1 State of Arkansas **A BillACT 984 OF 1991** 2 **78th General Assembly** HOUSE BILL 1205 3 Regular Session, 1991 **By: Representative Givens** 4 5 6 For An Act To Be Entitled 7 "AN ACT TO AMEND ARKANSAS CODE 23-88-102 TO PROVIDE FOR 8 PROCEDURES TO PERMIT VOLUNTEER FIRE DEPARTMENTS TO COLLECT 9 FEES FROM NONMEMBERS WITHIN THEIR DISTRICTS; AND FOR OTHER 10 11 PURPOSES." 12 13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS: 14 15 SECTION 1. Arkansas Code 23-88-102 is amended to read as follows: 16 "23-88-102. Paying costs of volunteer fire department services. The amount charged by a volunteer fire department for the cost of 17 (a) 18 its services in responding to a fire on the property of a nonmember within its 19 district shall not exceed an amount equal to the fair market value of the 20 service rendered. 21 (b) When a volunteer fire department responds to a fire occurring 22 within its district and the property which is the subject of the alarm is 23 owned by a nonmember and insured for damage resulting from the fire, the 24 insurance company insuring the loss shall pay to the volunteer fire department 25 the fair market value of its services from the insurance proceeds. Notice to 26 both the insurance company and to the insured non-member by the volunteer fire 27 department for its costs of services shall be by certified mail within ten (10) days after the date of the services rendered. 28 29 (C)In the event a non-member desires to contest an assessment, the 30 non-member may notify the fire department board of his objection to the 31 assessment, and the fire department board shall file a civil suit in the 32 nearest municipal court within ten (10) days asking for the amount claimed by 33 the fire department. The municipal court shall give a hearing on the matter 34 within ten (10) days to determine if the amount claimed is fair compensation 35 for the services rendered. If the amount of the assessment is contested in 36 municipal court, the fire department shall immediately notify the insurer of

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1 the non-member's property, by certified mail, and the insurer shall upon
 2 notification pay into the registry of the court an amount equal to the
 3 assessment made by the volunteer fire department for fire services."
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         SECTION 2. The insurer shall not be liable for any amount of money
 6 which exceeds the face amount of the policy unless the provisions of the
 7 policy provide otherwise.
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         SECTION 3. All provisions of this act of a general and permanent nature
10 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
11 Revision Commission shall incorporate the same in the Code.
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         SECTION 4. If any provision of this act or the application thereof to
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14 any person or circumstance is held invalid, such invalidity shall not affect
15 other provisions or applications of the act which can be given effect without
16 the invalid provision or application, and to this end the provisions of this
17 act are declared to be severable.
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         SECTION 5. All laws or parts of laws in conflict with this act are
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20 hereby repealed.
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                                   /s/ Art Givens
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                                  APPROVED: 4/8/91
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