

1 AN ACT concerning business.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The General Not For Profit Corporation Act of
5 1986 is amended by changing Section 108.70 as follows:

6 (805 ILCS 105/108.70) (from Ch. 32, par. 108.70)

7 Sec. 108.70. Limited Liability of directors, officers,
8 board members, and persons who serve without compensation.

9 (a) No director or officer serving without compensation,
10 other than reimbursement for actual expenses, of a corporation
11 organized under this Act or any predecessor Act and exempt, or
12 qualified for exemption, from taxation pursuant to Section
13 501(c) of the Internal Revenue Code of 1986, as amended, shall
14 be liable, and no cause of action may be brought, for damages
15 resulting from the exercise of judgment or discretion in
16 connection with the duties or responsibilities of such director
17 or officer unless the act or omission involved willful or
18 wanton conduct.

19 (b) No director of a corporation organized under this Act
20 or any predecessor Act for the purposes identified in items
21 (14), (19), (21) and (22) of subsection (a) of Section 103.05
22 of this Act, and exempt or qualified for exemption from
23 taxation pursuant to Section 501(c) of the Internal Revenue

1 Code of 1986, as amended, shall be liable, and no cause of
2 action may be brought for damages resulting from the exercise
3 of judgment or discretion in connection with the duties or
4 responsibilities of such director, unless: (1) such director
5 earns in excess of \$5,000 per year from his duties as director,
6 other than reimbursement for actual expenses; or (2) the act or
7 omission involved willful or wanton conduct.

8 (b-5) Except for willful and wanton conduct, no volunteer
9 board member serving without compensation, other than
10 reimbursement for actual expenses, of a corporation organized
11 under this Act or any predecessor Act and exempt, or qualified
12 for exemption, from taxation pursuant to Section 501(c)(3) of
13 the Internal Revenue Code of 1986, as amended, shall be liable,
14 and no action may be brought, for damages resulting from any
15 action of the executive director concerning the false reporting
16 of or intentional tampering with financial records of the
17 organization, where the actions of the executive director
18 result in legal action.

19 This subsection (b-5) shall not apply to any action taken
20 by the Attorney General (i) in the exercise of his or her
21 common law or statutory power and duty to protect charitable
22 assets or (ii) in the exercise of his or her authority to
23 enforce the laws of this State that apply to trustees of a
24 charity, as that term is defined in the Charitable Trust Act
25 and the Solicitation for Charity Act.

26 (c) No person who, without compensation other than

1 reimbursement for actual expenses, renders service to or for a
2 corporation organized under this Act or any predecessor Act and
3 exempt or qualified for exemption from taxation pursuant to
4 Section 501(c)(3) of the Internal Revenue Code of 1986, as
5 amended, shall be liable, and no cause of action may be
6 brought, for damages resulting from an act or omission in
7 rendering such services, unless the act or omission involved
8 willful or wanton conduct.

9 (d) (Blank). ~~As used in this Section "willful or wanton~~
10 ~~conduct" means a course of action which shows an actual or~~
11 ~~deliberate intention to cause harm or which, if not~~
12 ~~intentional, shows an utter indifference to or conscious~~
13 ~~disregard for the safety of others or their property.~~

14 (e) Nothing in this Section is intended to bar any cause of
15 action against the corporation or change the liability of the
16 corporation arising out of an act or omission of any director,
17 officer or person exempt from liability for negligence under
18 this Section.

19 (Source: P.A. 87-832.)