

108<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1787

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2004

Received

SEPTEMBER 28, 2004

Read the first time

SEPTEMBER 29, 2004

Read the second time and placed on the calendar

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## AN ACT

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 2004”.

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 proximately caused by the equipment  
12 after the donation.

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

15 (1) the person’s act or omission proximately  
16 causing the injury, damage, loss, or death con-  
17 stitutes gross negligence or intentional misconduct;  
18 or

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

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

1 nates fire control or fire rescue equipment to a volunteer  
2 fire company.

3 (d) DEFINITIONS.—In this section:

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

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

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

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

1 (e) EFFECTIVE DATE.—This Act applies only to li-  
2 ability for injury, damage, loss, or death caused by equip-  
3 ment that, for purposes of subsection (a), is donated on  
4 or after the date that is 30 days after the date of the  
5 enactment of this Act.

6 **SEC. 3. STATE-BY-STATE REVIEW OF DONATION OF FIRE-**  
7 **FIGHTER EQUIPMENT.**

8 (a) IN GENERAL.—The Attorney General of the  
9 United States shall conduct a State-by-State review of the  
10 donation of firefighter equipment to volunteer firefighter  
11 companies during the 5-year period ending on the date  
12 of the enactment of this Act.

13 (b) REPORT.—Not later than 6 months after the date  
14 of the enactment of this Act, the Attorney General of the  
15 United States shall publish and submit to the Congress  
16 a report on the results of the review conducted under sub-  
17 section (a). The report shall include, for each State, the  
18 most effective way to fund firefighter companies, whether  
19 first responder funding is sufficient to respond to the Na-  
20 tion's needs, and the best method to ensure that the equip-  
21 ment donated to volunteer firefighter companies is in usa-  
22 ble condition.

Passed the House of Representatives September 14,  
2004.

Attest:

JEFF TRANDAHL,

*Clerk.*



Calendar No. 748

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