§ 205-f. Removal of civil liability barriers. 1. (a) Liability protection. (1) A fire company or political subdivision as defined in section three of the volunteer firefighters' benefit law, including a person acting as an agent thereof, that acts reasonably in donating qualified fire control or fire rescue equipment to a volunteer fire company shall not be liable in civil damages under any state law for personal injuries, property damage, or death proximately caused after the donation by a defect in the equipment.

(2) Any state or local agency, including a person acting as an agent of such an agency, that acts reasonably in administering the distribution of qualified fire control or fire rescue equipment to a volunteer fire company or political subdivision as defined in section three of the volunteer firefighters' benefit law, shall not be liable for civil damages under any state law for personal injuries, property damage, or death proximately caused after the distribution by a defect in the equipment.

(b) Exceptions to liability protection. Paragraph (a) of this subdivision shall not apply to a person or agency if:

(1) the defect that proximately causes the injury, damage, or loss resulted from an act or omission of the person or agency, that constitutes malice, gross negligence, recklessness, or intentional misconduct;

(2) the person or agency is the manufacturer of the qualified fire control or fire rescue equipment; or

(3) the person or agency modified or altered the equipment after it had been recertified by an authorized technician as meeting the manufacturer's specifications.

2. For the purposes of this section the following words and phrases shall have the following meanings:

(a) "Person" means any individual and any governmental or other entity.

(b) "Qualified fire control or rescue equipment" means fire control or fire rescue equipment that has been recertified by an authorized technician as meeting the manufacturer's specifications and has been distributed through a state or local agency to the volunteer fire company.

(c) "Authorized technician" means a technician that has been certified by the manufacturer of fire control or fire rescue equipment to inspect such equipment. The technician need not be employed by the state or local agency administering the distribution of the fire control or fire rescue equipment.