



MISSOURI DIVISION OF FIRE SAFETY DONATION OF USED FIRE EQUIPMENT

In order to comply with Senate Bill No. 197 the following applies:

320.091, RSMo 2001, There shall be no cause of action against any fire protection district, volunteer fire protection association, or any fire department of any political subdivision which donates equipment used to suppress fire or fire protection clothing to another department, association or district if the following conditions are met:

- (1) Such equipment is approved by the State Fire Marshal or the State Fire Marshal's designee;
- (2) Motor vehicles so donated must pass a safety inspection by the Missouri State Highway Patrol;
- (3) The receiving agency demonstrates to the State Fire Marshal's Office that the equipment received works properly; and
- (4) The donor agency informs the receiving agency in writing of any defects in the equipment about which it knows.

This immunity shall apply only to causes of action directly related to the equipment mentioned in this section.

Non-compliance could result in voiding any civil immunity benefit.

PROCEDURES :

1) The donating department/agency must complete a "Donation of Used Fire Equipment" form listing all items to be donated. The form is supplied by the Office of the State Fire Marshal.

If a receiving department has been identified on the "Donation of Used Fire Equipment" form, go to step 2a, or else go to 2b:

2a) The donating department will forward the form and said equipment to the receiving department.

3a) The receiving department shall complete and forward the form to the Office of the State Fire Marshal for approval and signature.

3a-1) The receiving department's representative's signature certifies that the condition of the equipment received is as stated.

4a) Upon receiving the form the Office of the State Fire Marshal shall examine to determine approval status. Upon approval a copy of the completed form will be provided to the donating and receiving departments.

OR

2b) The donating department will complete the form and submit it and the said equipment to the Office of the State Fire Marshal.

3b) The State Fire Marshal or his designee will then hold the donated equipment until the equipment can be transferred to a receiving department.