



COMMONWEALTH OF VIRGINIA CHURCH TRUSTEE-RELATED CODES



CBA1: The Church Business Administration Network
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Code of Virginia § 20-13.2
Marriage Lawful Regardless of Sex, Gender,
or Race of Parties

“Religious organizations and members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.”

Code of Virginia § 8.01-220.1:1
Civil Immunity for Officers, partners, members, managers, trustees and directors
of certain tax-exempt organizations.

§ 8.01-220.1:1 (A)

Civil Immunity for Officers of Tax-Exempt Organizations

“Directors, partners, members, managers, trustees and officers of organizations exempt from income taxation under § 501(c) or § 528 of the Internal Revenue Code who serve without compensation shall be immune from civil liability for acts taken in their capacities as officers, partners, members, managers, trustees or directors of such organizations.”

Civil Immunity for Officers (A) (Without Compensation)

Key Points

1. Covers Directors, Partners, Members, Managers, Trustees and Officers
2. Organization must be Tax Exempt under § 501(c) or 528 of the Internal Revenue Code
3. Trustee/Officer serves without compensation
4. Acts must be within their capacity as officers, partners, members, trustees or directors of such organizations.

§ 8.01-220.1:1 (B)

Civil Immunity for Officers of Tax-Exempt Organizations (With Compensation)

“In any proceeding against a director, partner, member, manager, trustee or officer of an organization exempt from income taxation under § 501(c) or § 528 of the Internal Revenue Code who receives compensation, the damages assessed for acts taken in his capacity as an officer, partner, member, manager, trustee or director and arising out of a single transaction, occurrence or course of conduct shall not exceed the amount of compensation received by the officer, partner, member, manager, trustee or director during the 12 months immediately preceding the act or omission for which liability was imposed. As used herein ‘compensation’ shall mean payment for services over and above per diem and expenses.”

Code of Virginia § 8.01-220.1:1 (B) (cont'd.)

Civil Immunity for Officers (B) (With Compensation) Key Points

1. Organization must be Tax Exempt under § 501(c) or 528 of the Internal Revenue Code
2. Refers to Directors, Partners, Members, Managers, Trustees and Officers who receive compensation.¹
3. Assesses “damages” made within your capacity as an officer, partner, member, trustee or director of the tax-exempt organization.
4. “Damages” are assessed for each, single “transaction” or “occurrence”
5. Liability is limited to the amount of compensation the Director, Partner, Member, Manager, Trustee or Officer received during the 12 months prior to the transaction or occurrence.

§ 8.01-220.1:3

Immunity for Members of Church, Synagogue, or Religious Body

“No member of any church, synagogue or religious body shall be liable in tort or contract for the actions of any officer, employee, leader, or other member of such church, synagogue, or religious body solely because of his/[her] membership in such church, synagogue or religious body. Nothing in this section shall prevent any person from being held liable for his/[her] own actions.”

§ 8.01-220.1:1 (C)

Civil Immunity for Officers (Willful Misconduct or a Knowing Violation) of Tax-Exempt Organizations

The liability of an officer, partner, member, manager, trustee or director shall not be limited as provided in this section if the officer, partner, member, manager, trustee or director engaged in willful misconduct or a knowing violation of the criminal law or if liability derives from the operation of a motor vehicle, or from the violation of a fiduciary obligation imposed during the period of declarant control by § 55.1-1943.

Civil Immunity for Officers “C” (Willful Misconduct or a Knowing Violation) Key Points

Liability is not limited for Church Officers...

1. Who knowing and willingly engage in misconduct or violation of the criminal law.
2. Whose liability derives from the operation of a motor vehicle.
3. Who violate their “fiduciary” obligation to the church they serve.

¹ **Compensation defined as “Payment for services over and above per diem (allowance for travel costs) and expenses”.*

The liability of an officer, ...shall not be limited ...if liability derives from ...the violation of a fiduciary obligation.

**§ 8.01-220.1:1 (D) Civil Immunity for Officers
(Willful Misconduct or a Knowing Violation) of Tax-Exempt Organizations**

“The immunity provided by this section shall survive any termination, cancellation, or other discontinuance of the organization.”