

29-LS0325\I
Shutts
4/14/15

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY

**Offered:
Referred:**

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

A BILL

FOR AN ACT ENTITLED

**"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:

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

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

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

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

(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) In this section, "nonprofit or university fire department" means a fire
7 department registered with the state fire marshal that is

8 (1) operated and maintained by a university; or

9 (2) a nonprofit that provides services under contract or agreement with
10 a municipality or village.