

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: H1/27/99

A Bill

HOUSE BILL 1107

4
5 By: Representatives Broadway, Allison, Angel, Bennett, Biggs, Bledsoe, Bookout, Carson, Davis, Elliott,
6 Faris, Ferguson, French, Gillespie, Gullett, Hathorn, Hickinbotham, Jacobs, G. Jeffress, Judy, Kidd,
7 Lancaster, Lendall, Milligan, Morris, Oglesby, Prater, R. Smith, Teague, Weaver, Wilkins

For An Act To Be Entitled

8
9
10
11 "AN ACT TO ENCOURAGE THE DONATION OF FIRE CONTROL OR
12 FIRE RESCUE EQUIPMENT TO THE ARKANSAS FORESTRY
13 COMMISSION FOR USE BY THE COMMISSION OR FOR
14 DISTRIBUTION TO VOLUNTEER FIRE DEPARTMENTS; AND FOR
15 OTHER PURPOSES. "

Subtitle

16
17
18 "AN ACT TO ENCOURAGE THE DONATION OF FIRE
19 CONTROL OR FIRE RESCUE EQUIPMENT TO THE
20 ARKANSAS FORESTRY COMMISSION FOR USE BY
21 THE COMMISSION OR FOR DISTRIBUTION TO
22 VOLUNTEER FIRE DEPARTMENTS. "

23
24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

25
26 SECTION 1. (a)(1) A person may donate fire control or fire rescue
27 equipment to the Arkansas Forestry Commission for the Commission's use or for
28 distribution to volunteer fire departments by the Commission.

29 (2) Breathing apparatus that is donated to the Arkansas Forestry
30 Commission shall be recertified to manufacturer's specifications by a
31 technician certified by the manufacturer before it is used by the Commission
32 or made available to a volunteer fire department.

33 (b) A person is not liable in civil damages for personal injury,
34 property damage, or death resulting from a defect in equipment donated in
35 good faith by the person under this section unless the person's act or
36 omission proximately causing the claim, damage, or loss constitutes malice,

LAM009

0107990930.LAM009

1 gross negligence, recklessness, or intentional misconduct. The Arkansas
2 Forestry Commission and its director and other officers and employees are not
3 liable in civil damages for personal injury, property damage, or death
4 resulting from a defect in equipment sold, loaned, or otherwise made
5 available in good faith by the director under this section unless the act or
6 omission of the Commission or its director, officer, or employee proximately
7 causing the claim, damage, or loss constitutes malice, gross negligence,
8 recklessness, or intentional misconduct.

9 (c) In this section, "fire control or fire rescue equipment" includes
10 vehicles, fire fighting tools, protective gear, breathing apparatus, and
11 other supplies and tools used in fire fighting or fire rescue.

12
13 SECTION 2. This section applies only to a cause of action that accrues
14 on or after the effective date of this act.

15
16 SECTION 3. All provisions of this act of a general and permanent
17 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
18 Code Revision Commission shall incorporate the same in the Code.

19
20 SECTION 4. If any provision of this act or the application thereof to
21 any person or circumstance is held invalid, such invalidity shall not affect
22 the invalid provision or application, and to this end the provisions of this
23 act are declared to be severable.

24
25 SECTION 5. All laws and parts of laws in conflict with this act are
26 hereby repealed.

27 */s/ Broadway, et al*