

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 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 2291

4  
5 By: Representative Scroggin  
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## 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 PURPOSES.  
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## Subtitle

15 TO PROVIDE FIRE DEPARTMENTS WITH  
16 IMMUNITY FOR ANY LIABILITY FOR INJURY OR  
17 DEATH FROM THE DONATION OF USED OR  
18 SURPLUS FIRE FIGHTING EQUIPMENT.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Title 16, Chapter 120, Subchapter 1 is  
25 amended to add an additional section to read as follows:

26 16-120-105. Donors of fire fighting equipment not liable - Exception.

27 (a) As used in this section:

28 (1) "Donor department" means any fire department in Arkansas,  
29 including a volunteer fire department, a fire protection district, a  
30 municipal fire department, or a fire department for a suburban improvement  
31 district or a subordinate service district of a county;

32 (2) "Fire fighting equipment" means any personal property owned  
33 by a donor department that used for fire fighting services or training,  
34 emergency medical services, or rescue services.

35 (b) The provisions of this section shall govern the good faith  
36 donations of fire fighting equipment that is:



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(1) Not sold for its full fair market value;

(2) Declared surplus equipment as no longer needed for the donor department's use; or

(3) Completely depreciated in book value as a property item in the donor department's inventory.

(c)(1) All other provisions of law notwithstanding, a good faith donor of fire fighting equipment that is serviceable and fit for use at the time it is donated to a bona fide charitable or not-for-profit organization for free distribution or redistribution at a nominal cost to other fire departments or is donated directly to another fire department shall not be subject to criminal or civil liability arising from an injury or death due to the condition of the fire fighting.

(2) However, a donor may be liable if an injury or death is a direct result of the gross negligence, recklessness, or intentional misconduct of the donor.