Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 2	State of Arkansas 84th General Assembly	As Engrossed: H3/19/03 ${f A~Bill}$	
3	Regular Session, 2003		HOUSE BILL 2291
4	Regular Session, 2005		HOUSE BILL 2271
5	By: Representative Scroggin	I	
6			
7			
8	For An Act To Be Entitled		
9	AN ACT TO PROVIDE FIRE DEPARTMENTS WITH IMMUNITY		
10	FOR ANY LIABILITY FOR INJURY OR DEATH FROM THE		
11	DONATION OF USED OR SURPLUS FIRE FIGHTING		
12	EQUIPMENT TO OTHER FIRE DEPARTMENTS; AND FOR		
13	OTHER P	URPOSES.	
14			
15		Subtitle	
16	TO P	ROVIDE FIRE DEPARTMENTS WITH	
17	IMMU	NITY FOR ANY LIABILITY FOR INJURY OR	•
18	DEAT	H FROM THE DONATION OF USED OR	
19	SURP	LUS FIRE FIGHTING EQUIPMENT.	
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21			
22	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARK	ANSAS:
23			
24	SECTION 1. Arka	ansas Code Title 16, Chapter 120, Sul	bchapter l is
25	amended to add an add	itional section to read as follows:	
26	16-120-105. Don	nors of fire fighting equipment not	liable - Exception.
27	(a) As used in	this section:	
28	(1) "Done	or department" means any fire departm	ment in Arkansas,
29	including a volunteer	fire department, a fire protection	district, a
30	municipal fire departs	ment, or a fire department for a sub-	urban improvement
31	district or a subordi	nate service district of a county;	
32	(2) "Fire fighting equipment" means any personal property owned		
33	by a donor department that is used for fire fighting services or training,		
34	emergency medical serv	vices, or rescue services.	
35	(b) The provisions of this section shall govern the good faith		
36	donations of fire fig	hting equipment that is:	

As Engrossed: H3/19/03 HB2291

1	(1) Not sold for its full fair market value;		
2	(2) Declared surplus equipment as no longer needed for the donor		
3	department's use; or		
4	(3) Completely depreciated in book value as a property item in		
5	the donor department's inventory.		
6	(c) All other provisions of law notwithstanding, a good faith donor of		
7	fire fighting equipment that is serviceable and fit for use at the time it is		
8	donated to a bona fide charitable or not-for-profit organization for free		
9	distribution or redistribution at a nominal cost to other fire departments or		
10	is donated directly to another fire department shall not be subject to		
11	criminal or civil liability arising from an injury or death due to the		
12	condition of the fire fighting equipment, except as provided under § 21-9-		
13	<u>301</u> .		
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15	/s/ Scroggin		
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