

Regular Session, 2013

HOUSE BILL NO. 469

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

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

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

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

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

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

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

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

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

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

13 B. E. As used in this Section:

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

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

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

18 (c) Maintenance of all fire suppression equipment and emergency or rescue
19 service equipment.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____