

108TH CONGRESS  
1ST SESSION

# H. R. 1787

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

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mr. CASTLE (for himself, Mr. KENNEDY of Minnesota, Mr. PASCRELL, Mr. WILSON of South Carolina, Mr. McNULTY, Ms. HARMAN, Mr. SMITH of Michigan, Mr. GOODE, Mr. COLE, Mr. FOSSELLA, Mr. MCHUGH, Mr. DUNCAN, Mr. BRADY of Texas, Mr. BEREUTER, Mr. KING of New York, Mr. WALSH, Mr. GILCHREST, Mr. DOYLE, Mr. NEY, Mr. SHIMKUS, Mr. EMANUEL, Mr. EHLERS, Mr. DAVIS of Tennessee, Mr. REYNOLDS, Mr. MCGOVERN, and Ms. GINNY BROWN-WAITE of Florida) introduced the following bill; which was referred to the Committee on the Judiciary

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## 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Good Samaritan Vol-  
5 unteer Firefighter Assistance Act of 2003”.

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

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

10 (b) EXCEPTIONS.—Subsection (a) does not apply to  
11 a person if—

12 (1) the person's act or omission proximately  
13 causing the injury, damage, loss, or death con-  
14 stitutes gross negligence or intentional misconduct;  
15 or

16 (2) the person is the manufacturer of the fire  
17 control or fire rescue equipment.

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

25 (d) DEFINITIONS.—In this section:

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

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

7           (3) GROSS NEGLIGENCE.—The term “gross  
8 negligence” means voluntary and conscious conduct  
9 harmful to the health or well-being of another per-  
10 son by a person who, at the time of the conduct,  
11 knew that the conduct was likely to be harmful to  
12 the health or well-being of another person.

13           (4) INTENTIONAL MISCONDUCT.—The term  
14 “intentional misconduct” means voluntary and con-  
15 scious conduct harmful to the health or well-being of  
16 another person by a person who, at the time of the  
17 conduct, knew that the conduct was harmful to the  
18 health or well-being of another person.

19           (5) STATE.—The term “State” includes the  
20 several States, the District of Columbia, the Com-  
21 monwealth of Puerto Rico, the Commonwealth of the  
22 Northern Mariana Islands, American Samoa, Guam,  
23 the Virgin Islands, any other territory or possession  
24 of the United States, and any political subdivision of  
25 any such State, territory, or possession.

1           (6) VOLUNTEER FIRE COMPANY.—The term  
2           “volunteer fire company” means an association of  
3           individuals who provide fire protection and other  
4           emergency services, where at least 30 percent of the  
5           individuals receive little or no compensation com-  
6           pared with an entry level full-time paid individual in  
7           that association or in the nearest such association  
8           with an entry level full-time paid individual.

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

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