



# 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.