## 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	As Engrossed: H3/19/03		
2	84th General Assembly	A Bill		
3	Regular Session, 2003		HOUSE BILL	2291
4				
5	By: Representative Scroggin			
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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	EQUIPME	ENT TO OTHER FIRE DEPARTMENTS; AND FOR		
13	OTHER F	PURPOSES.		
14				
15		Subtitle		
16	TO F	PROVIDE FIRE DEPARTMENTS WITH		
17	IMMU	UNITY FOR ANY LIABILITY FOR INJURY OR		
18	DEAT	TH FROM THE DONATION OF USED OR		
19	SURF	PLUS FIRE FIGHTING EQUIPMENT.		
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22	BE IT ENACTED BY THE	GENERAL ASSEMBLY OF THE STATE OF ARKAN	NSAS:	
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24	SECTION 1. Ark	ansas Code Title 16, Chapter 120, Subo	chapter l is	
25	amended to add an additional section to read as follows:			
26	16-120-105. Do	nors of fire fighting equipment not li	iable - Excepti	.on.
27	(a) As used in	this section:		
28	<u>(1) "Don</u>	or department" means any fire departme	ent in Arkansas	<u>,</u>
29	including a volunteer	fire department, a fire protection di	istrict, a	
30	municipal fire department, or a fire department for a suburban improvement			ı <u>t</u>
31	district or a subordinate service district of a county;			
32	(2) "Fire fighting equipment" means any personal property owned			med_
33	by a donor department that is used for fire fighting services or training,			. <b>.</b>
34	emergency medical services, or rescue services.			
35	(b) The provisions of this section shall govern the good faith			
36	donations of fire fig	hting equipment that is:		

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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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