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2003 MAR 18 P 3: 12

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# **WEST VIRGINIA LEGISLATURE**

FIRST REGULAR SESSION, 2003



# **ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR**

**House Bill No. 2714**

(By Delegates H. White, Hrutkay and R. M. Thompson)



Passed March 6, 2003

In Effect Ninety Days from Passage

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**E N R O L L E D**

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FOR

**H. B. 2714**

(BY DELEGATES H. WHITE, HRUTKAY AND R. M. THOMPSON)

[Passed March 6, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section eight-c, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the donation of fire fighting and fire rescue equipment and insurance policies dealing with immunity coverage provisions.

*Be it enacted by the Legislature of West Virginia:*

That section eight-c, article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS;  
CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

**§8-15-8c. Donation of equipment.**

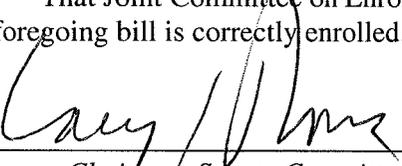
1 (a) Effective the first day of July, two thousand two, no  
2 person, company or other organization who donates fire control  
3 or rescue equipment, including federal excess or surplus  
4 property, to a volunteer fire department is subject to civil  
5 liability for any personal injury, property damages or death  
6 resulting from any defect in the equipment unless the person,  
7 company or organization acted with malice, gross negligence,  
8 recklessness or intentional misconduct which proximately  
9 caused the personal injury, property damages or death.

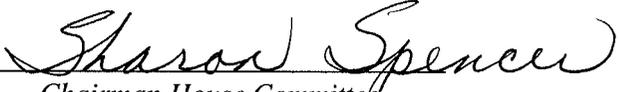
10 (b) For purposes of this section, "fire control or rescue  
11 equipment" means a vehicle, fire fighting tool, protective gear,  
12 breathing apparatus or other supply or tool used in fire fighting  
13 or fire rescue. No breathing apparatus may be donated unless,  
14 prior to the donation, it has been recertified to the manufac-  
15 turer's specifications by a technician approved by the manufac-  
16 turer.

17 (c) Unless the insured has executed a specific written  
18 rejection of such coverage in the policy, any insurer who has  
19 sold, issued or delivered an insurance policy providing liability  
20 coverage to any person, company or other organization who  
21 donates fire control or rescue equipment is barred and estopped  
22 from asserting the civil immunity granted to the insured by this  
23 section against claims or suits covered by the terms of the  
24 policy, up to the limits of the policy.

25 The limitation on civil liability set forth in the provisions of  
26 this section applies only to policies of insurance issued or  
27 renewed on or after the first day of July, two thousand one.

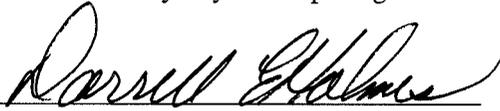
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

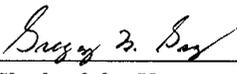
  
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Chairman Senate Committee

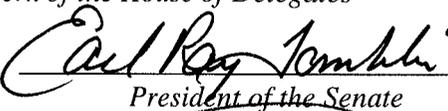
  
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Chairman House Committee

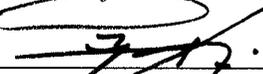
Originating in the House.

In effect ninety days from passage

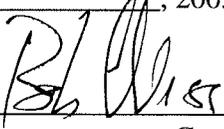
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
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Speaker of the House of Delegates

The within approved this the 18  
day of March, 2003.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/14/03

Time 9:38