

HOUSE CS FOR CS FOR SENATE BILL NO. 43(JUD)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 4/17/15

Referred: Today's Calendar

Sponsor(s): SENATORS COGHILL, Stoltze, Egan, Micciche, Stevens, Bishop, MacKinnon, Giessel, McGuire, Dunleavy, Ellis

REPRESENTATIVES Lynn, Colver, Millett, Kito, Kawasaki, Tarr, LeDoux, Tilton, Saddler

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to immunity for a fire department and employees or members of a fire**
2 **department."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 09.65 is amended by adding a new section to read:

5 **Sec. 09.65.083. Civil liability of nonprofit and university fire departments.**

6 (a) An action for tort or breach of a contractual duty based on the act or omission of an
7 employee or member of a nonprofit or university fire department in the execution of a
8 function for which the department is established may not be maintained against an
9 employee or member of the nonprofit or university fire department.

10 (b) An action for tort or breach of a contractual duty based on the act or
11 omission of an employee or member of a nonprofit or university fire department in the
12 execution of a function for which the department is established may not be maintained
13 against the nonprofit or university fire department unless the action

14 (1) alleges intentional misconduct or gross negligence; or

1 (2) is based on the act or omission of an employee or member of the
2 nonprofit or university fire department in the execution of a duty under contract with a
3 private entity.

4 (c) The immunity afforded by this section is in addition to any immunity
5 under other law.

6 (d) This section does not limit the authority of a municipality or village to
7 maintain an action against a contractor, vendor, or supplier providing services or
8 goods to the municipality or village.

9 (e) In this section,

10 (1) "nonprofit or university fire department" means a fire department
11 registered with the state fire marshal that is

12 (A) operated and maintained by a university; or

13 (B) a nonprofit that provides services under contract or
14 agreement with a municipality or village;

15 (2) "village" means an unincorporated community where at least 25
16 people reside as a social unit.