

JAN 28 2004
STATE GOVERNMENT

HOUSE FILE 2102
BY LUKAN

(COMPANION TO LSB 5797SS
BY REHBERG)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing a limitation on liability for any injury or
2 death resulting from the use of donated fire safety or related
3 equipment.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2102

1 Section 1. NEW SECTION. 613.22 DONATION OR USE OF FIRE
2 OR EMERGENCY MEDICAL SERVICES EQUIPMENT -- LIMITATION ON
3 LIABILITY.

4 1. A person who makes a good-faith donation of used or
5 excess fire control, fire rescue, or emergency medical
6 services equipment to any fire department, fire district, or
7 volunteer fire department and who, at the time of making the
8 donation, believes that the equipment is serviceable is not
9 liable for damages in any civil action for any injury or death
10 due to the condition of the equipment unless the injury or
11 death is a direct result of the intentional misconduct or
12 gross negligence of the donor.

13 2. A fire department, fire district, or volunteer fire
14 department that in good faith receives a donation of fire
15 control, fire rescue, or emergency medical services equipment
16 and that at the time of the donation reasonably believes that
17 the equipment is serviceable is not liable for damages in any
18 civil action for any injury or death due to the condition of
19 the equipment unless the injury or death is a direct result of
20 the intentional misconduct or gross negligence of the fire
21 department, fire district, or volunteer fire department. This
22 subsection shall not apply if, after placing the donated
23 equipment into service, the fire department, fire district, or
24 volunteer fire department fails to maintain the donated
25 equipment in a safe and serviceable manner.

26 EXPLANATION

27 This bill provides a limited exemption from liability for
28 any injury or death involving the use of donated used fire
29 control, fire rescue, or emergency medical services equipment.
30 The exemption applies to both the donor and the donee. The
31 exemption is not available in situations involving intentional
32 misconduct or gross negligence.

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