

# Union Calendar No. 419

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

# H. R. 1787

[Report No. 108-680]

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

SEPTEMBER 13, 2004

Additional sponsors: Mrs. EMERSON, Mr. ETHERIDGE, Mr. WELDON of Pennsylvania, Mr. FALEOMAVAEGA, Ms. KILPATRICK, Mr. KING of Iowa, Mr. BAKER, Mr. MCINNIS, Mrs. JO ANN DAVIS of Virginia, Mr. UPTON, Mr. LATOURETTE, Mr. HOUGHTON, Mr. WOLF, Mr. UDALL of Colorado, Mr. GREEN of Wisconsin, Mr. FROST, Mrs. KELLY, Mr. BOEHLERT, Mr. ROGERS of Michigan, Mr. ROGERS of Kentucky, Mr. BROWN of South Carolina, Mr. STEARNS, Mr. BURGESS, Mr. GIBBONS, Mr. FRANK of Massachusetts, Mr. GRJALVA, Mr. MCINTYRE, Mr. BURR, Mr. PLATTS, Mr. HOLDEN, Ms. CORRINE BROWN of Florida, Mr. SCOTT of Georgia, Mr. RUPPERSBERGER, Mr. LUCAS of Kentucky, Mr. CASE, Mr. COX, Mr. OWENS, Ms. DELAURO, Mr. BRADY of Pennsylvania, Mr. BEAUPREZ, Mr. REHBERG, Mr. LATHAM, and Mrs. CAPITO

SEPTEMBER 13, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 11, 2003]

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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 Volun-*  
5 *teer Firefighter Assistance Act of 2004”.*

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

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

15 (b) *EXCEPTIONS.*—*Subsection (a) does not apply to a*  
16 *person if—*

17 (1) *the person’s act or omission proximately*  
18 *causing the injury, damage, loss, or death constitutes*  
19 *gross negligence or intentional misconduct; or*

1           (2) *the person is the manufacturer of the fire*  
2           *control or fire rescue equipment.*

3           (c) *PREEMPTION.—This Act preempts the laws of any*  
4           *State to the extent that such laws are inconsistent with this*  
5           *Act, except that notwithstanding subsection (b) this Act*  
6           *shall not preempt any State law that provides additional*  
7           *protection from liability for a person who donates fire con-*  
8           *trol or fire rescue equipment to a volunteer fire company.*

9           (d) *DEFINITIONS.—In this section:*

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

12           (2) *FIRE CONTROL OR RESCUE EQUIPMENT.—*  
13           *The term “fire control or fire rescue equipment” in-*  
14           *cludes any fire vehicle, fire fighting tool, communica-*  
15           *tions equipment, protective gear, fire hose, or breath-*  
16           *ing apparatus.*

17           (3) *STATE.—The term “State” includes the sev-*  
18           *eral States, the District of Columbia, the Common-*  
19           *wealth of Puerto Rico, the Commonwealth of the*  
20           *Northern Mariana Islands, American Samoa, Guam,*  
21           *the Virgin Islands, any other territory or possession*  
22           *of the United States, and any political subdivision of*  
23           *any such State, territory, or possession.*

24           (4) *VOLUNTEER FIRE COMPANY.—The term “vol-*  
25           *unteer fire company” means an association of indi-*

1        *viduals who provide fire protection and other emer-*  
2        *gency services, where at least 30 percent of the indi-*  
3        *viduals receive little or no compensation compared*  
4        *with an entry level full-time paid individual in that*  
5        *association or in the nearest such association with an*  
6        *entry level full-time paid individual.*

7        *(e) EFFECTIVE DATE.—This Act applies only to liabil-*  
8        *ity for injury, damage, loss, or death caused by equipment*  
9        *that, for purposes of subsection (a), is donated on or after*  
10       *the date that is 30 days after the date of the enactment*  
11       *of this Act.*

12       **SEC. 3. STATE-BY-STATE REVIEW OF DONATION OF FIRE-**  
13       **FIGHTER EQUIPMENT.**

14       *(a) IN GENERAL.—The Attorney General of the United*  
15       *States shall conduct a State-by-State review of the donation*  
16       *of firefighter equipment to volunteer firefighter companies*  
17       *during the 5-year period ending on the date of the enact-*  
18       *ment of this Act.*

19       *(b) REPORT.—Not later than 6 months after the date*  
20       *of the enactment of this Act, the Attorney General of the*  
21       *United States shall publish and submit to the Congress a*  
22       *report on the results of the review conducted under sub-*  
23       *section (a). The report shall include, for each State, the most*  
24       *effective way to fund firefighter companies, whether first re-*  
25       *sponder funding is sufficient to respond to the Nation's*

1 *needs, and the best method to ensure that the equipment*  
2 *donated to volunteer firefighter companies is in usable con-*  
3 *dition.*

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