

**2013 -- S 0770 SUBSTITUTE A**

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LC01972/SUB A  
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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2013**

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A N A C T

RELATING TO HEALTH AND SAFETY - DIVISION OF FIRE SAFETY

Introduced By: Senators Gallo, and Lynch

Date Introduced: March 13, 2013

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 23-28.2-17 of the General Laws in Chapter 23-28.2 entitled  
2 "Division of Fire Safety" is hereby amended to read as follows:  
3           **23-28.2-17. Relief from responsibility.** -- The state fire marshal, his or her deputies, and  
4 assistants, charged with the enforcement of the Fire Safety Code and the director of the fire  
5 academy and his or her instructors charged with fire education and training as governed by,  
6 chapters 28.1 through 28.39 of this title, shall not render themselves liable personally, and they  
7 are hereby relieved from all personal liability for any damage that may accrue to persons or  
8 property as a result of any act required or permitted in the discharge of their official duties. Any  
9 suit instituted against any officer or employee because of an act performed by him or her in the  
10 lawful discharge of his or her duties, and under the provisions of the Fire Safety Code and the fire  
11 education and training unit, shall be defended by the legal representative of the state until the  
12 final termination of the proceedings. In no case shall the fire marshal, his or her deputies, or  
13 assistants, the fire academy director or his or her instructors be liable for costs in any action, suit,  
14 or proceedings that may be instituted in pursuance of the provisions of the Fire Safety Code or the  
15 fire education and training unit, and any fire marshal or fire academy instructor, acting in good  
16 faith and without malice, shall be free from liability for acts performed under any of its provisions  
17 or by reason of any act or omission in the performance of his or her official duties in connection  
18 therewith. [The protection afforded herein to the Rhode Island fire academy instructors shall apply](#)  
19 [only to those instructors who are active or retired members of a paid or volunteer Rhode Island](#)

1 [fire department.](#)

2 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO HEALTH AND SAFETY - DIVISION OF FIRE SAFETY

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1           This act would provide the director of the fire academy and his or her instructors, who are  
2 active or retired members of a paid or volunteer Rhode Island fire department, charged with fire  
3 education and training regarding the fire safety code with the same defense and indemnity  
4 accorded to the state fire marshal, his or her deputies and assistants from personal liability  
5 regarding any legal action against any of them in the lawful discharge of their official duties.

6           This act would take effect upon passage.

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