reimbursement of expenses】** , whether or not  
13 compensated for those services, as an athletic coach, manager, or  
14 official, other than a sports official accredited by a voluntary  
15 association as provided by P.L.1979, c.172 (C.18A:11-3) and  
16 exempted from liability pursuant to P.L.1987, c.239 (C.2A:62A-  
17 6.1), for a sports team which is organized or performing pursuant to  
18 a nonprofit or similar charter **【or】** , which is a member team in a  
19 league organized by or affiliated with a county or municipal  
20 recreation department, or which is a member team of a voluntary  
21 association as provided by section 1 of P.L.1979, c.172 (C.18A:11-  
22 3). shall be personally liable in any civil action for damages to a  
23 player, participant or spectator as a result of his acts of commission  
24 or omission arising out of and in the course of his rendering that  
25 service or assistance.

26 b. The provisions of subsection a. of this section shall apply  
27 not only to organized sports competitions, but shall also apply to  
28 practice and instruction in that sport.

29 c. (1) Nothing in this section shall be deemed to grant  
30 immunity to any person causing damage by his willful, wanton, or  
31 grossly negligent act of commission or omission, nor to any coach,  
32 manager, or official who has not participated in a safety orientation  
33 and training skills program which program shall include but not be  
34 limited to injury prevention and first aid procedures and general  
35 coaching concepts.

36 (2) A coach, manager, or official shall be deemed to have  
37 satisfied the requirements of this subsection if the safety orientation  
38 and skills training program attended by the person has met the  
39 minimum standards established by the Governor's Council on  
40 Physical Fitness and Sports in consultation with the Bureau of  
41 Recreation within the Department of Community Affairs, in  
42 accordance with rules and regulations adopted pursuant to the  
43 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
44 seq.).

**EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 d. Nothing in this section shall be deemed to grant immunity to  
2 any person causing damage as the result of his negligent operation  
3 of a motor vehicle.

4 e. Nothing in this section shall be deemed to grant immunity to  
5 any person for any damage caused by that person permitting a  
6 sports competition or practice to be conducted without supervision.

7 f. **【Nothing in this act】** This section shall apply to an **【athletic**  
8 **coach, manager, or official】** individual who provides services or  
9 assistance **【as part of a public or private educational institution's**  
10 **athletic program】** as an athletic coach, manager, or official for a  
11 public or nonpublic school in the State or a public or independent  
12 institution of higher education in the State.

13 g. Any insurance policy held by any organization or entity  
14 identified in subsections a. or f. of this section shall include liability  
15 coverage for any claim for damages to a player, participant, or  
16 spectator that results from an act of commission or omission arising  
17 out of and in the normal course of an athletic coach, manager, or  
18 official's duties.

19 (cf: P.L.1988, c.87, s.1)

20  
21 2. Section 1 of P.L.1987, c.239 (C.2A:62A-6.1) is amended to  
22 read as follows:

23 1. Notwithstanding any provisions of law to the contrary, a  
24 person who is accredited as a sports official by a voluntary  
25 association as provided by P.L.1979, c.172 (C.18A:11-3) and who  
26 serves that association, a conference under the jurisdiction of the  
27 association, or a public entity as defined in Title 59 of the New  
28 Jersey Statutes in the capacity of a sports official, whether or not  
29 compensated for his services, shall not be liable in any action for  
30 damages as a result of his acts of commission or omission arising  
31 out of and in the course of his rendering the services. Nothing in  
32 this act shall be deemed to grant immunity to any person causing  
33 damage by his willful, wanton, or grossly negligent act of  
34 commission or omission, nor to any person causing damage as the  
35 result of his negligent operation of a motor vehicle.

36 Any insurance policy held by a voluntary association as provided  
37 by P.L.1979, c.172 (C.18A:11-3), a conference under the  
38 jurisdiction of the association, or a public entity as defined in Title  
39 59 of the New Jersey Statutes shall include liability coverage for  
40 any claim for damages to a player, participant, or spectator that  
41 results from an act of commission or omission arising out of and in  
42 the normal course of an accredited sports official's duties.

43 (cf: P.L.1987, c.239, s.1)

44  
45 3. Section 3 of P.L.1987, c.324 (C.18A:11-6) is amended to  
46 read as follows:

47 3. Notwithstanding the provisions of P.L.1952, c.335  
48 (C.2A:53A-1 et seq.), P.L.1973, c.146 (C.2A:15-5.1 et seq.) or any

1 other law to the contrary, in any case where a voluntary association  
2 as provided by P.L.1979, c.172 (C.18A:11-3), any athletic  
3 conference operating under the jurisdiction of that association or  
4 any employee of the association or conference acting within the  
5 scope of his employment is determined to be a tortfeasor in any  
6 cause of action along with one or more other tortfeasors, the  
7 association, conference or employee shall be liable for no more than  
8 that percentage share of the damages which is equal to the  
9 percentage of the negligence attributable to that association,  
10 conference or employee. In any case where the voluntary  
11 association, conference or employee is determined to be a joint  
12 tortfeasor, the voluntary association, conference or employee shall  
13 be required to contribute to a joint tortfeasor only to the extent of  
14 the recovery provided for under this section.

15 Nothing in this section shall be deemed to limit the immunity  
16 provided to an athletic coach, manager, or official under section 1  
17 of P.L.1986, c.13 (C.2A:62A-6) or an accredited sports official  
18 under section 1 of P.L.1987, c.239 (C.2A:62A-6.1).  
19 (cf: P.L.1987, c.324, s.3)

20  
21 4. This act shall take effect immediately.

#### 22 23 24 STATEMENT

25  
26 Under current law, section 1 of P.L.1986, c.13 (C.2A:62A-6), an  
27 individual who provides services or assistance free of charge as an  
28 athletic coach, manager, or official, other than an accredited sports  
29 official exempted from liability pursuant to section 1 of  
30 P.L.1987, c.239 (C.2A:62A-6.1), for a sports team which is  
31 organized or performing pursuant to a nonprofit or similar charter  
32 or which is a member team in a league organized by or affiliated  
33 with a county or municipal recreation department is immune from  
34 liability in any civil action for damages to a player, participant, or  
35 spectator as a result of the acts of commission or omission arising  
36 out of and in the course of the athletic coach, manager, or official's  
37 rendering of those services or assistance. Under this bill, these  
38 individuals would be provided the immunity whether or not they are  
39 compensated. The bill also provides the immunity to individuals  
40 providing services or assistance to teams which are members of a  
41 voluntary association as provided by section 1 of P.L.1979, c.172  
42 (C.18A:11-3).

43 This bill would provide immunity from personal liability to an  
44 athletic coach, manager, or official who provides services or  
45 assistance to a public or nonpublic school or a public or  
46 independent institution of higher education in the State. Section 1  
47 of P.L.1986, c.13 (C.2A:62A-6) currently states that an athletic  
48 coach, manager, or official who provides services to a public or

1 private educational institution's athletic program is not entitled to  
2 immunity from the liability provided under the section.

3 This bill would require that the insurance policy held by an  
4 organization, entity, or voluntary association that utilizes the  
5 services or assistance of an athletic coach, manager, official, or  
6 accredited sports official include liability coverage for any claim for  
7 damages to a player, participant, or spectator that results from an  
8 act of commission or omission arising out of and in the normal  
9 course of an athletic coach, manager, official, or accredited sport  
10 official's duties. Under current law, section 3 of  
11 P.L.1987, c.324 (C.18A:11-6), a voluntary association as provided  
12 by section 1 of P.L.1979, c.172 (C.18A:11-3), any athletic  
13 conference operating under the jurisdiction of that association, or  
14 any employee of the association or conference acting within the  
15 scope of his employment that is determined to be a tortfeasor or  
16 joint tortfeasor can be liable for a percentage of damages equal to,  
17 but not more than, the percentage of negligence attributable to the  
18 association, conference, or employee. This bill clarifies that  
19 nothing in section 3 of P.L.1987, c.324 (C.18A:11-6) is intended to  
20 limit the immunity provided to an athletic coach, manager or  
21 official under section 1 of P.L.1986, c.13 (C.2A:62A-6) or an  
22 accredited sports official under section 1 of P.L.1987, c.239  
23 (C.2A:62A-6.1).