

HOUSE BILL NO. 2097

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KOLKMEYER.

4821H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 320.091, RSMo, and to enact in lieu thereof one new section relating to donated fire equipment.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 320.091, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.091, to read as follows:

320.091. There shall be no cause of action against any fire protection district, volunteer fire protection association, or any fire department of any political subdivision, **company, or organization** ~~[which]~~ **that** donates equipment used to suppress fire or fire protection clothing to another department, association, ~~[or]~~ district, **or fire training academy** if **one of** the following conditions ~~[are]~~ **is** met:

(1) ~~[Such equipment is approved by the state fire marshal or the state fire marshal's designee;~~

~~————(2) Motor vehicles so donated must pass a safety inspection by the Missouri state highway patrol;~~

~~————(3)] The [receiving agency demonstrates to the state fire marshal's office] **recipient certifies to the donor at the time of donation** that the equipment received works properly; [and] or~~

~~[(4)] (2) The donor [agency] informs the [receiving agency] **recipient** in writing of any defects in the equipment **or clothing** about which it [knows] **knew or, by using ordinary care, could have known at the time of donation.**~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

19 This immunity shall apply only to causes of action directly related to the equipment **or clothing**
20 mentioned in this section.

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