SENATE FILE NO. SF0094

Liability for emergency equipment donations.

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

A BILL

for

AN ACT relating to immunity; providing civil and criminal immunity as specified for the donation of emergency responder equipment; providing definitions; specifying the applicability of the Wyoming Governmental Claims Act; and providing for an effective date.

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

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

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

(a) Any person who donates surplus emergency response equipment to any emergency responder shall not be liable

for damages in any civil action or subject to prosecution in any criminal proceeding resulting from the nature, age, condition or packaging of such equipment; except that this exemption shall not apply to the grossly negligent, willful, wanton or reckless acts of donors that result in injury to the recipients of such equipment.

(b) As used in this section:

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

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

(c) 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.

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

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

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4 (END)