

Regular Session, 2013

HOUSE BILL NO. 469

BY REPRESENTATIVES ADAMS, ANDERS, ARMES, ARNOLD, WESLEY BISHOP, BURFORD, HENRY BURNS, TIM BURNS, CARMODY, CHANEY, COX, DANAHAAY, DIXON, DOVE, GAROFALO, GUILLORY, HARRISON, GIROD JACKSON, KATRINA JACKSON, LEOPOLD, LORUSSO, MONTOUCET, MORENO, POPE, ST. GERMAIN, AND THIERRY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FIRE PROTECT/FIREMEN: Provides with respect to immunity from liability for volunteer firemen

1 AN ACT

2 To amend and reenact R.S. 37:1735, relative to volunteer firemen; to state the public policy
3 of Louisiana relative to volunteer firefighting; to provide with respect to immunity
4 from liability for volunteer firemen; to provide exceptions; to provide definitions;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:1735 is hereby amended and reenacted to read as follows:

8 §1735. Immunity from liability for volunteer firemen

9 A. It is hereby declared to be the public policy of Louisiana that volunteer
10 firefighting is vital to public safety. A decline in the number of volunteer firefighters
11 represents a threat to the public. It is therefore in the best interest of the public for
12 Louisiana to encourage its citizens to participate in volunteer firefighting by
13 providing such volunteers immunity from civil liability.

14 ~~A. Any volunteer fireman who renders emergency or rescue services while~~
15 ~~in the performance of his duties at the scene of an emergency shall not be~~
16 ~~individually liable for civil damages as a result of acts or omissions in rendering the~~
17 ~~emergency or rescue services. The immunity provided herein shall apply to all acts~~

1 ~~or omissions except those intentionally designed to harm or those grossly negligent~~
2 ~~acts or omissions that result in harm to person or property.~~

3 B. A volunteer fireman shall not be individually liable for civil damages as
4 a result of acts or omissions when performing any of the following acts:

5 (1) Rendering firefighting emergency or rescue services while in the
6 performance of his duties at the scene of an emergency.

7 (2) Conducting normal functions of the fire department or organization as
8 defined by Subsection E of this Section.

9 C. The immunity provided by Paragraph (B)(2) of this Section shall apply
10 only to liability for civil damages as a result of acts or omissions resulting in injury
11 or death of another volunteer fireman or damage to his property.

12 D. The provisions of this Section shall not apply to any of the following:

13 (1) Travel by a volunteer fireman while in a personal vehicle, including but
14 not limited to travel to and from the scene of a fire, emergency, or rescue.

15 (2) Damages caused by the intentional act or omission or gross negligence
16 or willful or wanton misconduct of the volunteer fireman.

17 B: E. As used in this Section:

18 (1) "Normal function" means any of the following:

19 (a) Training sponsored by the fire department or organization.

20 (b) Preparation for and maintenance requirements of the Louisiana Property
21 Insurance fire suppression rating.

22 (c) Maintenance of all fire suppression equipment and emergency or rescue
23 service equipment.

24 (2) "~~volunteer~~ Volunteer fireman" means any person who is a member of an
25 organized volunteer fire department and who acts according to his duties as a fire
26 fighter firefighter, as assigned by the fire department or organization or its
27 employees or agents.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Adams

HB No. 469

Abstract: Provides with respect to immunity from liability for volunteer firemen.

Proposed law states that it is Louisiana public policy to encourage citizens to volunteer as firefighters.

Present law provides that a volunteer fireman who renders emergency or rescue services shall not be individually liable for civil damages that occur as a result of acts or omissions that occur during the fireman's rendering of emergency or rescue services while in the performance of his duties.

Proposed law deletes present law and provides that a volunteer fireman shall not be individually liable for civil damages as a result of acts or omissions when rendering firefighting emergency or rescue services while in the performance of his duties at the scene of an emergency, or when conducting normal functions of the fire department or organization. Proposed law defines "normal function" as training sponsored by the fire department or organization, preparation for and maintenance requirements of the Louisiana Property Insurance fire suppression rating, and maintenance of all fire suppression equipment and emergency or rescue service equipment.

Provides that the immunity provided by proposed law shall only apply to liability for civil damages as a result of acts or omissions resulting in injury or death of another volunteer fireman or damage to his property.

Provides that the provisions of proposed law shall not apply to travel by a volunteer fireman while in a personal vehicle or to damages caused by the intentional acts or omissions or gross negligence or willful or wanton misconduct.

Proposed law further clarifies that a volunteer fireman shall not be individually liable for civil damages as a result of undertaking any normal functions that are assigned by the fire department or organization with which he is volunteering.

(Amends R.S. 37:1735)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Replaced present law provisions establishing a general limitation of liability for volunteer firemen with a limitation of liability for volunteer firemen that is restricted to damages resulting from certain acts or omissions.
2. Added exceptions to the limitation of liability for travel by a volunteer fireman and for intentional acts or omissions or gross negligence or willful or wanton misconduct.
3. Added a definition of "normal function".