

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 1/22/87

HOUSE BILL 1035

By: Representatives Rice, Willems, Newman, Mullenix, Gilbert, Bryan, Fuller, Ramsey, Arrington, Collier, Dawson, Teague, Hutchinson, Holland, Maddox, Langster, Wade, Wingfield, Hinshaw, and Balton

"AN ACT TO PROVIDE THAT NO VOLUNTEER FIREFIGHTER, VOLUNTEER FIRE DEPARTMENT BOARD MEMBER OR ADMINISTRATIVE PERSONNEL OF A VOLUNTEER FIRE DEPARTMENT SHALL BE CIVILLY LIABLE FOR PERSONAL INJURY OR PROPERTY DAMAGE RESULTING FROM ANY ACT OR OMISSION OF A VOLUNTEER FIREFIGHTER WHILE ENGAGED IN CARRYING OUT HIS OR HER RESPONSIBILITIES AS A FIREFIGHTER IF SUCH ACT OR OMISSION WAS PERFORMED IN GOOD FAITH AND DID NOT CONSTITUTE GROSS NEGLIGENCE; AND FOR OTHER PURPOSES."

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

SECTION 1. No volunteer firefighter nor board member of a volunteer fire department, nor administrative personnel of a volunteer fire department shall be civilly liable for personal injury or property damage resulting from any act or omission of a volunteer firefighter in carrying out his or her official duties as a firefighter if such act or omission was in good faith and did not constitute gross negligence. The provisions of this Act shall not apply to volunteer fire departments of incorporated cities or towns.

SECTION 2. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 3. EMERGENCY. It is hereby found and determined by the General Assembly that volunteer firefighters, fire department board members and administrative personnel of volunteer fire departments should not suffer civil liability for personal injuries or property damage resulting from acts or omissions of volunteer firefighters while engaged in carrying out their responsibilities as firefighters provided that such acts or omissions were performed in good faith and did not constitute gross negligence; that the law

does not now provide such civil immunity; that the present state of the law results in inequitable burdens being placed upon such persons, and that this Act is immediately necessary to eliminate such inequity. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ W. R. Rice

