

CONSENT CALENDAR

February 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Judiciary to which was referred HB
1315,**

**AN ACT relative to immunity from civil liability for
sports officials. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Judiciary
Bill Number:	HB 1315
Title:	relative to immunity from civil liability for sports officials.
Date:	February 3, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would grant immunity from civil liability for any qualified individual who officiates any sporting event for any act or omission resulting in damage or injury to another person absent willful or gross negligence by the official. Proponents fear that a referee or coach could be sued over an accident or injury for which that person had no responsibility or control. The committee, in concert with our historic practice, felt such an unlikely suit is a small risk alongside many others commonly accepted and unanimously recommended the bill Inexpedient to Legislate.

Vote 21-0.

Rep. Kurt Wuelper
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Judiciary

HB 1315, relative to immunity from civil liability for sports officials. **INEXPEDIENT TO LEGISLATE.**

Rep. Kurt Wuelper for Judiciary. This bill would grant immunity from civil liability for any qualified individual who officiates any sporting event for any act or omission resulting in damage or injury to another person absent willful or gross negligence by the official. Proponents fear that a referee or coach could be sued over an accident or injury for which that person had no responsibility or control. The committee, in concert with our historic practice, felt such an unlikely suit is a small risk alongside many others commonly accepted and unanimously recommended the bill Inexpedient to Legislate. **Vote 21-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON JUDICIARY

EXECUTIVE SESSION on HB 1315

BILL TITLE: relative to immunity from civil liability for sports officials.

DATE: February 3, 2022

LOB ROOM: 206-208

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Wuelper

Seconded by Rep. Gordon

Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Kurt Wuelper, Clerk



2021 SESSION

Judiciary

Bill #: HB 1315 Motion: FTL AM #: _____ Exec Session Date: 2-3-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
	✓		
Gordon, Edward M. Chairman			
McLean, Mark Vice Chairman	✓		
Sylvia, Michael J.	✓		
Wuelper, Kurt F. Clerk	✓		
Alexander, Joe H.	✓		
Rice, Kimberly A. EDWARDS	✓		
Silber, Norman J. MERNER	✓		
Greene, Bob J.	✓		
Kelley, Diane E.	✓		
Fausch, Lindsay ANDRUS	✓		
Trottier, Douglas R.	✓		
Smith, Marjorie K.	✓		
Berch, Paul S. WOODS	✓		
Horrigan, Timothy O.	✓		
DiLorenzo, Charlotte I.	✓		
Chase, Wendy	✓		
Kenney, Cam E.	✓		
Langley, Diane M.	✓		
McBeath, Rebecca Susan	✓		
Paige, Mark	✓		
Simpson, Alexis	✓		

Kurt Wuelper

21 0

HOUSE COMMITTEE ON JUDICIARY

PUBLIC HEARING ON HB 1315

BILL TITLE: relative to immunity from civil liability for sports officials

DATE: 1-19-22

LOB ROOM: 206/8

Time Public Hearing Called to Order: 2:14 PM

Time Adjourned: 2: PM

Committee Members: ~~Reps. Gordon, McLean, Wuelper, Sylvia, Alexander Jr., Nottter, Merner, Greene, D. Kelley, Andrus, Trottier, M. Smith, Borch, Horrigan, DiLorenzo, Chase, Kenney, Langley, McBeath, Paige and Simpson,~~

Bill Sponsors:

Rep. Mooney, Hills. 21; Rep. Healey, Hills. 21

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep Mooney Hills 21 Sponsor** The bill gives sports authorities and officials immunity under limited circumstances. Current law applies only to volunteers. Many officials get paid small amounts for officiating at local events. The officials are not responsible for the event or the surrounding structures. The officials only ensure the rules of the sporting event are followed. Today, they can be sued for blowing/not blowing their whistle or calling a penalty. The. Replay environment has increased suits against these officials across the country. NHIAA [see written] supplies officials for events across the state. They need protection.

Marissa Chase NHAJ Opposed Immunity allows anyone to act negligently without accountability. It should not be granted to sports officials. They are responsible to see children participate in sports without proper equipment. We understand officials shouldn't be held responsible for the crowd or others, but negligence is a hard case to make in NH Our courts do not recognize Gross negligence. The bill is too broad and has ambiguous language.

R. Brian Snow Self Supports I am a sports official. I've worked in Hight School basketball and baseball and other sports. The NHIAA letter you have reports about an official was sued. The case took years and he really had nothing to do with it. In NH, we have recognized the problems they many have and we provide immunity for volunteer sports organizers and officials. Too often officials are blamed for calls that anger fans. The compensation for sports officials nowhere nearly is enough to allow for the purchase of insurance or to bear the cost of a suit. We have plenty of immunities for firefighters, etc. and this protection should be extended to sports officials. Officials are named ins suits even if they have no authority over the substance of the suit. I have had to order players off the field, but that responsibility belongs to the coaches, not the officials and I open myself to being sued for my action. The same idea applies to all kinds of sports.

Marissa Chase: Our courts have not applied Gross negligence despite it being written into some of our statutes.



Rep Kurt Wuelper, Clerk

House Remote Testify

Judiciary Committee Testify List for Bill HB1315 on 2022-01-19

Support: 0 Oppose: 1 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Chase, Marissa	Manchester, NH mchase@nhaj.org	A Lobbyist	NH Association for Justice	Oppose	No	No	1/18/2022 7:01 PM

HB 1315
MOONEY



NEW HAMPSHIRE INTERSCHOLASTIC ATHLETIC ASSOCIATION

Established 1947

251 Clinton Street • Concord, N.H. 03301-8432
(603) 228-8671 • Fax (603) 225-7978
www.nhiala.org

Jeffrey T. Collins
Executive Director

January 31, 2012

To: New Hampshire House Judiciary Committee
Re: HB 1269 Relative to Immunity from Civil Liability for Sports Officials

Dear Members of the House Judiciary Committee,

I bring this written testimony before you in support of HB 1269. As the Executive Director of the New Hampshire Interscholastic Athletic Association (NHIAA) I have seen an increase in the willingness and desire of people associated with high school athletics to bring civil liability claims against almost everyone involved, to include officials. At the same time it seems that the courts are increasingly open to hearing such litigation. This has created a climate of fear and intimidation for officials in particular. This climate is fueled by the widespread use of cameras and videos that afford people more opportunities to second guess sports officials.

Assumption of risk has always been a part of interscholastic athletic participation, however, increasingly there seems to be a tendency to blame the officials for missing or failing to make a call that presumably would have prevented an injury or even the outcome of the game. Once again, the courts are often very willing to step in and award penalties and damages for what often is a judgment call or an honest mistake.

Although NHIAA enrolled officials are provided with comprehensive liability insurance through the National Federation of State High School Associations (NFHS), the cost of such insurance will only continue to escalate absent legislation that provides basic immunity from litigation for officials. Another by-product of this situation is the on-going difficulty in attracting and retaining qualified officials. This is increasingly becoming a national problem.

The NHIAA is a voluntary non-profit organization that has overseen high school athletics in New Hampshire since 1947. Without quality officials we would not be able to conduct competition for the 47,000 plus student athletes participating in our 89 New Hampshire member schools. Consequently, we stand in support of this piece of legislation and the necessary protection it will help provide officials at all levels across the state.

Sincerely,

R. Patrick Corbin
Executive Director

RPC:klr

HB 1315 MOONEY

HOUSE BILL EXPLANATION

This House Bill limits negligence liability for New Hampshire sports officials who are acting in good faith and within the scope of their official's duty during a scheduled athletic event or activity sponsored by a profit, nonprofit organization, or governmental entity.

PROBLEM:

Currently there is a very serious problem involving potential legal liability and applicable insurance coverage for New Hampshire citizens who serve their communities throughout the State in the capacity as sports officials. The aim of this legislation is to provide civil immunity to these locally serving and well-trained citizens who give their personal time to serve as sports officials throughout New Hampshire. Currently there is a serious need to prevent sports officials from being included as party-defendants in costly negligence lawsuits especially since such sports officials bear no responsibility for the individual actions of players, coaches or game administrators during a sponsored athletic activity or sporting event. These sporting events include local municipal athletic leagues; NH grade schools; state High Schools; Pop Warner/AYF and any other similar organizational sponsors; New Hampshire based post-secondary academies and preparatory schools; collegiate sports; and also includes officiating one-time only sponsored athletic contests such as cheerleading competitions; spirit competitions; ski races; swim meets; crew competitions; and other limited sporting activities of various kinds and natures.

Game administration is directly and indirectly responsible for the scheduling of seasonal sporting events; games or event operations; the facilities themselves; selling and accepting money for tickets to enter the sporting or athletic events; overseeing the safety and conduct of spectators; hosting bands, cheerleading and spirit participants; coordinating with corporate and group sponsors and their representatives; providing transportation for the players, participants & other groups; oversight of any other direct or indirect ancillary equipment and the myriad other details relating to conducting a sponsored athletic event or activity sponsored by a profit, nonprofit organization or governmental entity, *but not sports officials*. Such athletic activities events and team functions are organized and operated by state municipalities, High schools, middle schools, colleges, and secondary preparatory academies through their respective athletic directors; town youth sporting directors and by national organizations like Pop Warner/AYF and other like-in-kind agencies in each sport discipline.

Coaches are directly and indirectly responsible for their own individual actions; team trainers; team players; non-player personnel; the sports apparel and other related sporting gear and team equipment used by the team coaches and players etc ..., *but not sports officials*.

Sports officials are trained and directed *not to* coach the participants, *not to* perform facility management *nor* perform the duties of any of the other interested parties and participants at sporting events and activities. Rather, the actions of sports officials are ***always narrowly limited*** to specifically officiating the game or specific sporting activity.

IMPACT:

There is no adverse financial impact created by this legislation, only a significant benefit to all concerned.

If enacted, the new law would save New Hampshire citizens who are involved in sports officiating from having to necessarily purchase and maintain personal or additional annual sports insurance to protect themselves from civil liability.

This bill also attempts to improve the performance of sports officiating in New Hampshire by eliminating the constant fear of potential liability which permeates sports officiating at the present time.

Rep. Maureen C. Mooney
Town of Merrimack (Hillsborough #21)

HB 1315 Mooney

<u>Testimony:</u>	HB 1315 AN ACT relative to immunity from civil liability for sports officials
<u>Hearing:</u>	House Committee on Judiciary ~ January 19, 2022 at 1:30pm
<u>Position:</u>	In <u>Support</u> as Prime Sponsor

My name is Maureen Mooney, a State Representative for the Town of Merrimack in Hillsborough County, district #21. I am the prime sponsor of **HB 1315** AN ACT relative to immunity from civil liability for sports officials. I am **in support** of this bill.

First, I want to open with the importance of sports in New Hampshire. The benefits of competitive middle and high school sports in New Hampshire are critical for physical activity, the importance of teamwork and camaraderie, and critical thinking skills to make quick decisions based on the intricate rules of the game.

In order to play competitive sports, the role of sports officials is essential. These New Hampshire officials do extraordinary jobs in terms of managing the games, instructing players on the rules, and making knowledge-based decisions that affect the scholastic game's outcome. As with other necessary positions, the role of our state's sports officials must be protected, and participation must be encouraged.

HB 1315 gives sports officials immunity from civil liability for negligent acts or omissions providing the official: a.) was scheduled to officiate the game; b.) acted in good faith and within the scope of functions and duties; c.) did not exercise a willful act or gross negligence.

With a decline in recruiting new sports officials, the passage of this bill will benefit sports officials and hopefully attract younger men and women into the vocation of officiating in New Hampshire, eliminate the fear of being sued for trying to do a good job, and will deter frivolous suits.

Thank you for your attention to this matter and service to our State.

Respectfully Submitted,
Rep. Maureen Mooney

HB 1315 - AS INTRODUCED

2022 SESSION

22-2401

04/11

HOUSE BILL **1315**

AN ACT relative to immunity from civil liability for sports officials.

SPONSORS: Rep. Mooney, Hills. 21; Rep. Healey, Hills. 21

COMMITTEE: Judiciary

ANALYSIS

This bill immunizes a sports official from civil liability for an act that may cause damage or injury, except if such act is grossly negligent.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to immunity from civil liability for sports officials.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Limitation of Actions; Sports Officials. Amend RSA 508 by inserting after
2 section 17-a the following new section:

3 508:17-b Sports Officials; Liability Limited.

4 I. Any person who acts as a sports official at an athletic event or activity sponsored by a
5 nonprofit or for-profit organization or governmental entity shall be immune from civil liability in any
6 action brought on the basis of any act or omission resulting in damage or injury to another person if:

7 (a) The sponsoring authority has a record indicating the official was properly scheduled
8 to officiate the specific game or event;

9 (b) The sports official was acting in good faith and within the scope of official functions
10 and duties during the sports event; and

11 (c) The damage or injury was not caused by willful or gross negligence by the official.

12 II. In this section, "sports official" means an individual who officiates any sporting event
13 who is a volunteer, receives compensation, or obtains reimbursement for expenses actually incurred
14 for rendering such services. A sports official shall possess proper certification from an accredited
15 sports association for the specific sport being officiated, or a validation of competence for the rules,
16 procedures, practices, and programs for the specific athletic activity being officiated from a local
17 youth association.

18 2 Effective Date. This act shall take effect 60 days after its passage.