

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Fire Marshal Act is amended by  
5 changing Section 2.5 as follows:

6 (20 ILCS 2905/2.5)

7 Sec. 2.5. Equipment exchange program.

8 (a) The Office shall ~~may~~ create and maintain an equipment  
9 exchange program under which fire departments, fire protection  
10 districts, and township fire departments can donate or sell  
11 equipment to, trade equipment with, or buy equipment from each  
12 other.

13 (b) Under this program, the Office shall maintain a website  
14 that allows fire departments, fire protection districts, and  
15 township fire departments to post information and photographs  
16 about needed equipment and equipment that is available for  
17 trade, donation, or sale. This website must be separate from,  
18 and not a part of, the Office's main website; however, the  
19 Office must post a hyperlink on its main website that points to  
20 the website established under this subsection (b).

21 (c) The Office or a ~~A~~ fire department, fire protection  
22 district, or township fire department that donates, trades, or  
23 sells fire protection equipment to another fire department,  
24 fire protection district, or township fire department under  
25 this Section is not liable for any damage or injury caused by  
26 the donated, traded, or sold fire protection equipment, except  
27 for damage or injury caused by its ~~the donor's~~ willful and  
28 wanton misconduct, if it ~~the donor~~ discloses in writing to the  
29 recipient at the time of the donation, trade, or sale any known  
30 damage to or deficiencies in the equipment.

31 This Section does not relieve any fire department, fire  
32 protection district, or township fire department from

1 liability, unless otherwise provided by law, for any damage or  
2 injury caused by donated, traded, or sold fire protection  
3 equipment that was received through the equipment exchange  
4 program.

5 (d) The Office must promote the program to encourage the  
6 efficient exchange of equipment among local government  
7 entities.

8 (e) The Office must implement the changes to the equipment  
9 exchange program required under this amendatory Act of the 94th  
10 General Assembly no later than July 1, 2006.

11 (Source: P.A. 93-305, eff. 7-23-03.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.