

SENATE FILE NO. SF0094

Liability for emergency equipment donations.

Sponsored by: Senator(s) Johnson and Representative(s)
McOmie

A BILL

for

1 AN ACT relating to immunity; providing civil and criminal
2 immunity as specified for the donation of emergency
3 responder equipment; providing definitions; limiting the
4 sale of donated equipment; specifying the applicability of
5 the Wyoming Governmental Claims Act; and providing for an
6 effective date.

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8 *Be It Enacted by the Legislature of the State of Wyoming:*

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10 **Section 1.** W.S. 1-1-131 is created to read:

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12 **1-1-131. Donation of emergency responder equipment;**
13 **exemption from civil and criminal liability; definitions;**
14 **relation to other law.**

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1 (a) Any person who donates surplus emergency response
2 equipment to any emergency responder shall not be liable
3 for damages in any civil action or subject to prosecution
4 in any criminal proceeding resulting from the nature, age,
5 condition or packaging of such equipment; except that this
6 exemption shall not apply to the grossly negligent,
7 willful, wanton or reckless acts of donors that result in
8 injury to the recipients of such equipment.

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10 (b) As used in this section:

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12 (i) "Emergency responder" means as provided in
13 W.S. 35-9-152(a)(i);

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15 (ii) "Emergency response equipment" means all
16 equipment designed for or typically used in the course of
17 performing the duties required of an emergency responder.

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19 (c) An emergency responder who receives donated
20 emergency response equipment pursuant to this section shall
21 not sell or offer to sell any such donated equipment. This
22 prohibition shall not affect the transfer of donated
23 equipment, without contemplation of remuneration, between
24 emergency responders for future use.

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(d) Should any grant of immunity, exception or imposition of liability within the Wyoming Governmental Claims Act, W.S. 1-39-101 through 1-39-121, conflict with any provision of this section, the Wyoming Governmental Claims Act shall prevail.

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(e) This section shall not apply to emergency responder equipment donated before July 1, 2011.

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11 **Section 2.** This act is effective July 1, 2011.

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13 (END)