

107TH CONGRESS
1ST SESSION

H. R. 1919

To remove civil liability barriers surrounding donating fire equipment to
volunteer fire companies.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2001

Mr. CASTLE introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To remove civil liability barriers surrounding donating fire
equipment to volunteer fire companies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Samaritan Vol-
5 unteer Firefighter Assistance Act of 2001”.

6 **SEC. 2. REMOVAL OF CIVIL LIABILITY BARRIERS.**

7 (a) LIABILITY PROTECTION.—

8 (1) INDIVIDUAL RULE.—A person who donates
9 qualified fire control or fire rescue equipment to a
10 volunteer fire company shall not be liable in civil

1 damages under any State or Federal law for per-
2 sonal injuries, property damage, or death proxi-
3 mately caused after the donation by a defect in the
4 equipment.

5 (2) STATE OR LOCAL RULE.—A State or local
6 agency, including a person acting as an agent of
7 such an agency, that administers the distribution of
8 qualified fire control or fire rescue equipment to a
9 volunteer fire company shall not be liable for civil
10 damages under any State or Federal law for per-
11 sonal injuries, property damage, or death proxi-
12 mately caused after the distribution by a defect in
13 the equipment.

14 (b) EXCEPTIONS TO LIABILITY PROTECTION.—Sub-
15 section (a) does not apply to a person or agency if—

16 (1) the defect that proximately causes the in-
17 jury, damage, or loss resulted from an act or omis-
18 sion of the person or agency, that constitutes malice,
19 gross negligence, recklessness, or intentional mis-
20 conduct; or

21 (2) the person or agency is the manufacturer of
22 the qualified fire control or fire rescue equipment.

23 **SEC. 3. DEFINITIONS.**

24 In this Act:

1 (1) PERSON.—The term “person” includes any
2 individual and any governmental or other entity.

3 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—
4 The term “fire control or fire rescue equipment” in-
5 cludes fire vehicles, fire fighting tools, protective
6 gear, fire hose, and breathing apparatus.

7 (3) QUALIFIED FIRE CONTROL OR RESCUE
8 EQUIPMENT.—The term “qualified fire control or
9 fire rescue equipment” means fire control or fire res-
10 cue equipment that has been recertified by an au-
11 thorized technician as meeting the manufacturer’s
12 specifications and has been distributed through a
13 State or local agency to the volunteer fire company.

14 (4) AUTHORIZED TECHNICIAN.—The term “au-
15 thorized technician” means a technician that has
16 been certified by the manufacturer of fire control or
17 fire rescue equipment to inspect such equipment.
18 The technician need not be employed by the State
19 or local agency administering the distribution of the
20 fire control or fire rescue equipment.

21 **SEC. 4. EFFECTIVE DATE AND APPLICATION.**

22 This Act—

23 (1) shall take effect 30 days after the date of
24 its enactment; and

1 (2) applies only to a cause of action that ac-
2 crues on or after that date.

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