

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Representative Givens**

# A Bill

**HOUSE BILL 1205**

## **For An Act To Be Entitled**

8 *"AN ACT TO AMEND ARKANSAS CODE 23-88-102 TO PROVIDE FOR*  
9 *PROCEDURES TO PERMIT VOLUNTEER FIRE DEPARTMENTS TO COLLECT*  
10 *FEEES FROM NONMEMBERS WITHIN THEIR DISTRICTS; AND FOR OTHER*  
11 *PURPOSES."*

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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.

17 (a) The amount charged by a volunteer fire department for the cost of  
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*  
28 *(10) days after the date of the services rendered.*

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*

1 *municipal court, the fire department shall immediately notify the insurer of*  
2 *the non-member's property, by certified mail, and the insurer shall upon*  
3 *notification pay into the registry of the court an amount equal to the*  
4 *assessment made by the volunteer fire department for fire services."*

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6 *SECTION 2. The insurer shall not be liable for any amount of money*  
7 *which exceeds the face amount of the policy unless the provisions of the*  
8 *policy provide otherwise.*

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10 *SECTION 3. All provisions of this act of a general and permanent nature*  
11 *are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code*  
12 *Revision Commission shall incorporate the same in the Code.*

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14 *SECTION 4. If any provision of this act or the application thereof to*  
15 *any person or circumstance is held invalid, such invalidity shall not affect*  
16 *other provisions or applications of the act which can be given effect without*  
17 *the invalid provision or application, and to this end the provisions of this*  
18 *act are declared to be severable.*

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20 *SECTION 5. All laws or parts of laws in conflict with this act are*  
21 *hereby repealed.*

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23 */s/ Art Givens*

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