

Liability: Donation of Firefighting Equipment

Tenn. Code Ann. 29-34-206

An individual who, in good faith, donates firefighting equipment to a volunteer fire department will not be held legally responsible. They can be held legally responsible if they manufactured the firefighting equipment, altered the equipment following a technician's inspection of it, or if acting with extreme carelessness or intent to cause harm.

Liability for providing firefighting equipment to volunteer departments

(a) Any person, corporation, business entity, charitable organization, or governmental agency that acts reasonably and in good faith in donating fire control or fire rescue equipment to a volunteer fire department shall not thereafter be civilly liable for any personal injury, property damage, or death proximately caused by a defect in the equipment.

(b) Any governmental agency that acts reasonably and in good faith in administering the distribution of donated fire control or fire rescue equipment to a volunteer fire department shall not thereafter be civilly liable for any personal injury, property damage, or death proximately caused by a defect in the equipment.

(c) Subsections (a) and (b) shall not apply to a person, corporation, business entity, charitable organization, or governmental agency if:

(1) The defect that proximately causes the injury, damage, or loss resulted from an act or omission of the person, corporation, business entity, charitable organization, or governmental agency that constitutes malice, gross negligence, recklessness, or intentional misconduct;

(2) The person, corporation, business entity, charitable organization, or governmental agency is the manufacturer of the fire control or fire rescue equipment; or

(3) The person, corporation, business entity, charitable organization, or governmental agency modified or altered the fire control or fire rescue equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

(d) As used in this section, "authorized technician" means a technician who has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by a state or local governmental agency administering the distribution of the fire control or fire rescue equipment.