



LAWS OF ALASKA

2015

Source

HCS CSSB 43(JUD)

Chapter No.

AN ACT

Relating to immunity for a fire department and employees or members of a fire department.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to immunity for a fire department and employees or members of a fire department.

2 _____

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

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

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

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

13 (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.