

Fire/EMS Legislation

Signed into Law

Act 126 of 1998

Amended the Good Samaritan Act by extending immunity to persons who use automatic external defibrillators (AED) during a medical emergency.

Act 129 of 1998

College tuition waiver for the children of police, fire and EMS personnel who are killed in the line of duty.

Act 157 of 1998

Established the penalty for obstructing emergency services, at the scene of an accident or emergency, to a misdemeanor of the third degree.

Act 158 of 1998

Amended the Child Labor Law by allowing 14- and 15-year-old firefighters (jr. firefighters) to perform their duties until 10 p.m. on school nights, with parental consent.

Act 32 of 1999

Allows volunteer fire departments to purchase used fire trucks, using the Volunteer Loan Assistance Program (VLAP), provided that the truck meets at least the 1991 NFPA safety standards. In the past, the truck had to meet "current" NFPA standards, thus many used vehicles do not qualify for the VLAP Program.

□□□□PA Fire Information and Reporting System computer hardware and software are now eligible items for the VLAP Program.

Act 45 of 1999

Building Code

Established the state's adoption of a minimum BOCA Code for PA.

-- Permanent grandfathering for municipalities with current stringent code provisions

- The fire and emergency services community was a key player in the passage of this important public safety issue.

Act 64 of 1999

Established Pennsylvania's membership in the (federal) Emergency Management Assistance Compact (EMAC).

-- When disaster strikes, Pennsylvania and other member states can share resources and equipment without the encumbrance of liability problems and cost recoupment technicalities.

-- Over 45 states are in this compact.

-- started in the South Pennsylvania was the key link that set the stage for mid-Atlantic and New England states to join this compact.

-- As the magnitude of natural disasters has increased in scope, and are very much regional rather than state-by-state, this compact will indeed be another vital tool for post-disaster needs of compact member states.

Act 66 of 2000

Established a \$25 million grant program for volunteer fire and EMS departments. As well, provides a permanent consolidation incentive that will reduce the 2% interest rate for existing loans to 1% when volunteer fire departments merge.

Act 121 of 2000

Amends the reporting requirements for hazardous materials under Act 165.

Multitude of issues:

- Establishes a five day reporting requirement instead of the previous 60 to 90 day reporting period.
- Reestablishes the county surcharge fees on chemicals stored in facilities.
- Increases the maximum amount that a volunteer emergency response service can receive for assisting a certified hazardous response team, from \$300 to \$1,000 per incident.
- Concept Sciences explosion in Allentown
- 3 public hearings held.

Act 124 of 2000

Exempts volunteer fire departments and other non-profit entities from the state's food employee certification process in regard to requiring that at least one employee/member must be certified under this program.

Act 75 of 2001

An omnibus bill that makes several changes to the Motor Vehicle Code. Among these is a provision that doubles the fines for traffic violations that occur in emergency response zones. This is similar to current law that doubles fines for infractions in construction areas. Emergency service responders are authorized to report these violations to law enforcement personnel.

Act 91 of 2001

Designates the area between the newly constructed Keystone Building and the State Museum to be known as "Emergency Responder Plaza". This large plaza area will be appropriately marked and will be used by police officer, firefighter and EMS organizations for year round educational programs and remembrance ceremonies.

Act 115 of 2001

The Hepatitis C controversy has been a particularly salient issue for those emergency responders who are concerned about potential exposure to this disease. An important piece of legislation, House Bill 1633, takes steps to help paid and volunteer firefighters, EMTs and paramedics infected with Hepatitis C. This new law classifies Hepatitis C as an occupational disease for emergency rescue workers across Pennsylvania under the state's workers' compensation law. Under current law, nurses and other health care workers are already covered if they contract Hepatitis C on the job. This legislation extends that coverage to professional and volunteer firefighters, volunteer ambulance, rescue and other lifesaving personnel, law enforcement officers, state and county correctional employees, and forensic employees of the Department of Welfare.

Act 116 of 2001

Financial assistance will be provided under this Act to Pennsylvania's colleges and universities for the installation of sprinklers in residence halls. This measure earmarks \$3 million for the first year of a five-year program to support the installation of sprinklers and fire-suppression systems. The money would subsidize a portion of the interest rate Pennsylvania's colleges and universities pay on bonds issued for installing sprinklers in residential halls and homes on campus. Under the plan, the state will pay any interest costs over 3 percent for all eligible institutions that issue bonds through the Pennsylvania Higher Education Facilities authority.

Act 59 of 2002

EMS personnel would be afforded protection under the advanced directives ... in terms of withholding treatment of DNR "Do Not Resuscitate" patients.

- Dept. of Health issues ID bracelets/cards
- EMS personnel immune from civil liability

Act 60 of 2002

Establishes that municipalities, who do not have a volunteer fire department but receive the services from another fire department in another municipality, must reimburse that municipality for a portion of the workers compensation premiums paid for the member of the volunteer fire department.

Act 89 of 2002

Provides for a referendum question in the November 2002 General Election which will ask the voters if they are in favor of floating up to \$100 million in bonds to support the volunteer fire and emergency services across the Commonwealth. This referendum overwhelmingly passed and the legislature is currently working on enacting legislation to outline a program to spend these funds. It is anticipated that legislation will be brought forward next year. Items eligible for funding presently being considered are emergency service vehicles, equipment, facilities and apparatus. Funding may also be used to shore up the Volunteer Loan Assistance Program (VLAP).

Act 17 of 2003

Establishes the Volunteer Fire Company and the Volunteer Ambulance Service Grant Act. Grants would be used to improve and enhance the capabilities of volunteer fire companies and ambulance services across the Commonwealth. The sum of \$22,000,000 is allocated for fire company grants and \$3,000,000 is allocated for ambulance service grants. The office of the State Fire Commissioner will be accepting these applications until December 31, 2003.

Act 48 of 2003

Allows Fire/EMS training courses to be high school curriculum electives.

Act 56 of 2003

Amends Act 78 of 1990 by creating a wireless E-911 emergency telephone system, funded by a monthly \$1.00 surcharge on wireless telephones that are registered in Pennsylvania. There are approximately 4.8 million wireless telephones in use in Pennsylvania. The existence of an enhanced wireless E-911

system will allow county 911 centers to accurately pinpoint the location and phone number of a person that is calling 911 for emergency assistance.

Act 5 of 2004

This legislation amends the Volunteer Loan Assistance Act (Act 208 of 1976) by increasing the \$50 million bond authorization, which is currently in law, to a \$100 million bond authorization. The \$50 million authorization that stands in current law has been depleted. In accordance with Act 89 of 2002, a referendum question was presented to the voters in Fall 2002 requesting approval of an authorization of \$100 million for support of volunteer emergency services companies. Seventy-four percent (74%) of the voters voted in favor of the referendum. In order to be able to issue additional bond monies, the Volunteer Loan Assistance Act must be updated to reflect the approval by the electorate of the additional bond authority. Once the bond authorization is increased by law, the Office of the State Fire Commissioner, can request that the Governor's Office issue a portion of \$100 million in bond monies.

Act 75 of 2004

Allows drivers of emergency vehicles to pass school buses, which are stopped with flashing red lights engaged, but only after the emergency vehicle has come to a complete stop and then proceeds while exercising due diligence and caution for the safety of the school children.

Act 80 of 2004

This legislation re-establishes a \$25 million dollar grant program for volunteer Fire/EMS departments. This grant program is identical to last year's program. Passed the Veterans Affairs and Emergency Preparedness Committee on March 30, 2004. Passed the House unanimously on April 14, 2004.

Act 59 of 2005

Amends the Act 101 Emergency Responder Death Benefit Act to include "heart attack" related deaths as a compensable line of duty death (Identical to a 2003 change in federal law), and also increases the death benefit from \$50,000 to \$100,000 (Adjusted annually then with inflation figures).

Act 13 of 2006 (Nailor)

Provides \$25 million in funds for the "Volunteer Fire Company and Volunteer Ambulance Service Grant Act" for 2005-06. Grants to volunteer fire and rescue companies range from \$2,500 to \$15,000 and examples of use are purchase or repair of equipment, training, and debt reduction for qualified purchases. Grants to volunteer ambulance companies range from \$2,500 to \$10,000 and examples of use are purchase or repair of equipment, support services, training, and debt reduction.

Act 153 of 2006

Creates a bulk purchase procurement contract program within the Department of General Services for equipment and supplies for volunteer fire and EMS departments, thereby saving these emergency response groups money on the purchase of these items.

Act 156 of 2006

Creates the Terrorism Infrastructure Disclosure Protection Act; which provides that an agency shall not release, publish or otherwise disclose a public utility record which would endanger public safety or property, endanger a person's security or property, or compromises the protection of a public utility.

Act 168 of 2006

Amends Title 18 (Crimes Code) by adding a provision to section 3301 (Arson and related offenses) which forbids any person convicted of arson under any federal or state law from serving as a member of a volunteer or paid firefighter company, and further prohibiting them from certification as a firefighter under section 4 of the Act of November 13, 1995, (P.L.604, No.61), known as the State Fire Commissioner Act.

It also establishes 2 methods of proof of non-conviction of arson: (1) official criminal history record showing no convictions; or (2) a signed and dated statement swearing that the person has never been convicted of arson with a notice that any false statements could lead to a conviction for unsworn falsification to authorities.

Act 10 of 2007 (Lentz)

Provides for a \$25 million Grant Program for Volunteer Fire and EMS Departments, with a one-time \$50 million grant program for 2007-2008. This legislation, or a comparable piece, is expected to become law by this summer, with funding checks received by volunteer fire/EMS companies by the end of the year.

Act 21 of 2007 (Fairchild)

Provides for certified Hazmat response team members to receive the \$100,000 death benefit (manually adjusted by the CPI) that is available to other EMS responders under Act 101 of 1976.

Act 7 of 2008

Amends The Second Class Township Code to ensure that second class townships provide fire and emergency medical services within the township. This legislation also ensures that second class townships must provide appropriate financial and administrative funds to enable emergency services to effectively protect the township.

Act 8 of 2008

Amends The Borough Code to ensure that boroughs provide fire and emergency medical services within the borough. This legislation also ensures that boroughs must provide appropriate financial and administrative funds to enable emergency services to effectively protect the borough.

Act 9 of 2008

Amends The First Class Township Code to ensure that first class townships provide fire and emergency medical services within the township. This legislation also ensures that first class townships must provide appropriate financial and administrative funds to enable emergency services to effectively protect the township.

Act 31 of 2008

Amends the Third Class City Code to ensure that Third Class Cities provide fire and emergency medical services within the city. This legislation also ensures that Third Class Cities provide appropriate financial and administrative funds to enable emergency services to effectively protect the cities.

Act 66 of 2008

Provides a \$100 tax rebate for volunteer fire & EMS personnel for the 2008 calendar year.

Act 72 of 2008

Provides for a \$1 per month surcharge on VOIP telephone devices, which is similar to the monthly surcharge on land-line and wireless phones for 911 emergency telephone service. This bill simply allows the current law to apply to a new form of communication device that is replacing traditional land-line phones.

Act 93 of 2008

Provides for a statewide mutual aid system for emergency responders, thereby allowing municipalities and counties to assist each other during an emergency and not be encumbered with liability, insurance and cost recovery complications, which are already pre-negotiated under the mutual aid system.

Act 6 of 2009

Reauthorizes \$1 wireless 911 surcharge to continue funding County PSAPS.

Act 37 of 2009

This act is the rewrite of act 45 of 1985 (THE EMS ACT). It was codified into Title 35 (public safety). This act essentially defines the scope and practice of EMS providers according to national standards of practice rather than being based on the EMS curriculum.

Act 118 of 2010

This act codified many fire and EMS laws under Title 35 and extended the existing wireless telephone 911 surcharge of \$1 to “prepaid” wireless phones and phone cards.

Act 46 of 2011

Establishes a cancer presumption for firefighters under Workers Compensation.

Act 2 of 2012

Amends the Local Option Small Games of Chance Act by increasing prize limits, and provide for additional rules and regulations for licensing of organizations.

Act 78 of 2012

Reauthorizes the Fire and EMS Grant Program until June 30, 2016 and increases the amount of funding to \$30 million. Also, includes municipal fire companies as an eligible entity, of which there are approximately 35.

Act 85 of 2012

Provides that firefighter's relief associations are an entity eligible for tax exempt status under the Tax Reform Code of 1971, and provides that a volunteer firefighter's relief association or firemen's organization's tax exempt certificates are to be issued and considered permanent.

Act 114 of 2012

Amends the Vehicle Code to further prohibit drivers from disobeying traffic-control devices used to close roads and highways. Sets the fine at \$250-\$500 if the violation results in a need for the services of first responders, emergency/medical personnel, or a tow truck. Authorizes the assignment of 2 points under the point system established under Title 75 for violating the prohibition against disobeying a traffic-control device warning of hazardous conditions. Provides an additional penalty that requires a person convicted of violating the prohibition to pay restitution in an amount equal to the cost of the services provided by emergency service responders.

HR 315 of 2012

A resolution directing both the Legislative Budget and Finance Committee (LBFC) and the Joint State Government Commission (JSGC) to conduct a study of the financial and administrative effectiveness of the emergency medical services (EMS) system in the Commonwealth, and to issue a joint report to the House of Representatives **(Reports have been issued)**

Act 52 of 2013

Amends Act 2 of 1971, known as the Tax Reform Code, to permanently exempt volunteer fire companies from the realty transfer tax.

Act 129 of 2013

Amends Title 35 (Health and Safety) to rewrite and update the statute for the Volunteer Loan Assistance Program, which hasn't been seriously updated since the early 1990's, by increasing the loan amounts and payback periods.

Act 1 of 2014

Amends Title 35(Health & Safety) to authorize two or more fire companies that share a relief association to each send a duly elected delegate to represent their individual company and each delegate may have their reasonable expenses of travel and maintenance paid for with relief funds.

Act 57 of 2014

Establishes an EMS Memorial Flag in the Commonwealth of PA. Similar to the Fallen Firefighter Flag established by Act 168 of 1990.)

Act 65 of 2014

Amends Title 35 (Health and Safety) to allow monies from volunteer firefighters' relief association funds to be used for the payment of reasonable expenses actually and necessarily incurred for attending bona fide emergency medical technician or paramedic training schools, whether it is basic life support (BLS) or advanced life support (ALS).

Act 140 of 2014

Expands the definition of "fire department vehicle" in Title 75 (Vehicles) to include vehicles that are owned or leased by a fire relief association and used by a paid or volunteer fire department, in addition, the act includes state emergency management vehicles in the definition of "emergency vehicles".

Act 178 of 2014

Amends Act 175 of 1929, known as the Administrative Code to create a 27 member State Geospatial Coordinating Board, which is to be an advisory board to the governor on Geospatial issues.

Act 187 of 2014

Amends Title 35 by creating new Chapter 79, which establishes a state disaster assistance program to provide grants to political subdivisions and municipal authorities that incur infrastructure damage during a natural or man-made disaster, and such damage does not qualify for Federal disaster assistance. Extends the powers of arrest for out-of-state law enforcement personnel, but only where there is a Governor's Declaration of Emergency that has invoked the provisions of the Emergency Management Assistance Compact (EMAC) with surrounding states.

Act 1 of 2015

Amends the Emergency and Law Enforcement Personnel Death Benefits Act by extending the filing period for the benefit from 90 days to 4 years.

Act 12 of 2015

Comprehensively amends Title 35 Chapter 53, relating to emergency communications service, to update and enhance PA's 911 emergency communications law; imposes a Uniform Surcharge of **\$1.65**, beginning on August 1, 2015.

ACT 57 of 2015

Amends Title 35 (Health and Safety) authorizing volunteer first responder organizations to solicit contributions along a highway or roadway.

ACT 84 of 2015

Amends the Insurance Company Law providing for a process for insurance companies to reimburse out-of-network EMS agencies directly.

Act 60 of 2016

Extends the \$30 million Fire and EMS Grant Program until June 30, 2020.

ACT 30 of 2016

Amends Title 35 (Health & Safety) to prohibit the release of a public record or part of a public record under a RTK request that contains **identifying** information relating to *a 911 caller*.

ACT 110 of 2016

Amends Act 101 of 1976 by extending the death benefit to members of the Civil Air Patrol.

Act 145 of 2016

Amends the Heart and Lung Act by adding firefighters to the act who are employed by the Commonwealth.

Act 172 of 2016

Authorizes local governments to enact a tax credit (earned/property) for active volunteer fire and EMS personnel; provides that the credit may not exceed 20% of the volunteers tax liability.

Legislation from the 2017 – 2018 Session.

- **Senate Resolution 60** (A concurrent resolution adopted by the House on July 16, 2003)

SR 60 established a special bipartisan legislative commission to develop and recommend legislation that provides direct and indirect assistance for the purpose of improving the delivery of emergency services in this Commonwealth.

After reviewing over twenty-five prior reports and studies, the SR 60 commission made numerous recommendations (23) to improve our emergency services, which focused on four areas: funding, recruitment and retention, legislation, and a service delivery model. The Veterans Affairs and Emergency Preparedness Committee is currently using the SR 60 report to develop legislation on these critical issues. The committee did spearhead several bills/recommendations; some of which passed into law; others remained in the Senate after House passage. The House VAEP Committee is currently working on legislation which addresses the following issues: funding, health/death benefits, alter firefighter relief funding formula, and retirement programs for volunteer firefighters.

IMPORTANT UPDATE: *On July 27, 2016, the House and Senate Veterans Affairs and Emergency Preparedness Committee Chairman and staff attended a meeting at PEMA to review the recommendations and accomplishments under SR 60 and to discuss the issuance of a new SR 60 Report based on the evolving challenges facing Fire and EMS companies across the Commonwealth. To that end, the full committees of the House and Senate conducted a joint hearing on the issues at the Monroe County 911 center on August 23, 2016. Additionally, the staff of these committees continue to work with the fire and EMS community in preparation of the creation of a new Commission to revisit these issues. On January 23, 2017, members of the new **SR 6 Commission** and stakeholders unveiled 16 legislative initiatives to begin the 2017 – 2018 Session.*

- **HB 147 (Baker)**
Provides for a \$500 tax credit for volunteer fire/EMS responders. Emergency responders may claim up to \$500 on their state tax return for fire/EMS equipment purchased with their own money. **(House Finance Committee)**
- **HB 183 (DUSH)**
A hearing was held on December 10, 2015 on this bill, which authorizes fire companies to bill for services (Actual and reasonable costs). **(House VA&EP Committee)**
- **HB 400 (Causer)**
Legislation will increase the \$10 and \$25 fines under Title 75 that fund the Emergency Medical Services Operating Fund, which haven't been increased since 1985 and will direct that 30% of the money shall be used by the State Bureau of EMS in the Department of Health to provide direct and targeted training to rural areas of the Commonwealth identified as underserved and struggling areas. **(House VAEP Committee)**
- **HB 558 (Day)**
Amends Title 35 (Health and Safety) by authorizing the use of funds of a volunteer firefighters' relief association to obtain a "Commercial Drivers' License (CDL). **(House VAEP Committee)**
- **HB 699 (Causer)**
Amend the Insurance Company Law of 1921 to increase the Medical Assistance reimbursement rates for BLS and ALS services. Rates are increased as follows: BLS = \$180; ALS = \$ 300. **(House Approps)**
- **HB 1061 (Farry)**
Expanding the allowable uses (recruitment and retention/LOSAP) of relief monies and giving the OSFC more authority to oversee the program. **(House VAEP Committee)**
- **HB 1224 (Sainato)**
Amends Title 35 (Health and Safety) of the Pennsylvania Consolidated Statutes, in incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies, establishing the First Responder Loan Forgiveness Program. **(House VAEP Committee)**
- **HB 1310 (Barrar)**
Amend Act 284 of 1921, known as the Insurance Company Law, under Section 2116 relating to emergency services to require insurance companies to reimburse emergency medical services agencies for services provided even if transport to a hospital does not take place. **(Senate Banking Committee)**
- **HB 1600 (Knowles/Jozwiak)**
Providing tax credits to employers who authorize employees who are first responders to leave their place of employment to respond to an emergency or to attend first responder training. **(House Finance Committee)**

- **HB 241 (Tallman)**
Amends the Fire Police Act (**Title 35, Chapter 74, Subchapter D**), to provide for the appointment, powers and control of fire police officers and to confer powers on them at functions and incident sites in their municipalities.
The fire police currently have no structured chain of command. They are volunteer firefighters under their fire chief, yet take on police powers and work with the police authority while on fire police duties and are subject to the control of State Police as well. If there are conflicting orders, the fire police are left in limbo between two different organizations with no clear oversight.
The fire police are the first to be called and the last to be funded or taken responsibility for. As they are being used more and more by the municipalities at a bargain price, they are receiving insufficient resources from their department and/or paying out of pocket to provide services. (**In House VA&EP Committee**)
- **Background Checks for EMS Personnel (Hennessey)**
Amends Act 37 of 2009, known as the EMS Act, by requiring background checks on EMS provider applicants for certification and bars certification due to certain convictions.

CONCEPTS/PROPOSALS

- **Loan Forgiveness Program (Watson)**
A program to incentivize individuals to return to their communities to volunteer, train and serve as firefighters and EMS personnel. This program authorizes a portion of a loan to be forgiven as a tool to recruit and retain volunteers.
- **High School Credit**
Require school districts to provide credit worthy emergency services courses as electives for junior and senior classes.
- **Hazardous Material Response**
Amends Act 165 of 1990 (Hazardous Material Emergency Planning and Response Act) by requiring the PEMA Council to review and incorporate training and equipment standards needed to prepare regional hazardous material response organizations to respond to biological/chemical emergencies that are a result of terrorism.