

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 160

Introduced By: Cornett, 45; Flood, 19; Lathrop, 12; Rogert, 16;
White, 8

Read first time: January 8, 2007

Committee: Urban Affairs

A BILL

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

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

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

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

10 (3) For purposes of this section:

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

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

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

21 35-801. (1) No ~~person~~ vendor or manufacturer shall
22 knowingly transfer, sell, or offer for sale in this state to any fire
23 department or firefighter any item of clothing or equipment designed
24 and intended to protect firefighters from death or injury while
25 fighting fires unless the item of clothing or equipment meets or
26 exceeds the minimum standards established for such item of clothing or
27 equipment by the National Fire Protection Association in effect at the

1 time of such transfer, sale, or offer for sale.

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

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

12 (4) For purposes of this section:

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

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

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