

SENATE BILL No. 518

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-6-2; IC 34-30-10.5.

Synopsis: Donation of equipment to volunteer firefighters. Grants immunity from civil damages to a person who donates fire control or fire rescue equipment to a volunteer fire company.

Effective: July 1, 1999.

Sipes, Lewis, Blade, Young

January 19, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 518

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-46.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]: **Sec. 46.5. "Fire control or protection equipment", for**
4 **purposes of IC 34-30-10.5, includes a vehicle, a firefighting tool,**
5 **protective gear, a breathing apparatus, and other supplies and**
6 **tools used in firefighting or fire rescue.**
- 7 SECTION 2. IC 34-6-2-103 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 103. (a) "Person", for
9 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.
10 (b) "Person", for purposes of IC 34-19-2, has the meaning set forth
11 in IC 35-41-1.
12 (c) "Person", for purposes of IC 34-24-4, means:
13 (1) an individual;
14 (2) a governmental entity;
15 (3) a corporation;
16 (4) a firm;
17 (5) a trust;



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- 1 (6) a partnership; or
 2 (7) an incorporated or unincorporated association that exists
 3 under or is authorized by the laws of this state, another state, or a
 4 foreign country.
- 5 (d) "Person", for purposes of IC 34-26-2, includes individuals at
 6 least eighteen (18) years of age and emancipated minors.
- 7 (e) "Person", for purposes of IC 34-26-4, has the meaning set forth
 8 in IC 35-41-1-22.
- 9 (f) "Person", for purposes of IC 34-30-5 **and IC 34-30-10.5**, means
 10 any of the following:
 11 (1) An individual.
 12 (2) A corporation.
 13 (3) A partnership.
 14 (4) An unincorporated association.
 15 (5) The state (as defined in IC 34-6-2-140).
 16 (6) A political subdivision (as defined in IC 34-6-2-110).
 17 (7) Any other entity recognized by law.
- 18 (g) "Person", for purposes of IC 34-30-6, means an individual, a
 19 corporation, a limited liability company, a partnership, an
 20 unincorporated association, or a governmental entity that:
 21 (1) has qualifications or experience in:
 22 (A) storing, transporting, or handling a hazardous substance or
 23 compressed gas;
 24 (B) fighting fires;
 25 (C) emergency rescue; or
 26 (D) first aid care; or
 27 (2) is otherwise qualified to provide assistance appropriate to
 28 remedy or contribute to the remedy of the emergency.
- 29 (h) "Person", for purposes of IC 34-30-18, includes:
 30 (1) an individual;
 31 (2) an incorporated or unincorporated organization or association;
 32 (3) the state of Indiana;
 33 (4) a political subdivision (as defined in IC 36-1-2-13);
 34 (5) an agency of the state or a political subdivision; or
 35 (6) a group of such persons acting in concert.
- 36 (i) "Person", for purposes of sections 42, 43, 69, and 95 of this
 37 chapter, means an individual, an incorporated or unincorporated
 38 organization or association, or a group of such persons acting in
 39 concert.
- 40 SECTION 3. IC 34-30-10.5 IS ADDED TO THE INDIANA CODE
 41 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 1999]:



1 **Chapter 10.5. Governmental Entities: Immunity for Donations**
2 **of Equipment to Volunteer Firefighters**

3 **Sec. 1. Subject to section 2 of this chapter, a person is not liable**
4 **for civil damages for personal injury, property damage, or death**
5 **resulting from a defect in fire control or fire rescue equipment**
6 **donated in good faith by the person to a volunteer fire company,**
7 **unless the person's act or omission proximately causing the injury,**
8 **damage, or death constitutes gross negligence or willful or wanton**
9 **misconduct.**

10 **Sec. 2. Section 1 of this chapter does not provide immunity to a**
11 **person who donates a breathing apparatus to a volunteer fire**
12 **company unless:**

13 **(1) the breathing apparatus is recertified to manufacturer's**
14 **specifications before it is donated to the volunteer fire**
15 **company; or**

16 **(2) the person notifies the volunteer fire company, at the time**
17 **of the donation, that the breathing apparatus has not been**
18 **recertified to manufacturer's specifications.**

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