

Good Samaritan Volunteer Firefighters' Assistance

This Act protects agencies and people that donate qualified fire control or fire rescue equipment to a volunteer fire company from liability for civil damages for personal injuries, property damage, or death proximately caused after the distribution by a defect in the equipment.

Exceptions to this liability protection would apply to a person or agency if the defect that proximately causes the injury, damage, or loss resulted from an act or omission of the person or agency, that constitutes malice, gross negligence, recklessness, or intentional misconduct. This also applies if the person or agency is the manufacturer of the qualified fire control or fire rescue equipment.

Submitted as:

New York

Chapter 41 of 2003

Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act may be cited as “The Good Samaritan Volunteer
2 Firefighters’ Assistance Act.”

3

4 Section 2. [*Definitions.*] For purposes of this Act:

5 (A) “Person” means any individual and any governmental or other entity.

6 (B) “Qualified Fire Control or Rescue Equipment” means fire control or fire rescue
7 equipment that has been recertified by an authorized technician as meeting the manufacturer’s
8 specifications and has been distributed through a state or local agency to the volunteer fire
9 company.

10 (C) “Authorized technician” means a technician that has been certified by the
11 manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician
12 need not be employed by the state or local agency administering the distribution of the fire
13 control or fire rescue equipment.

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15 Section 3. [*Liability Protection.*]

16 (A) A fire department or district, including a person acting as an agent thereof, that acts
17 reasonably in donating qualified fire control or fire rescue equipment to a volunteer fire
18 company, shall not be liable in civil damages under any state law for personal injuries, property
19 damage, or death proximately caused after the donation by a defect in the equipment.

20 (B) Any state or local agency, including a person acting as an agent of such an agency,
21 that acts reasonably in administering the distribution of qualified fire control or fire rescue
22 equipment to a volunteer fire company, shall not be liable for civil damages under any state law
23 for personal injuries, property damage, or death proximately caused after the distribution by a
24 defect in the equipment.

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26 Section 4. [*Exceptions to Liability Protection.*]

27 (A) Section 3 of this Act shall not apply to a person or agency if:

28 (1) The defect that proximately causes the injury, damage, or loss resulted from
29 an act or omission of the person or agency, that constitutes malice, gross negligence,
30 recklessness, or intentional misconduct;

31 (2) The person or agency is the manufacturer of the qualified fire control or fire
32 rescue equipment; or

33 (3) The person or agency modified or altered the equipment after it had been
34 recertified by an authorized technician as meeting the manufacturer's specifications.

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36 Section 5. [*Severability*.] [Insert severability clause.]

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38 Section 6. [*Repealer*.] [Insert repealer clause.]

39

40 Section 7. [*Effective Date*.] [Insert effective date.]