

Liability: Volunteer Firefigter

La. R.S. 37:1735

A volunteer firefighter, who provides firefighting emergency or rescue services at the scene of an emergency, will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Immunity from liability for volunteer fireman

A. It is hereby declared to be the public policy of Louisiana that volunteer firefighting is vital to public safety. A decline in the number of volunteer firefighters represents a threat to the public. It is therefore in the best interest of the public for Louisiana to encourage its citizens to participate in volunteer firefighting by providing such volunteers immunity from civil liability.

B. A volunteer fireman shall not be individually liable for civil damages as a result of acts or omissions when performing any of the following acts:

(1) Rendering firefighting emergency or rescue services while in the performance of his duties at the scene of an emergency.

(2) Conducting normal functions of the fire department or organization as defined by Subsection E of this Section.

C. The immunity provided by Paragraph (B)(2) of this Section shall apply only to liability for civil damages as a result of acts or omissions resulting in injury or death of another volunteer fireman or damage to his property.

D. The provisions of this Section shall not apply to any of the following:

(1) Travel by a volunteer fireman while in a personal vehicle, including but not limited to travel to and from the scene of a fire, emergency, or rescue.

(2) Damages caused by the intentional act or omission or gross negligence or willful or wanton misconduct of the volunteer fireman.

E. As used in this Section:

(1) "Normal function" means any of the following:

(a) Training sponsored by the fire department or organization.

(b) Preparation for and maintenance requirements of the Louisiana Property Insurance fire suppression rating.

(c) Maintenance of all fire suppression equipment and emergency or rescue service equipment.

(2) "Volunteer fireman" means any person who is a member of an organized volunteer fire department and who acts according to his duties as a firefighter, as assigned by the fire department or organization or its employees or agents.