

Introduced by

Representative Pyle

1 A BILL for an Act to amend and reenact sections 15-10-18.4, 18-05.1-03, and 18-10-17 of the
2 North Dakota Century Code, relating to tuition waivers for survivors of a firefighter who died in
3 the line of duty, firefighter death benefits, and nonprofit fire department civil immunity; and to
4 provide an effective date.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Section 15-10-18.4 of the North Dakota Century Code is
7 amended and reenacted as follows:

8 **15-10-18.4. Definitions.**

9 For purposes of section 15-10-18.5:

- 10 1. "Firefighter" means a person who is a member of a paid or volunteer fire department
11 that is a part of, or administered by, this state, any political subdivision of this state, ~~or~~
12 a rural fire protection district, or a nonprofit fire department.
- 13 2. "Nonprofit fire department" means a fire department or fire district that qualifies as a
14 nonprofit entity under section 501(c)(3) of the federal Internal Revenue Code
15 [26 U.S.C. 501(c)(3)] and has filed a certificate of existence under section 18-04-02
16 which has been approved.
- 17 3. "Peace officer" means:
- 18 a. Any person employed by a state law enforcement agency or a political
19 subdivision of the state who is charged with the prevention and detection of crime
20 and the enforcement of the criminal laws of the state and who has full power of
21 arrest; or
- 22 b. A correctional officer employed by the state or a political subdivision of the state.
- 23 ~~3.4.~~ "Stepchild" means a child of the decedent's spouse or predeceased spouse, and not
24 of the decedent.

1 ~~4.5.~~ "Survivor" means, at the time of the firefighter's or peace officer's death, the
2 firefighter's or peace officer's biological or adopted child under the age of twenty-one,
3 stepchild under the age of twenty-one, and spouse.

4 **SECTION 2. AMENDMENT.** Section 18-05.1-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **18-05.1-03. Definitions.**

7 For purposes of this chapter:

- 8 1. "Firefighter" means an individual who is a member of a paid or volunteer fire
9 department that is a part of or is administered by this state, any political subdivision of
10 this state, ~~or a rural fire protection district, or a nonprofit fire department.~~
11 2. "Line of duty death" means a death that was due to an injury sustained while
12 performing firefighter duties if the death occurred within forty-eight hours of
13 participating in an emergency response or training event. Death from a heart attack or
14 stroke is deemed to be a line of duty death if it occurs within forty-eight hours of an
15 emergency response or training event.
16 3. "Nonprofit fire department" means a fire department or fire district that qualifies as a
17 nonprofit entity under section 501(c)(3) of the federal Internal Revenue Code
18 [26 U.S.C. 501(c)(3)] and has filed a certificate of existence under section 18-04-02
19 which has been approved.
20 4. "Survivor" means the spouse of a deceased firefighter who died in the line of duty. If
21 there is no spouse, the term means the individual designated in writing by the
22 deceased firefighter as beneficiary of the Public Safety Officers' Benefit Act [42 U.S.C.
23 3796 et seq.] death benefit, or if no beneficiary is designated, the deceased
24 firefighter's estate.

25 **SECTION 3. AMENDMENT.** Section 18-10-17 of the North Dakota Century Code is
26 amended and reenacted as follows:

27 **18-10-17. Rural fire protection district - Nonprofit fire department - Civil immunity.**

28 No

- 29 1. A rural fire protection district or nonprofit fire department, ~~and~~ any personnel of the
30 district or nonprofit fire department, acting within the scope of its authority is not liable
31 for any claim resulting from the failure to provide or maintain sufficient personnel,

1 equipment, or other fire protection facilities; or ~~doing~~conducting any extinguishment or
2 fire prevention work, rescue, resuscitation, or first aid; or any other official acts within
3 the scope of official duties; provided, however, this section does not provide immunity
4 for damages resulting from acts of gross negligence.

5 2. For proposes of this section "nonprofit fire department" means a fire department or fire
6 district that qualifies as a nonprofit entity under section 501(c)(3) of the federal Internal
7 Revenue Code [26 U.S.C. 501(c)(3)] and has filed a certificate of existence under
8 section 18-04-02 which has been approved.

9 **SECTION 4. EFFECTIVE DATE.** This Act becomes effective immediately upon its filing with
10 the secretary of state.