

2A:53A-13; 2A:53A-13.1

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2A:53A-13, 2A:53A-13.1

(Volunteer fire company - immunity extended to drills)

LAWS OF: 1983

CHAPTER: 29

Bill No.: A1495

Sponsor(s): Kavanaugh and Smith

Date Introduced: May 24, 1982

Committee: Assembly: Municipal Government

Senate: Law, Public Safety and Defense

Amended during passage: Yes // Amendments during passage denoted by asterisks. Substituted for S1596 (not attached since identical to A1495)

Date of Passage: Assembly: June 28, 1982

Senate: Nov. 29, 1982

Date of Approval: Jan. 25, 1983

Following statements are attached if available:

Sponsor statement: Yes // (Below)

Committee statement: Assembly Yes //

Senate Yes //

Fiscal Note: /// No

Veto Message: /// No

Message on Signing: /// No

Following were printed:

Reports: /// No

Hearings: /// No

(over)

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OCT 1983

Sponsors' statement:

This bill extends the immunities granted to volunteer fire companies, and volunteer first aid, rescue and emergency squads to participation in authorized drills. Such an extension will allow members of these organizations to develop their skills through field exercises without fear of lawsuits for accidental damages.

10016

1-2-80



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ASSEMBLY, No. 1495

STATE OF NEW JERSEY

INTRODUCED MAY 24, 1982.

By Assemblymen KAVANAUGH and SMITH

AN ACT concerning volunteer fire companies and volunteer first aid, rescue and emergency squads and amending P. L. 1963, c. 71 and P. L. 1975, c. 196.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1963, c. 71 (C. 2A:53A-13) is amended to
2 read as follows:

3 1. No member of a volunteer fire company, which provides emer-
4 gency public first aid and rescue services or services for the control
5 and extinguishment of fires, or both, and no authorized active
6 volunteer, first aid or rescue squad worker who is not a member
7 of the volunteer fire company within which the first aid or rescue
8 squad may have been created, doing public first aid or rescue duty,
9 ***[shal]*** **shall** be liable in any civil action to respond in damages
10 as a result of his acts of commission or omission arising out of and
11 in the course of his rendering in good faith any such services, *or*
12 *arising out of and in the course of participation in any authorized*
13 *drill*, but such immunity from liability shall not extend to the opera-
14 tion of any motor vehicle in connection with the rendering of any
15 such services.

16 Nothing herein shall be deemed to grant any such immunity to
17 any person causing damage by his willful or wanton act of com-
18 mission or omission,

1 2. Section 1 of P. L. 1975, c. 196 (C. 2A:53A-13.1) is amended to
2 read as follows:

3 1. No volunteer fire company or volunteer first aid, rescue or

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter printed in italics thus is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

***—Assembly committee amendment adopted June 17, 1982.**

4 emergency squad, civil defense unit, incorporated or unincorpo-
5 rated, which provides services for the control and extinguishment
6 of fires or emergency public first aid and rescue services, or both,
7 shall be liable in any civil action to respond in damages as a result
8 of any acts of commission or omission arising out of and in the
9 course of the rendition in good faith of any such services, *or arising*
10 *out of and in the course of participation in any authorized drill*, by
11 any member of the volunteer fire company or the volunteer first aid,
12 rescue or emergency squad, or civil defense unit, and in the case of a
13 volunteer fire company within which a first aid or rescue squad has
14 been created, by any authorized active volunteer, first aid or rescue
15 squad worker therefor notwithstanding that he is not a member of
16 the volunteer fire company. No such immunity from liability shall
17 extend to the operation of any motor vehicle in connection with the
18 rendering of any such services.

1 3. This act shall take effect immediately.

ASSEMBLY, No. 1495

STATE OF NEW JERSEY

INTRODUCED MAY 24, 1982

By Assemblymen KAVANAUGH and SMITH

AN ACT concerning volunteer fire companies and volunteer first aid,
rescue and emergency squads and amending P. L. 1963, c. 71
and P. L. 1975, c. 196.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. Section 1 of P. L. 1963, c. 71 (C. 2A:53A-13) is amended to
2 read as follows:

3 1. No member of a volunteer fire company, which provides emer-
4 gency public first aid and rescue services or services for the control
5 and extinguishment of fires, or both, and no authorized active
6 volunteer, first aid or rescue squad worker who is not a member
7 of the volunteer fire company within which the first aid or rescue
8 squad may have been created, doing public first aid or rescue duty,
9 shall be liable in any civil action to respond in damages as a result
10 of his acts of commission or omission arising out of and in the
11 course of his rendering in good faith any such services, *or arising*
12 *out of and in the course of participation in any authorized drill*, but
13 such immunity from liability shall not extend to the operation of
14 any motor vehicle in connection with the rendering of any such
15 services.

16 Nothing herein shall be deemed to grant any such immunity to
17 any person causing damage by his willful or wanton act of com-
18 mission or omission,

1 2. Section 1 of P. L. 1975, c. 196 (C. 2A:53A-13.1) is amended to
2 read as follows:

3 1. No volunteer fire company or volunteer first aid, rescue or

Matter printed in italics thus is new matter.

4 emergency squad, civil defense unit, incorporated or unincorporated,
5 rated, which provides services for the control and extinguishment
6 of fires or emergency public first aid and rescue services, or both,
7 shall be liable in any civil action to respond in damages as a result
8 of any acts of commission or omission arising out of and in the
9 course of the rendition in good faith of any such services, *or arising*
10 *out of and in the course of participation in any authorized drill*, by
11 any member of the volunteer fire company or the volunteer first aid,
12 rescue or emergency squad, or civil defense unit, and in the case of a
13 volunteer fire company within which a first aid or rescue squad has
14 been created, by any authorized active volunteer, first aid or rescue
15 squad worker therefor notwithstanding that he is not a member of
16 the volunteer fire company. No such immunity from liability shall
17 extend to the operation of any motor vehicle in connection with the
18 rendering of any such services.

1 3. This act shall take effect immediately.

STATEMENT

This bill extends the immunities granted to volunteer fire companies, and volunteer first aid, rescue and emergency squads to participation in authorized drills. Such an extension will allow members of these organizations to develop their skills through field exercises without fear of lawsuits for accidental damages.

ASSEMBLY MUNICIPAL GOVERNMENT COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1495

with Assembly committee amendment

STATE OF NEW JERSEY

DATED: JUNE 17, 1982

Assembly Bill No. 1495 amends section 1 of P. L. 1963, c. 71 (C. 2A:53A-13) and section 1 of P. L. 1975, c. 196 (C. 2A:53A-13.1) to extend the grant of immunity from civil action volunteer fire companies, volunteer first aid squads, rescue squads, emergency squads, and civil defense units have while in the process of fighting a fire or rendering reduced or emergency services to also cover their participation in authorized drills.

The committee amendment is purely technical in nature and was made to correct a printing error.

SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 1495

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STATE OF NEW JERSEY

DATED: OCTOBER 25, 1982

Assembly Bill No. 1495 amends section 1 of P. L. 1963, c. 71 (C. 2A:53A-13) and section 1 of P. L. 1975, c. 196 (C. 2A:53A-13.1) to extend the grant of immunity from civil action volunteer fire companies, volunteer first aid squads, rescue squads, emergency squads, and civil defense units have while in the process of fighting a fire or rendering reduced or emergency services to also cover their participation in authorized drills.

JANUARY 25, 1983

A-557, sponsored by Assemblyman Anthony M. Villane, R-Monmouth, to establish more stringent standards of financial accountability and professional conduct for dental plan organizations and dental plan consultants.

A-1495, sponsored by Assemblyman Walter Kavanaugh, R-Somerset, to permit members of volunteer fire companies and first aid, rescue and emergency squads to participate in drills without fear of lawsuits for accidental damage.

A-725, sponsored by Assemblyman Walter M. D. Kern, R-Bergen, to permit the use of alternative waste treatment systems by structures generating less than 2,000 gallons per day of water-carried sanitary sewage. The alternative systems are required by homeowners who are unable to use traditional septic systems because of the characteristics of their property.

AJR-44, sponsored by Senator Gormley, to memorialize the U. S. Congress to enact legislation authorizing New Jersey to register and regulate labor organizations which represent employees of the casino gaming industry.

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