

CHAPTER 248
FORMERLY
HOUSE BILL NO. 330
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO
IMMUNITY FOR DONATIONS TO VOLUNTEER FIRE DEPARTMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 16, chapter 68 of the Delaware Code by adding thereto a new section 6851 which shall read as follows:

“§ 6851. Donations to volunteer fire department.

(a) Liability Protection. A person who donates qualified fire control or rescue equipment to a volunteer fire department shall not be liable for civil damages for personal injuries, property damage or loss, or death caused by the equipment after the donation.

(b) Exceptions.

Subsection (a) does not apply to a person if:

(1) The person’s act or omission causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct;

(2) The person is the manufacturer of the qualified fire control or rescue equipment; or

(3) The person modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

(c) Definitions.

(1) “Person” shall be understood to include any governmental or other entity.

(2) “Fire control or rescue equipment” shall be understood to include any fire vehicle, fire fighting tool, communications equipment, protective gear, fire hose, or breathing apparatus.

(3) “Qualified fire control or rescue equipment” shall mean fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer's specifications.

(4) “Volunteer Fire Department” shall mean those volunteer fire departments which are subject to certification and regulation by the State Fire Prevention Commission.

(5) “Authorized technician” means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by a State or local agency administering the distribution of the fire control or fire rescue equipment.

(d) Effective Date. This section applies only to liability for injury, damage, loss, or death caused by equipment that, for purposes of subsection (a), is donated on or after the date that is thirty (30) days after the date of enactment of this section.”.

Approved April 27, 2010