

109TH CONGRESS
1ST SESSION

H. R. 1088

To remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2005

Mr. CASTLE (for himself, Mr. NEY, Mr. GREEN of Wisconsin, Mr. OXLEY, Ms. CARSON, Mr. BACHUS, Mr. GILLMOR, Ms. HARMAN, Mr. ROGERS of Michigan, Mr. WOLF, Mr. MCCAUL of Texas, Mr. DENT, Mr. PLATTS, Mr. WELDON of Pennsylvania, Mr. WILSON of South Carolina, Mr. DELAHUNT, Mr. HOLDEN, Mr. SOUDER, Mr. GILCHREST, Mr. EVANS, Mr. FORBES, Mrs. LOWEY, Mr. OWENS, Mr. BAKER, Mr. KILDEE, Mr. DOYLE, Mr. COSTELLO, Mr. UPTON, Mr. MCGOVERN, Mr. CONAWAY, Mr. BRADY of Texas, Mr. CALVERT, Mrs. CAPITO, Mr. KING of New York, Mr. BARTLETT of Maryland, Mr. DUNCAN, Mr. COX, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Minnesota, Mr. EHLERS, Mr. MCHUGH, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. MCINTYRE, Mr. FOSSELLA, Mr. ETHERIDGE, Mr. PAYNE, Mr. McNULTY, Mr. RUPPERSBERGER, Mr. ROSS, Mr. STUPAK, Mr. BISHOP of Georgia, Mrs. JO ANN DAVIS of Virginia, Mr. FLAKE, Mr. REHBERG, Mr. REYNOLDS, Mr. NORWOOD, Mrs. KELLY, Mr. KUHLMAN of New York, and Mr. INGLIS of South Carolina) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Good Samaritan Vol-
3 unteer Firefighter Assistance Act of 2005”.

4 **SEC. 2. REMOVAL OF CIVIL LIABILITY BARRIERS THAT DIS-**
5 **COURAGE THE DONATION OF FIRE EQUIP-**
6 **MENT TO VOLUNTEER FIRE COMPANIES.**

7 (a) **LIABILITY PROTECTION.**—A person who donates
8 fire control or fire rescue equipment to a volunteer fire
9 company shall not be liable for civil damages under any
10 State or Federal law for personal injuries, property dam-
11 age or loss, or death caused by the equipment after the
12 donation.

13 (b) **EXCEPTIONS.**—Subsection (a) does not apply to
14 a person if—

15 (1) the person’s act or omission causing the in-
16 jury, damage, loss, or death constitutes gross neg-
17 ligence or intentional misconduct; or

18 (2) the person is the manufacturer of the fire
19 control or fire rescue equipment.

20 (c) **PREEMPTION.**—This Act preempts the laws of
21 any State to the extent that such laws are inconsistent
22 with this Act, except that notwithstanding subsection (b)
23 this Act shall not preempt any State law that provides
24 additional protection from liability for a person who do-
25 nates fire control or fire rescue equipment to a volunteer
26 fire company.

1 (d) DEFINITIONS.—In this section:

2 (1) PERSON.—The term “person” includes any
3 governmental or other entity.

4 (2) FIRE CONTROL OR RESCUE EQUIPMENT.—
5 The term “fire control or fire rescue equipment” in-
6 cludes any fire vehicle, fire fighting tool, communica-
7 tions equipment, protective gear, fire hose, or
8 breathing apparatus.

9 (3) STATE.—The term “State” includes the
10 several States, the District of Columbia, the Com-
11 monwealth of Puerto Rico, the Commonwealth of the
12 Northern Mariana Islands, American Samoa, Guam,
13 the Virgin Islands, any other territory or possession
14 of the United States, and any political subdivision of
15 any such State, territory, or possession.

16 (4) VOLUNTEER FIRE COMPANY.—The term
17 “volunteer fire company” means an association of
18 individuals who provide fire protection and other
19 emergency services, where at least 30 percent of the
20 individuals receive little or no compensation com-
21 pared with an entry level full-time paid individual in
22 that association or in the nearest such association
23 with an entry level full-time paid individual.

24 (e) EFFECTIVE DATE.—This Act applies only to li-
25 ability for injury, damage, loss, or death caused by equip-

1 ment that, for purposes of subsection (a), is donated on
2 or after the date that is 30 days after the date of the
3 enactment of this Act.

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