
DIGEST

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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".