

## LEGISLATIVE BILL 160

Approved by the Governor April 4, 2007

Introduced by Cornett, 45; Flood, 19; Lathrop, 12; Rogert, 16; White, 8;  
Howard, 9; Pirsch, 4; Fischer, 43

FOR AN ACT relating to fire and rescue departments; to amend section 35-801, Reissue Revised Statutes of Nebraska; to change provisions relating to clothing and equipment and certain donations; to harmonize provisions; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. (1) A person who donates fire control or rescue equipment to a fire department or a political subdivision for use by its fire department shall not be liable for civil damages for personal injuries, property damage or loss, or death caused by the fire control or rescue equipment after donation, except for injury, damage, loss, or death caused by the donor's intentional or reckless conduct or gross negligence.

(2) Subsection (1) of this section shall not apply to a vendor or manufacturer of fire control or rescue equipment.

(3) For purposes of this section:

(a) Fire control or rescue equipment means any vehicle, equipment, tool, communications equipment, or protective gear used in firefighting, rescue services, or emergency medical services;

(b) Fire department means any paid or volunteer fire department, company, association, or organization or first-aid, rescue, or emergency squad serving a city, village, county, township, or rural or suburban fire protection district or any other public or private fire department; and

(c) Person means any individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, fire department, public corporation, other legal or commercial entity, or governmental subdivision, agency, or instrumentality.

Sec. 2. Section 35-801, Reissue Revised Statutes of Nebraska, is amended to read:

35-801 (1) No person vendor or manufacturer shall knowingly transfer, sell, or offer for sale in this state to any fire department or firefighter any item of clothing or equipment designed and intended to protect firefighters from death or injury while fighting fires unless the item of clothing or equipment meets or exceeds the minimum standards established for such item of clothing or equipment by the National Fire Protection Association in effect at the time of such transfer, sale, or offer for sale.

(2) No fire department shall knowingly purchase and no fire department or firefighter shall knowingly accept from any vendor or manufacturer any item of clothing or equipment intended to protect firefighters from death or injury while fighting fires unless the item of clothing or equipment meets or exceeds the minimum standards established for such item of clothing or equipment by the National Fire Protection Association in effect at the time of such purchase or acceptance.

(3) Any person violating subsection (1) or (2) of this section shall be guilty of a Class III misdemeanor.

(4) For purposes of this section:

(a) Clothing or equipment shall not include station or work uniforms or other items of personal clothing worn or intended to be worn under protective clothing or equipment while fighting fires; and

(b) Fire department shall include means any paid or volunteer fire department, company, association, or organization or first-aid, rescue, or emergency squad serving a city, village, county, township, or rural or suburban fire protection district, or any other public or private fire department.

Sec. 3. Original section 35-801, Reissue Revised Statutes of Nebraska, is repealed.