

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.

Act 581 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: S2/22/07

**A Bill**

SENATE BILL 208

5 By: Senator Faris  
6  
7

**For An Act To Be Entitled**

9 AN ACT TO REVISE THE CAP ON REIMBURSEMENT TO  
10 VOLUNTEER FIRE DEPARTMENTS FOR SERVICES PROVIDED  
11 INVOLVING FIRES AND PERSONAL PROPERTY; TO EXTEND  
12 THE TIME PERIOD REQUIRED FOR NOTICE TO BE GIVEN  
13 BY A VOLUNTEER FIRE DEPARTMENT TO THE INSURANCE  
14 COMPANY; AND FOR OTHER PURPOSES.

**Subtitle**

15  
16  
17 AN ACT TO REVISE THE CAP ON  
18 REIMBURSEMENT TO VOLUNTEER FIRE  
19 DEPARTMENTS FOR SERVICES PROVIDED AND TO  
20 EXTEND THE TIME PERIOD REQUIRED FOR  
21 NOTICE TO BE GIVEN TO THE INSURANCE  
22 COMPANY.  
23  
24

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

26  
27 SECTION 1. Arkansas Code § 20-22-901 is amended to read as follows:  
28 20-22-901. Duty to respond to fires.

29 (a)(1) Upon receipt of a report of an uncontrolled fire or a 911 or  
30 other emergency call reporting a fire, it shall be the duty of volunteer fire  
31 departments operating within the State of Arkansas to respond to, attempt to  
32 control, and put out all fires occurring within their respective districts  
33 involving any real or personal property, whether that property is owned by  
34 members of the fire district.

35 (2) However, unless the following circumstances exist, the



1 volunteer fire department shall have no duty or authority to respond to or  
2 attempt to control and put out any fire which occurs on forest lands, cut-  
3 over lands, brush lands, or grasslands owned by a nonmember:

4 (A) The fire poses an immediate threat to life of any  
5 person;

6 (B) There is a written agreement between a nonmember owner  
7 of the real or personal property and the volunteer fire department requiring  
8 the fire department to respond;

9 (C) The fire is in violation of a countywide fire ban; or

10 (D) The fire poses an immediate threat to the real or  
11 personal property owned by a member of the district.

12 (b)(1) If the property is owned by a nonmember of the fire district,  
13 then the volunteer fire department shall be entitled to recover from the  
14 nonmember property owner the reasonable value of its services not to exceed  
15 the fair market value of the services rendered.

16 (2) A claim for services in responding to a fire involving only  
17 *personal property shall be allowed only for personal property of nonmembers,*  
18 *and the claimed amount shall not exceed ~~three hundred dollars (\$300)~~ five*  
19 *hundred dollars (\$500).*

20  
21 SECTION 2. Arkansas Code § 23-88-102 is amended to read as follows:

22 23-88-102. Paying costs of volunteer fire department services.

23 (a) The amount charged by a volunteer fire department for the cost of  
24 its services in responding to a fire on or an emergency call concerning the  
25 property of a nonmember within its district shall not exceed an amount equal  
26 to the fair market value of the service rendered, except that a claim for  
27 services in responding to a fire involving only personal property shall be  
28 *allowed only for personal property of nonmembers, and the claimed amount*  
29 *shall not exceed ~~three hundred dollars (\$300)~~ five hundred dollars (\$500).*

30 (b)(1) When a volunteer fire department responds to a fire occurring  
31 or responds to a 911 or other fire emergency call within its district and the  
32 property which is the subject of the alarm is owned by a nonmember and  
33 insured in case of any damage resulting from a fire, the insurance company  
34 insuring the property against loss shall pay to the volunteer fire department  
35 the fair market value of its services from the insurance proceeds.

36 (2) Notice to both the insurance company and to the insured

1 nonmember by the volunteer fire department for its costs of services shall be  
2 by certified mail within ~~ten (10)~~ thirty (30) days after the date of the  
3 services rendered.

4 (c)(1)(A) In the event a nonmember desires to contest an assessment,  
5 the nonmember may notify the fire department board of his or her objection to  
6 the assessment, and the fire department board shall file a civil suit in the  
7 nearest district court within ten (10) days asking for the amount claimed by  
8 the fire department.

9 (B) The district court shall give a hearing on the matter  
10 within ten (10) days to determine if the amount claimed is fair compensation  
11 for the services rendered.

12 (2) If the amount of the assessment is contested in district  
13 court, the fire department shall immediately notify the insurer of the  
14 nonmember's property, by certified mail, and the insurer shall upon  
15 notification pay into the registry of the court an amount equal to the  
16 assessment made by the volunteer fire department for fire services.

17 (d) The insurer shall not be liable for any amount of money which  
18 exceeds the face amount of the policy unless the provisions of the policy  
19 provide otherwise.

20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

*/s/ Faris*

**APPROVED: 3/28/2007**