

**§ 2233. Removal of civil liability barriers that discourage the donation of fire equipment to volunteer fire companies**

**(a) Liability protection**

A person who donates qualified fire control or rescue equipment to a volunteer fire company shall not be liable for civil damages under any State or Federal law for personal injuries, property damage or loss, or death caused by the equipment after the donation.

**(b) Exceptions**

Subsection (a) does not apply to a person if—  
 (1) the person's act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct;

(2) the person is the manufacturer of the qualified fire control or rescue equipment; or

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

**(c) Preemption**

This section preempts the laws of any State to the extent that such laws are inconsistent with this section, except that notwithstanding subsection (b) this section shall not preempt any State law that provides additional protection from liability for a person who donates fire control or fire rescue equipment to a volunteer fire company.

**(d) Definitions**

In this section:

**(1) Person**

The term "person" includes any governmental or other entity.

**(2) Fire control or rescue equipment**

The term "fire control or fire rescue equipment" includes any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

**(3) Qualified fire control or rescue equipment**

The term "qualified fire control or rescue equipment" means fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer's specifications.

**(4) State**

The term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, any other territory or possession of the United States, and any political subdivision of any such State, territory, or possession.

**(5) Volunteer fire company**

The term "volunteer fire company" means an association of individuals who provide fire protection and other emergency services, where at least 30 percent of the individuals receive little or no compensation compared with an entry level full-time paid individual in that association or in the nearest such association with an entry level full-time paid individual.

**(6) Authorized technician**

The term "authorized technician" means a technician who has been certified by the man-

ufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the State or local agency administering the distribution of the fire control or fire rescue equipment.

**(e) Effective date**

This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is 30 days after March 9, 2006.

(Pub. L. 109-177, title I, §125, Mar. 9, 2006, 120 Stat. 226.)

CODIFICATION

Section was enacted as part of the USA PATRIOT Improvement and Reauthorization Act of 2005, and not as part of the Federal Fire Prevention and Control Act of 1974 which comprises this chapter.

**CHAPTER 50—CONSUMER PRODUCT WARRANTIES**

Sec.	
2301.	Definitions.
2302.	Rules governing contents of warranties.
2303.	Designation of written warranties.
2304.	Federal minimum standards for warranties.
2305.	Full and limited warranting of a consumer product.
2306.	Service contracts; rules for full, clear and conspicuous disclosure of terms and conditions; addition to or in lieu of written warranty.
2307.	Designation of representatives by warrantor to perform duties under written or implied warranty.
2308.	Implied warranties.
2309.	Procedures applicable to promulgation of rules by Commission.
2310.	Remedies in consumer disputes.
2311.	Applicability to other laws.
2312.	Effective dates.

**§ 2301. Definitions**

For the purposes of this chapter:

(1) The term "consumer product" means any tangible personal property which is distributed in commerce and which is normally used for personal, family, or household purposes (including any such property intended to be attached to or installed in any real property without regard to whether it is so attached or installed).

(2) The term "Commission" means the Federal Trade Commission.

(3) The term "consumer" means a buyer (other than for purposes of resale) of any consumer product, any person to whom such product is transferred during the duration of an implied or written warranty (or service contract) applicable to the product, and any other person who is entitled by the terms of such warranty (or service contract) or under applicable State law to enforce against the warrantor (or service contractor) the obligations of the warranty (or service contract).

(4) The term "supplier" means any person engaged in the business of making a consumer product directly or indirectly available to consumers.

(5) The term "warrantor" means any supplier or other person who gives or offers to