



State of Tennessee

PUBLIC CHAPTER NO. 152

SENATE BILL NO. 117

By Norris, Yager, Bowling, Ketron

Substituted for: House Bill No. 106

By McCormick, Kevin Brooks, Lollar, Littleton, Favors, Ragan, Kane

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 34, Part 2, relative to providing assistance to older Tennesseans with transportation needs.

WHEREAS, Tennessee's population is growing significantly older, with twenty-two percent of the residents projected to be over the age of sixty-five by 2020; and

WHEREAS, mobility is fundamental to the independence, health, wellness, and freedom of older adults; and

WHEREAS, public transportation in Tennessee's ninety-five counties cannot meet all of the transportation needs of the aging society; and

WHEREAS, an increased number of volunteer drivers and volunteer transportation programs are needed to assist older Tennesseans; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This section shall be known and may be cited as the "Protection of Volunteer-Insured Drivers of the Elderly (PROVIDE) Act."

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following language as a new, appropriately designated section:

(a) As used in this section:

(1) "Charitable organization" means any charitable unit of a religious or civic group exempt from taxation under 26 U.S.C. § 501, including those supported wholly or partially by private donations;

(2) "Human service agency" means any human service unit, clinic, senior citizens program, congregate meal center, or day care center for the elderly, whether supported wholly or partially by public funds;

(3) "Volunteer" means an individual providing volunteer transportation who may receive reimbursement for actual expenses or an allowance to defray expenses of operating the vehicle used to provide transportation services, but does not receive compensation for the person's time; and

(4) "Volunteer transportation" means motor vehicle transportation provided by a volunteer under the direction, sponsorship, or supervision of a human service agency or a charitable organization.

(b) Any volunteer, who provides volunteer transportation for senior citizens through a charitable organization or human service agency, shall not be individually liable for any civil damages above the policy limits collectable from any policy of insurance that would be obligated to make payment on behalf of the volunteer or on behalf of a person or entity that would be vicariously liable for the volunteer's conduct when liability for civil damages is limited by this section for an injury to the senior citizen arising out of or resulting from the transportation if the volunteer was acting in good faith and within the scope of the volunteer's

official actions and duties on behalf of the charitable organization or human service agency unless the volunteer's conduct constitutes gross negligence or willful and wanton misconduct; provided, that the charitable organization or human service agency is liable for damages and maintains liability insurance coverage at least equal to the minimum limits set forth in § 29-20-403 of the Tennessee Governmental Tort Liability Act.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to actions that arise on or after that date.

SENATE BILL NO. 117

PASSED: April 1, 2015



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 16th day of April 2015



BILL HASLAM, GOVERNOR