

109TH CONGRESS
1ST SESSION

S. 766

To remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

IN THE SENATE OF THE UNITED STATES

APRIL 12, 2005

Mr. SANTORUM introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To remove civil liability barriers that discourage the donation of 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 2005”.

6 **SEC. 2. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DIS-**
7 **COURAGE THE DONATION OF FIRE EQUIP-**
8 **MENT TO VOLUNTEER FIRE COMPANIES.**

9 (a) **LIABILITY PROTECTION.**—A person who donates
10 fire control or fire rescue equipment to a volunteer fire

1 company shall not be liable for civil damages under any
2 State or Federal law for personal injuries, property dam-
3 age or loss, or death caused by the equipment after the
4 donation.

5 (b) EXCEPTIONS.—Subsection (a) does not apply to
6 a person if—

7 (1) the person’s act or omission causing the in-
8 jury, damage, loss, or death constitutes gross neg-
9 ligence or intentional misconduct; or

10 (2) the person is the manufacturer of the fire
11 control or fire rescue equipment.

12 (c) PREEMPTION.—This Act preempts the laws of
13 any State to the extent that such laws are inconsistent
14 with this Act, except that notwithstanding subsection (b)
15 this Act shall not preempt any State law that provides
16 additional protection from liability for a person who do-
17 nates fire control or fire rescue equipment to a volunteer
18 fire company.

19 (d) DEFINITIONS.—In this section:

20 (1) PERSON.—The term “person” includes any
21 governmental or other entity.

22 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—
23 The term “fire control or fire rescue equipment” in-
24 cludes any fire vehicle, fire fighting tool, communica-

1 tions equipment, protective gear, fire hose, or
2 breathing apparatus.

3 (3) STATE.—The term “State” includes the
4 several States, the District of Columbia, the Com-
5 monwealth of Puerto Rico, the Commonwealth of the
6 Northern Mariana Islands, American Samoa, Guam,
7 the Virgin Islands, any other territory or possession
8 of the United States, and any political subdivision of
9 any such State, territory, or possession.

10 (4) VOLUNTEER FIRE COMPANY.—The term
11 “volunteer fire company” means an association of
12 individuals who provide fire protection and other
13 emergency services, where at least 30 percent of the
14 individuals receive little or no compensation com-
15 pared with an entry level full-time paid individual in
16 that association or in the nearest such association
17 with an entry level full-time paid individual.

18 (e) EFFECTIVE DATE.—This Act applies only to li-
19 ability for injury, damage, loss, or death caused by equip-
20 ment that, for purposes of subsection (a), is donated on
21 or after the date that is 30 days after the date of the
22 enactment of this Act.

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