

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 746

90TH GENERAL ASSEMBLY

Reported from the Committee on Judiciary, February 14, 2000, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3373S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal section 320.091, RSMo 1994, relating to fire protection, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 320.091, RSMo 1994, is repealed and one new section enacted in lieu thereof, to be known as section 320.091, to read as follows: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 which donates [used personal protection] equipment [and] **used to suppress fire or** fire protection clothing to another department, association, or district if **the following conditions are met:**

(1) Such equipment is approved by the state fire marshal or [his] **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 that the equipment received works properly; and**

(4) **The donor agency informs the receiving agency of any defects in the equipment about which it knows.**

This immunity shall apply only to causes of action directly related to the equipment mentioned [herein] **in this section.**

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EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.