

HOUSE BILL No. 4563

April 10, 1989, Introduced by Reps. Hart, Weeks, Webb, Niederstadt, Ouwinga, Rocca, Walberg, DeMars, Spaniola, Gire, Allen and Bankes and referred to the Committee on Judiciary.

A bill to amend Act No. 207 of the Public Acts of 1941, entitled as amended

"Fire prevention code,"

as amended, being sections 29.1 to 29.33 of the Michigan Compiled Laws, by adding section 7d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 207 of the Public Acts of 1941, as
2 amended, being sections 29.1 to 29.33 of the Michigan Compiled
3 Laws, is amended by adding section 7d to read as follows:

4 SEC. 7D. (1) A FIRE FIGHTER IS NOT CIVILLY OR CRIMINALLY
5 LIABLE FOR DAMAGE TO PUBLIC OR PRIVATE PROPERTY ARISING OUT THE
6 DISPERSAL, RELEASE, OR ESCAPE OF A POLLUTANT, INCLUDING DAMAGE TO
7 NATURAL RESOURCES OR THE PUBLIC TRUST IN NATURAL RESOURCES, IF
8 ALL OF THE FOLLOWING APPLY:

1 (A) THE DAMAGE RESULTS FROM THE FIRE FIGHTER'S ACTS OR
2 OMISSIONS IN AN EMERGENCY OPERATION, INCLUDING, BUT NOT LIMITED
3 TO, AN OPERATION RELATED TO A FIRE, RESCUE, HAZARDOUS MATERIAL
4 RELEASE, OR NATURAL DISASTER.

5 (B) THE FIRE FIGHTER'S ACTS OR OMISSIONS OCCUR WHILE THE
6 FIRE FIGHTER IS ACTING WITHIN OR REASONABLY BELIEVES THAT HE OR
7 SHE IS ACTING WITHIN THE SCOPE OF HIS OR HER DUTIES AS A FIRE
8 FIGHTER.

9 (C) THE FIRE FIGHTER'S ACTS OR OMISSIONS DO NOT CONSTITUTE
10 GROSS NEGLIGENCE OR WILLFUL OR WANTON MISCONDUCT.

11 (2) THE IMMUNITY PROVIDED BY THIS SECTION IS IN ADDITION TO,
12 AND NOT A LIMITATION ON, THE IMMUNITY PROVIDED BY ACT NO. 170 OF
13 THE PUBLIC ACTS OF 1964, BEING SECTIONS 691.1401 TO 691.1415 OF
14 THE MICHIGAN COMPILED LAWS.