PENNSYLVANIA

LAWS RELATING TO EMERGENCY SERVICES

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INTRODUCTION

The laws of Pennsylvania relating to emergency services were originally compiled by the Legislative Reference Bureau primarily for distribution by members of the General Assembly. This edition updates the original compilation through Act 118 of 2019.

This compilation is unofficial and includes only portions of the Constitution of Pennsylvania and the statutes of this Commonwealth. While every effort has been made to identify all relevant material within the scope of this publication, it is possible that some provisions have been omitted either intentionally or inadvertently.

In general, the statutes are included verbatim. Editorial additions are indicated by brackets; the omission of parts of sections not relevant to the compilation are indicated by the use of "* * *".

The appropriate printed statutes should be consulted for official purposes. Official versions of statutes are published in the Laws of Pennsylvania and the Pennsylvania Consolidated Statutes. The legal citation for each section appears at the end of the section. A comprehensive list of all legal citations can be found at the end of the compilation.

This compilation is the result of a search of the database for statutes pertaining to emergency services. The terms used in the search for applicable statutes included the singular and plural of the following terms: fire, firemen, firefighter, ambulance, rescue, fire marshal, fire police, emergency.

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PART I. COMMONWEALTH AGENCIES

Chapter 1. Department of Agriculture

Section 3. Farm Safety and Occupational Health Advisory Board.

(a) Establishment.--The secretary [of Agriculture] shall appoint the Farm Safety and Occupational Health Advisory Board to make recommendations for and monitor farm safety and occupational health programs. The secretary shall make such appointments within 60 days of the effective date of this act [the Farm Safety and Occupational Health Act].

(b) Composition of advisory board.--The advisory board shall consist of 13 members who by reason of training, occupation, experience or education are qualified to carry out the duties of the advisory board. The advisory board shall consist of the following members:

* * *

(9) An emergency service provider.

(10) The director of PEMA or his designee.

* * *

(d) Terms of advisory board members.--Except for the Secretary of Agriculture, the Secretary of Health, the director of PEMA and the dean of the College of Agricultural Sciences or their designees, members of the advisory board shall serve four-year terms, provided that at least one-half of the initial members shall be appointed to two-year terms.

* * *

(g) Duties of advisory board.--The advisory board shall:

* * *

(5) Work with farmers, local governments, community service agencies, health care and emergency service providers, agricultural equipment and machinery manufacturers and dealers, manufacturers and dealers of agricultural chemical agents, agriculture and rural youth organizations and schools in order to promote local cooperation in establishing farm safety and occupational health programs and the acceptance of such programs.

* * *

(1994, P.L.944, No.134, § 3)

Section 4. Farm Safety and Occupational Health Program.

(a) Establishment.--The secretary [of Agriculture] shall establish a farm safety and occupational health program, to be known as the Farm Safety and Occupational Health Program, to educate and train farmers, members of farm families, farm laborers, others involved in agricultural production and emergency service providers in the recognition, avoidance and prevention of and emergency response to farm accidents and occupational injuries and diseases.

(b) Program components.--The Farm Safety and Occupational Health Program may include:

* * *

(9) Training of emergency service providers in methods and procedures for responding to farm emergencies, including:

(i) First-on-the-scene programs for farm families.

(ii) Firefighting seminars for emergency service providers.

(iii) Fire safety practices and techniques for farmers.

(iv) Farm rescue and machinery extraction demonstrations.

(v) Instructions to reduce or eliminate the risk of exposure to toxic gases.

* * *

(1994, P.L.944, No.134, § 4)

Section 5. Duties of secretary [of Agriculture].

* * *

(b) Duties.--The secretary shall:

* * *

(4) Work with local governments, county cooperative extension services, emergency service providers, community service agencies, agribusinesses and other business enterprises, farm organizations, electric utilities and cooperatives and other organizations or groups serving farm communities to promote acceptance of farm safety and occupational health programs.

* * *

(6) Collaborate with PEMA [the Pennsylvania Emergency Management Agency] to develop and implement a farm emergency response training program.

* * *

(1994, P.L.944, No.134, § 5)

Section 6. Financial assistance.

(a) Tuition assistance.--The secretary [of Agriculture] may establish a grant program to provide tuition assistance to rural emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production to attend farm safety and occupational health training and emergency response programs.

* * *

(c) Grant assistance.--The secretary may:

(1) Provide for the establishment of a grant program for the purpose of awarding grants to the Pennsylvania Fire Academy, public or private colleges and universities, community colleges and vocational and technical schools which provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or which develop farm safety and occupational health training programs for implementation by the department. Individual grants under this paragraph shall not be more than $30,000 in any one State fiscal year. In determining the amount of such grants, the secretary shall consider the scope and duration of the programs and the number of persons to be served.

(2) Provide for the establishment of a grant program for the purpose of awarding grants to Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs. Grants under this paragraph shall not be more than $2,500 in any one State fiscal year to any such organization.

(d) Regulations.--The secretary shall adopt and promulgate regulations to govern the awarding of grants and loans under this section. Such regulations shall contain procedures for submission of grant and loan applications, documentation required to accompany such applications, eligibility criteria, criteria for determining grant and loan amounts and reporting requirements.

(1994, P.L.944, No.134, § 6)

§ 5712. Applicability.

This subchapter [3 Pa.C.S. Ch. 57 Subch. A (relating to retail food facility safety)] shall not apply to food that meets all of the following requirements:

(1) The food is not potentially hazardous food.

(2) The food is prepared in a private home.

(3) The food is used or offered for human consumption by any of the following organizations:

* * *

(ii) A volunteer fire company or ambulance, religious, charitable, fraternal, veterans, civic, sportsmen, agricultural fair or agricultural association or any separately chartered auxiliary of any of these associations, on a not-for-profit basis.

* * *

(4) The organization that uses or offers the food for human consumption informs

consumers that the organization uses or offers food that has been prepared in private homes that are not licensed or inspected.

(5) The food is donated to an organization described under paragraph (3).

(3 Pa.C.S. § 5712)

§ 6510. Exemptions [relating to food employee certification under Agriculture Code].

* * *

(d) Exempt retail food facilities.--Except as set forth in section 6504(c)(2) (relating to certification of employees), the following retail food facilities are exempt from this chapter [3 Pa.C.S. Ch. 65 (relating to food employee certification]:

* * *

(2) A retail food facility managed on a not-for-profit basis by an organization which is a volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, agricultural fair or agricultural association or any separately chartered auxiliary of any of the above associations.

* * *

(3 Pa.C.S. § 6510)

Chapter 2. Attorney General

Section 2. Definitions [relating to arson reporting immunity].

The following words and phrases when used in this act [Arson Reporting Immunity] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Authorized agencies."

(1) For the purposes of this act shall include:

* * *

(iii) the Attorney General;

* * *

(1980, P.L.340, No.85, § 2)

Section 303. Enforcement.

(a) Civil actions.--The Office of Attorney General, the Office of General Counsel or a county or municipality may commence a civil action against any person for failure to comply with this act [the Hazardous Material Emergency Planning and Response Act] or its regulations. No action may be commenced under this subsection prior to 60 days after the Office of Attorney General or Office of General Counsel or the appropriate county or municipality has given written notice of the alleged violation to the alleged violator. A county or a municipality may commence a civil action against any person for failure to comply with this act or its regulations if the Office of Attorney General or the Office of General Counsel has not commenced such action and more than 120 days have elapsed since a county or a municipality gave notice of the alleged violation to the alleged violator.

(b) Criminal actions.--The Office of Attorney General under the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, or the district attorney for the county in which the violation is alleged to have occurred may commence criminal proceedings for the enforcement of this act and its regulations.

(c) Venue.--A proceeding under subsection (a) or (b) may be brought in the court of common pleas for the county in which the defendant is located or for the county in which the violation is alleged to have occurred.

(1990, P.L.639, No.165, § 303)

Chapter 3. Auditor General

Section 10. [Audit] Upon receipt of bills for extinguishing forest fires, the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] is hereby authorized and

directed carefully to audit the same. He shall not approve any bill until he has first satisfied himself of its correctness, and that the services therein claimed were actually rendered, or the expense actually incurred. If the Commissioner of Forestry approve an account so rendered, he shall transmit the same to the Auditor General of the Commonwealth; who shall first satisfy himself of its correctness, and shall then draw his warrant, against the fund hereinafter appropriated to pay for the extinguishment of forest fires, and in favor of the respective district fire-wardens, as directed by the Commissioner of Forestry. Said warrants shall be delivered to the Commissioner of Forestry, for transmission to the district fire-wardens, who are hereby then required to pay the several sums so transmitted to the persons lawfully entitled thereto, taking proper receipts and vouchers for each payment so made, which vouchers shall be filed with the Commissioner of Forestry.
(1909, P.L.781, No.601, § 10)

Section 11. [Collection of accounts] At the end of each calendar year, after the bills for the extinguishment of forest fires shall have been presented for that year, the Auditor General of the Commonwealth shall prepare a statement showing the expenditure made for the extinguishment of fires in each of the counties of the State, and shall transmit to the Commissioners of each county a copy of the statement relating to their respective county. The Auditor General shall, at the same time, state an account with each of the said counties, and collect from each county an amount equal to one-fifth of the amount expended by the Commonwealth for the extinguishment of forest fires in that particular county. The county commissioners of each county shall, immediately upon receipt of the stated account of the Auditor General, forward to him, for the use of the Commonwealth, the amount of money so found to be due and owing by the county for the extinguishment of forest fires. In case the said account is not settled within thirty days after its receipt by the county commissioners, the Auditor General is hereby authorized, empowered, and required to collect the amount of the then delinquent account stated, in manner provided by existing law for the collection of accounts due the Commonwealth.
(1909, P.L.781, No.601, § 11)

Section 903. [Duties of Auditor General] The Auditor General shall satisfy himself as to the correctness of all bills transmitted to him by the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] for expense incurred under this act [the Forest Fire Protection Law], and shall then draw his warrants against the general forest protection appropriation in favor of the persons and for the amounts shown by the approved bills.
(1915, P.L.797, No.353, § 903)

Section 3. [Compensation of persons killed and injured while fighting forest fires] The said Board [of finance and Revenue] shall hear and determine all such claims, and if in any case the Board is of the opinion that a moral claim exists against the Commonwealth for any such injury or death, and that such claim is not properly adjustable or cannot then be adjusted under the workmen's compensation laws, it shall make a finding to that effect, and shall fix the sum which in its opinion will compensate the parent, parents, or dependent relative or relatives of the person killed or the person seriously injured. Any amount so fixed by the Board shall be payable from the appropriation hereinbefore made by warrant of the Auditor General, after requisition by the Secretary of Forests and Waters [now the Secretary of Conservation and Natural Resources], and to each such requisition shall be attached the findings of the Board. The action of the Board in allowing or disapproving a claim shall be final and there shall be no appeal therefrom, but the Board in its discretion may grant rehearings on any claim and make any new findings, in accordance with this act [the act of April 1, 1925, P.L.232, No.153].
(1925, P.L.232, No.153, § 3)

Section 402. Revision of financing from State revenue sources; General Municipal Pension System State Aid Program.

* * *

(h) Certification of employees by eligible recipient municipalities.--Each eligible recipient county of the second class shall certify annually to the Auditor General the number of police officers and each other eligible recipient municipality shall certify annually to the Auditor General the number of police officers, firefighters and municipal employees other than police officers and firefighters who meet the qualification requirements specified in subsection (e)(2), and whatever additional information the Auditor General requires to verify the number of units attributable to the municipality. No unit or units shall be attributable to any municipal employee who is not certified to the Auditor General in a timely manner.

* * *

(1984, P.L.1005, No.205, § 402)

Section 706. Use of foreign fire insurance tax moneys.

(a) Certification of service to municipalities by paid and volunteer firefighters.--

(1) Each municipality served solely by paid firefighters shall annually certify that fact to the Auditor General in order to determine the ultimate distribution of the foreign fire insurance premium tax amount applicable to that municipality pursuant to subsection (b)(1).

(2) Each municipality served solely by volunteer firefighters shall annually certify that fact to the Auditor General in order to determine the distribution of the foreign fire insurance premium tax pursuant to subsection (b)(2).

(3) Each municipality served by both paid firefighters and volunteer firefighters shall annually certify to the Auditor General the proportion of the actual fire protection service in the municipality provided by the paid firefighters and the proportion of the actual fire protection service in the municipality provided by the volunteer firefighters in order to determine the distribution of the foreign fire insurance premium tax pursuant to subsection (b)(3).

* * *

(b) Distribution of foreign fire insurance tax moneys.--

(1) The foreign fire insurance premium tax amount applicable to a municipality served solely by paid firefighters shall be allocated no later than September 30 to the General Municipal Pension System State Aid Program established pursuant to Chapter 4 for ultimate distribution pursuant to section 402.

(2) The foreign fire insurance premium tax amount applicable to a municipality served solely by volunteer firefighters shall be paid to the municipality, which shall within 60 days of the date of the receipt of the moneys from the State Treasurer pay the amount received to the relief association fund of the fire department or departments, or fire company or companies, now existing or hereafter organized, inside or outside of the municipality, which is or are actively engaged in the service of the municipality and duly recognized by the governing body of the municipality.

(3) The foreign fire insurance premium tax amount applicable to a municipality served by both paid firefighters and volunteer firefighters shall be divided into the portion applicable to paid firefighters and the portion applicable to volunteer firefighters. The division of the amount shall be based on the proportion of the actual fire protection service in the municipality provided by each type of firefighter as certified by the municipality, except that in no event shall the portion applicable to paid firefighters be less than the smaller of the amount of foreign fire insurance premium tax applicable to the municipality or $1,100 per paid firefighter. The ultimate distribution of the portion applicable to paid firefighters shall be governed by paragraph (1). The distribution of the portion applicable to volunteer firefighters shall be governed by paragraph (2).

(1984, P.L.1005, No.205, § 706)

Section 502. Reimbursement by Commonwealth for special 1989 ad hoc adjustment [under Special Ad Hoc Police and Firefighter Postretirement Adjustment Act].

* * *

(b) Limitation of eligibility.--

(1) The Commonwealth shall not reimburse any municipality if the information required under section 901(a)(1) [relating to municipal retirement system certification of adjustments paid and of reimbursable amounts] either was not certified to the Auditor General or was certified after April 1 of the year the certification was due.

* * *

(1988, P.L.1192, No.147, § 502)

Section 502.1. Reimbursement by Commonwealth for 2002 special ad hoc adjustment [under Special Ad Hoc Police and Firefighter Postretirement Adjustment Act].

* * *

(b) Limitation of eligibility.--

(1) The Commonwealth shall not reimburse any municipality for a special ad hoc adjustment paid under Chapter 4 [relating to 2002 special ad hoc municipal police and firefighter postretirement adjustment] if the information required under section 901(a)(2) [relating to municipal retirement system certification of adjustments paid and of reimbursable amounts] either was not certified to the Auditor General or was certified after April 1 of the year the certification was due.

(2) The Commonwealth shall not reimburse a municipality for the reimbursable amount of the amortization contribution requirement attributable to the special ad hoc postretirement adjustment under Chapter 4 if the municipality fails to submit a complete certification of the reimbursable amount of the amortization contribution requirement determined under subsection (a) to the Auditor General before April 1 of the year in which the reimbursement is payable.

* * *

(1988, P.L.1192, No.147, § 502.1)

Section 701. Special account created.

There is hereby created in the Municipal Pension Aid Fund a Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Account. This account shall be established as soon as practicable following the effective date of this act [the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act].

(1988, P.L.1192, No.147, § 701)

Section 901. Municipal retirement system certification of adjustments paid and of reimbursable amounts.

* * *

(b) Certification form.--

* * *

(2) Not later than February 1 of each year, the Auditor General shall send each municipality maintaining a retirement system for police officers or firefighters a notice of the filing requirement for the certification of the reimbursable amount under section 502.1(a), which shall include a detailed description of the formula for determining the reimbursable amount and the proper form on which to make the certifications under subsection (a)(2).

(1988, P.L.1192, No.147, § 901)

Section 902. Commonwealth disbursement of reimbursement payment.

(a) Payment to account.--Not later than June 1 of the year in which the form is due, the Auditor General shall certify to the State Treasurer the amount to be deposited into the special account created in section 701 and shall draw a warrant, payable to the treasurer of the municipality, on the State Treasurer from the special account created in section 701 for the amount certified under section 901(a) [relating to municipal retirement system certification of adjustments paid and of reimbursable amounts].

* * *

(1988, P.L.1192, No.147, § 902)

Section 904. Administration by Auditor General.

The Auditor General shall administer the special ad hoc municipal police and firefighter postretirement adjustment reimbursement payments. Under the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and 2 Pa.C.S. (relating to administrative law and procedure), the Auditor General shall promulgate regulations necessary for the efficient administration of these reimbursement payments and shall specify the form and content of any forms applicable to the reimbursement payments. The Auditor General, as deemed necessary, shall make an audit in accordance with generally accepted governmental auditing standards of every municipality that receives a reimbursement payment under this act [the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act] and of every municipal retirement system that pays a special ad hoc adjustment under this act.
(1988, P.L.1192, No.147, § 904)

§ 8153. Support of emergency medical services.

(a) Emergency Medical Services Operating Fund.--There is established a special fund to be known as the Emergency Medical Services Operating Fund, which shall be administered by the department [of Health].

* * *

(e) Audit.--The Auditor General shall review collections and expenditures made under this section and report its findings to the General Assembly annually. The audit shall include a review of the collections and expenditures of the regional EMS councils.
(35 Pa.C.S. § 8153)

Chapter 4. Department of Community and Economic Development

Section 1719-B. Department of Community and Economic Development .

The following shall apply to appropriations for the Department of Community and Economic Development:

* * *

(5) Funds appropriated for local municipal emergency relief shall be used to provide assistance to individuals and political subdivisions directly affected by natural and man-made disasters or public safety emergencies. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities. Grants will be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration is not covering the area or when the department determines that a public safety emergency has occurred.

(1929, P.L.343, No.176, § 1719-B)

Section 1719-F. Department of Community and Economic Development.

The following shall apply to appropriations for the Department of Community and Economic Development:

* * *

(4) Funds appropriated for local municipal relief shall include an allocation to provide State assistance to individuals, persons or political subdivisions directly affected by natural or man-made disasters, public safety emergencies or other situations that pose a public safety danger. State assistance may be limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities. Grants shall be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration does not cover the area or when the department determines that a public safety emergency has occurred.

(1929, P.L.343, No.176, § 1719-F)

Section 1. [Actuarial investigation] All pension systems for municipal employes, police and firemen shall employ or retain an actuary who shall be paid by the municipality to make an actuarial investigation of the sufficiency of pension funds to pay retirement benefits.
(1972, P.L.1383, No.293, § 1)

Section 2. [Report] Upon the completion of the actuarial investigation, the actuary shall send a copy of his findings to the Department of Community Affairs [now the Department of Community and Economic Development]. For pension systems having less than fifty members, the report shall be made every four years; for pension systems having fifty or more members, the report shall be made every two years.
(1972, P.L.1383, No.293, § 2)

Section 3. [Powers of department] The Department of Community Affairs [now the Department of Community and Economic Development] shall have the power to specify the form and content of reports of actuaries and to supply copies of the forms for reports of actuaries.
(1972, P.L.1383, No.293, § 3)

Section 4. [Completion of actuary study;costs] If an actuary study is not performed and submitted to the Department of Community Affairs [now the Department of Community and Economic Development] within ninety days after December 31 of the year in which the actuary study is required in sections 2 and 5 of the act [of December 6, 1972, P.L.1383, No.293], any and all pension reimbursements from any sources which are payable by the Commonwealth shall be withheld until such study is completed. The actuary study shall be performed by the Department of Community Affairs and the municipality shall reimburse the Department of Community Affairs the actual cost of performing the study.
(1972, P.L.1383, No.293, 4)

Section 201. Requirement to file actuarial valuation report or experience investigation.

(a) Actuarial valuation report required.--Each municipality which has established or maintains a pension plan for its employees, including any municipality which participates in the Pennsylvania Municipal Retirement System, shall cause to be made actuarial valuation reports. Actuarial valuation reports shall be made biennially, unless the applicable municipality is applying or has previously applied for supplemental State assistance pursuant to section 603 [relating to determination procedure], whereupon actuarial valuation reports shall be made annually. Each municipality which has established or maintains a pension plan for its employees and has an active, vested inactive and benefit recipient membership equal to or greater than 1,000 shall also cause experience investigations to be made. Experience investigations shall be made quadrennially.

(b) Filing date for actuarial valuation report.--The biennial actuarial valuation report required pursuant to subsection (a) shall be made as of the beginning of each plan year occurring in an odd-numbered calendar year and shall be filed with the executive director of the [Public Employee Retirement] commission no later than the last business day of March occurring in the following calendar year. For the initial filing pursuant to this chapter [relating to municipal pension plan actuarial reporting], the actuarial valuation report shall be made as of the beginning of the plan year occurring in calendar year 1985.

(c) Filing date for experience investigation.--The quadrennial experience investigation required pursuant to subsection (a) shall accompany every other actuarial valuation report and shall cover the five-year period ending as of the end of the plan year preceding the plan year for which the actuarial valuation report is filed. For the initial filing pursuant to this chapter, the experience investigation shall be made for the five-year period ending as of the end of the plan year occurring on or after December 31, 1984, and before December 31, 1985. The experience investigation shall be filed with the executive director of the commission.

(d) Responsibility for preparation and filing of reports and investigations.--The actuarial valuation report or experience investigation required pursuant to subsection (a) shall be prepared under the supervision and at the direction of the chief administrative officer of the municipality, who shall also be responsible for the filing of the document. The actuarial valuation report or experience investigation shall be signed by the chief administrative officer, indicating that to the extent of the understanding and knowledge of the officer, the report or investigation represents a true and accurate portrayal of the actuarial, financial and demographic condition of the pension plan of the municipality.

(e) Actuarial valuation report and experience investigation as public record.--Each actuarial valuation report and experience investigation is a public record. The chief administrative officer of the municipality to which the pension plan is associated shall take whatever steps are deemed necessary to insure that the information contained in the actuarial valuation report or experience investigation is made available to active members or benefit recipients of the pension plan.

(1984, P.L.1005, No.205, § 201)

Section 5. Departmental [Department of Community and Economic Development] duties.

(a) Invitation for comments.--The department [of Community and Economic Development] shall invite comments from entities involved in the manufactured housing industry, owners of new manufactured homes and third-party agencies concerning the promulgation of regulations governing the installation of new manufactured homes and relocated manufactured homes and the training and certification of new manufactured home installers.

(b) Regulations.--The department shall promulgate regulations governing:

* * *

(4) Procedures to assess compliance with the manufactured home construction and safety standard to which a home was originally designed and constructed, as well as an installation standard for relocated manufactured homes. Relocated manufactured homes meeting this criteria shall be deemed to comply with the act of November 10, 1999 (P.L.491, No.45), known as the Pennsylvania Construction Code Act. Any activities or processes not addressed shall comply with Chapter 3 of the Pennsylvania Construction Code Act as applicable. The procedures and installation standard shall:

(i) Establish minimum requirements for fire safety, including emergency escape and smoke alarms, exterior coverings, structural integrity for the floor, walls, ceilings and roof or any other element or design specification that renders a manufactured house unsafe, unfit or unsanitary. The installation standard shall establish prescriptive guidelines for support, anchoring and assembly.

* * *

(2004, P.L.1282, No.158, § 5)

Chapter 5. Department of Conservation and Natural Resources

Subchapter A. Fire Wardens

Section 1. [Fire wardens] Be it enacted, &c., That there be hereby instituted and created a system of fire-wardens, within this Commonwealth, whose duty it shall be to protect forests, farmers' woodlots, and wild lands by preventing and suppressing fires.

(1909, P.L.781, No.601, § 1)

Section 2. [Chief fire warden and deputy chief fire warden] The Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] and the Deputy Commissioner of Forestry shall be, respectively, the Chief Fire Warden and the Deputy Chief Fire Warden of this Commonwealth, for the enforcement of the provisions of this act [the act of May 13, 1909, P.L.781, No.601]. They shall have immediate supervision and control of the whole system of fire-wardens hereby created, and, as such, shall have full power and authority to carry the same into effect.

(1909, P.L.781, No.601, § 2)

Section 3. [District fire warden] As soon after the approval of this act [the act of May 13, 1909, P.L.781, No.601] as may be convenient, the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] shall appoint in each borough and township in this Commonwealth, if in his judgment necessity exists for such appointment, a suitable and competent person, who shall be known as the district fire-warden of the particular borough or township wherein he shall be appointed. The persons appointed district fire-wardens shall be expressly chosen to carry out the provisions of this act, by reason of their physical fitness and their good reputation for sobriety, honesty, and ability to perform the duties herein demanded and required.
(1909, P.L.781, No.601, § 3)

Section 4. [Badge of authority for fire wardens and assistants] Every district fire-warden and every assistant fire-warden, appointed or provided for under the provisions of this act [the act of May 13, 1909, P.L.781, No.601], shall procure, at his own expense, and wear and be known by, an appropriate badge of authority, to be approved by the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], which shall be produced and shown on all proper occasions, whenever demanded.
(1909, P.L.781, No.601, § 4)

Section 5. [Duties; compensation] Whenever fire is discovered in or approaching woodlots, forests, or wild lands, whether the same be owned by individuals, corporations or by the Commonwealth, it shall be the duty of the fire-warden, immediately, to take such measures as are necessary for the extinguishment of the fire. He shall have authority to employ such other persons as, in his judgment, may be necessary to render assistance in extinguishing fire; and when ever it shall not otherwise be possible for him to secure a sufficient number of persons to assist in extinguishing fire, he is hereby given the power and authority to compel the attendance of, and the rendering of assistance by, persons, in the extinguishing of fire under the penalties prescribed in this act [the act of May 13, 1909, P.L.781, No.601]. The district fire-warden, while engaged in performing the duties imposed by this act, shall receive as compensation twenty-five (25¢) cents per hour, and his actual, necessary expenses incurred; and the persons so employed, or compelled to assist the warden, in the extinguishment of fire, shall receive as compensation for their services fifteen (15¢) cents per hour.
(1909, P.L.781, No.601, § 5)

Section 6. [Powers] The employes of the Department of Forestry [now the Department of Conservation and Natural Resources] shall be exofficio fire-wardens, whose duties and powers shall be the same as, by this act [the act of May 13, 1909, P.L.781, No.601], are vested in the district fire-wardens appointed by the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources]; but they shall not receive any compensation other than the regular pay allowed as an employe of the Department of Forestry, and the necessary expenses by them incurred in the performance of their duties as fire-wardens.
(1909, P.L.781, No.601, § 6)

Section 8. [Assistant fire wardens] In each township and borough the district fire-wardens, appointed by the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], may appoint, by and with the consent of the Commissioner of Forestry, suitable persons, to be known as assistant fire-wardens, who shall possess the same qualifications demanded by this act [the act of May 13, 1909, P.L.781, No.601] for the district fire-wardens, and who are hereby vested with the same power and authority. They shall receive, as compensation for their services so to be performed, the sum of twenty (20¢) cents per hour, and the necessary expenses incurred in the actual performance of their duty. They shall make their reports to the district fire-warden, and be under his immediate supervision and control, subject to the supervision of the Commissioner of Forestry.

(1909, P.L.781, No.601, § 8)

Section 9. [Investigation and reports] Whenever a forest, woodlot or wild-land fire shall have been combatted or extinguished, by the means provided for in this act [the act of May 13, 1909, P.L.781, No.601], the district fire-warden shall prepare a correct statement, showing the date of the fire, the number of men employed to extinguish the fire, the number of hours each was employed, and the actual amount of expense incurred, verified by oath or affirmation, and shall forward the same at once to the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources]. It shall be the further duty of the district fire-warden thoroughly to investigate the cause or origin of the fire, to collect such evidence as may be discovered relating thereto, and make a report thereon to the Commissioner of Forestry, together with a statement showing the area burned over and damage done by the fire. The assistant fire-wardens shall render their accounts, under oath or affirmation, to the district fire-warden, who shall thoroughly investigate the facts therein stated, and, if he find them correct, shall transmit the same to the Commissioner of Forestry. The above reports and accounts shall be made upon uniform blanks to be furnished by the Commissioner of Forestry.
(1909, P.L.781, No.601, § 9)

Section 10. [Audit] Upon receipt of bills for extinguishing forest fires, the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] is hereby authorized and directed carefully to audit the same. He shall not approve any bill until he has first satisfied himself of its correctness, and that the services therein claimed were actually rendered, or the expense actually incurred. If the Commissioner of Forestry approve an account so rendered, he shall transmit the same to the Auditor General of the Commonwealth; who shall first satisfy himself of its correctness, and shall then draw his warrant, against the fund hereinafter appropriated to pay for the extinguishment of forest fires, and in favor of the respective district fire-wardens, as directed by the Commissioner of Forestry. Said warrants shall be delivered to the Commissioner of Forestry, for transmission to the district fire-wardens, who are hereby then required to pay the several sums so transmitted to the persons lawfully entitled thereto, taking proper receipts and vouchers for each payment so made, which vouchers shall be filed with the Commissioner of Forestry.
(1909, P.L.781, No.601, § 10)

Section 12. [Power to enter other jurisdictions] The said fire-wardens shall not be limited in their jurisdiction, as such, to the boroughs, townships, or counties for or within which they may be appointed; but shall have power and authority to enter adjacent or other boroughs, townships, or counties, and there exercise the authority and perform the duties conferred upon them by this act [the act of May 13, 1909, P.L.781, No.601]: Provided, That when, for the purpose of extinguishing fire, a fire-warden shall enter adjacent or other territory than that for or within which he shall have been appointed, the local warden, if present, shall be in command and direct the work of the various fire-fighting crews.
(1909, P.L.781, No.601, § 12)

Section 13. [Service in two or more counties] Whenever any fire-warden, or person employed by him, shall have rendered service in the extinguishment of fire which may have burned within two or more counties, the district fire-warden shall render to the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] his report, as hereinbefore required, relating to each of the said counties, in order that the expense of extinguishing fire may be rightly and properly distributed between or among the counties in which fire may have burned.
(1909, P.L.781, No.601, § 13)

Section 14. [Disability or absence of fire warden] Whenever any fire-warden, by reason of physical disability, or unavoidable absence from home during the fire season, or for any good and sufficient cause, shall be unable to perform the duties required by this act [the act of May

13, 1909, P.L.781, No.601], he is hereby empowered, with the consent of the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], to employ a suitable person to act in his stead; which said person, so appointed, shall have all the qualifications demanded of the fire-warden, and for services so rendered, in the absence of the fire-warden, he shall receive the same compensation: Provided, That the reports hereinbefore required to be made to the Commissioner of Forestry shall be made by the district fire-warden. In case the death of the district fire-warden should occur before making the report herein required, or in case of his total physical disability, the said report may be made by an assistant fire-warden, after first ascertaining the facts; and in making such examination or investigation, such assistant fire-warden is hereby empowered to examine persons, under oath or affirmation to be administered by himself.
(1909, P.L.781, No.601, § 14)

Section 15. [Compensation of persons not employed by fire warden; prosecution] Whenever, in the absence of a fire-warden, a forest, woodlot or wild land fire shall be extinguished or combatted by persons without first having been employed by said warden, such persons shall receive the compensation allowed by this act [the act of May 13, 1909, P.L.781, No.601]: Provided, That after a thorough investigation by the district fire-warden, wherein he shall have power and authority to examine persons under oath or affirmation, administered by himself, he shall have ascertained, as a result of his investigation, the facts hereinbefore required to be included in his report to the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], the truth of which he shall first have fully demonstrated to his own satisfaction: Provided further, That if his investigation shall disclose that any person, so claiming compensation, set the fire, or in any manner, carelessly, negligently, or maliciously, contributed to its burning, such person not only shall not be allowed any compensation, but shall be proceeded against criminally, if in the judgment of the Commissioner of Forestry the evidence shall warrant such prosecution.
(1909, P.L.781, No.601, § 15)

Section 16. [Liability] No fire-warden, appointed in accordance with the provisions of this act [the act of May 13, 1909, P.L.781, No.601], shall be personally liable to any person employed or required to combat or extinguish fire, by reason of such employment or requirement; and no action for any compensation alleged or claimed to be due any person for combatting or extinguishing fire shall lie against such fire-warden.
(1909, P.L.781, No.601, § 16)

Section 17. [Appeals relating to compensation] If any person shall feel aggrieved by the act of any fire-warden, in allowing or disallowing any sum as compensation for extinguishing fires, such person may appeal to the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], who will examine into the complaint. After hearing the proofs and allegations of the parties, he shall decide as to him shall seem just and right, and his decision shall be final and not subject to review.
(1909, P.L.781, No.601, § 17)

Section 18. [Daily patrol during fire season] During the months of April and May and the period from September fifteenth to November fifteenth, in each year, commonly called the fire seasons, in order to prevent fire and provide for its immediate suppression, the fire-wardens may, in the discretion of the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], be required to keep daily patrol in the regions under their care known to be especially hazardous or subject to outbreak of fire. For such services, so to be rendered, the fire-wardens, in addition to the compensation hereinabove allowed, shall be entitled to receive a stated sum, not in excess of twenty-five dollars per month, to be fixed and allowed by the Commissioner of Forestry. The Commissioner of Forestry shall, likewise, designate the fire-wardens for such continuous service, and the places to be patrolled by them, as in his judgment will produce the best results in the prevention or immediate suppression of fire. All

sums of money which may thus become due to fire-wardens for continuous patrol service, and all other sums of money which may be earned by them and others in the prevention and suppression of fire, shall be paid, in manner hereinbefore provided, from the fund appropriated for the use of the fire-warden system created by this act [the act of May 13, 1909, P.L.781, No.601].
(1909, P.L.781, No.601, § 18)

Section 19. [Powers of arrest] Every fire-warden appointed, or so constituted and designated, in accordance with the provisions of this act [the act of May 13, 1909, P.L.781, No.601], shall have the same powers as by existing law are conferred upon constables and other peace officers, to arrest on view, without first procuring a warrant therefor, any person detected by them in the act of committing an offence against any of the laws now enacted or hereafter to be enacted for the protection of forests, woodlots, timber or wild lands, or when they shall have a reasonable suspicion that any person is committing or is about to commit some such offence. The said wardens shall have further power to take and convey the offender before a justice of the peace, or other magistrate having jurisdiction, for hearing, trial, or other due process of law.
(1909, P.L.781, No.601, § 19)

Section 102. Duties [of chief forest fire warden]:--

(h) He shall plan and put into effect as rapidly as convenient a system of fire towers, observation stations, and a system of telephone lines which shall cover the regions subject to forest fires; and for such purposes he may purchase the necessary material and equipment to build and maintain such towers, stations, and lines, and hire the necessary labor for the installation of such systems. In maintaining systems of telephone lines he is authorized to buy or lease any existing lines. He may permit the attachment of telephones of persons, firms, and corporations on such lines, under such conditions, and for such rental, as may be agreed upon; and shall, through the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], deposit all moneys so received with the State Treasurer, which shall be placed into the fund appropriated for forest protection purposes; and such moneys shall be available upon requisition of the Commissioner of Forestry for the extension, maintenance, and upkeep of such telephone lines, and for such purposes such moneys are hereby specifically appropriated: Provided, That there shall be no competition by the Department of Forestry [now the Department of Conservation and Natural Resources] in telephone service with any commercial telephone company.

(j) He may enter into agreements, with the consent of the Commissioner of Forestry, with persons, firms, corporations, or associations, upon satisfactory terms, for the successful accomplishment of forest fire prevention or control. He is authorized to receive from any person, firms, corporations, or associations contributions for the prevention and control of forest fires. All such contributions shall be paid into the State Treasury, and shall be credited by the State Treasurer to the fund of the Department of Forestry for forest protection purposes; and such moneys are hereby specifically appropriated to the said Department of Forestry for the purposes for which such fund is appropriated, and for the purpose of making refunds to contributors of amounts severally paid in by them in excess of their obligations, respectively, under such agreements.
(1915, P.L.797, No.353, § 102)

Section 501. [Special and ex-officio forest fire wardens] The chief forest fire-warden may appoint persons who will serve without compensation as special or as ex officio forest fire-wardens. They shall have the same power and authority as local forest fire-wardens, but their duties may be changed or extended by the chief forest fire-warden.
(1915, P.L.797, No.353, § 501)

Section 502. [Foresters and rangers] Foresters and rangers in the employ of the Department of Forestry [now the Department of Conservation and Natural Resources] shall be

forest fire-wardens ex officio.
(1915, P.L.797, No.353, § 502)

Section 503. [Compensation] Special and ex officio forest fire-wardens shall receive no compensation under this act [the Forest Fire Protection Law], other than the necessary expenses incurred by them in the performance of their duties as fire-wardens.
(1915, P.L.797, No.353, § 503)

Section 601. [Power to employ others and compel attendance] A fire-warden shall have authority to employ such other persons as, in his judgment, may be necessary to render assistance in extinguishing fire; and, whenever it shall not otherwise be possible for him to secure a sufficient number of persons to assist in extinguishing fire, he is hereby authorized to compel the attendance of persons and to require them to render assistance in the extinguishing of fire, under penalties prescribed in this act [the Forest Fire Protection Law].
(1915, P.L.797, No.353, § 601)

Section 602. [Power to administer oath] A fire-warden shall have authority to administer an oath or affirmation, in order to examine any person who he believes knows facts relating to any fire, or who claims compensation for services rendered.
(1915, P.L.797, No.353, § 602)

Section 603. [Entry] Every official provided for by this act [the Forest Fire Protection Law] shall have authority to enter upon any land at any time for the purpose of performing duties in accordance herewith.
(1915, P.L.797, No.353, § 603)

Section 604. [Power to arrest] A fire-warden shall have power to arrest on view, without first procuring a warrant, any person detected by him in the act of committing an offense against any of the laws now enacted or hereafter to be enacted for the protection of forests, wood-lots, timber, or wild lands, or when he shall have a reasonable suspicion that any person is committing or is about to commit some such offense. The warden shall have further power to take the offender before a justice of the peace, or other magistrate having jurisdiction, for hearing, trial, or other due process of law. The further conduct of any such case shall be entrusted to, and be undertaken by, the Attorney General.
(1915, P.L.797, No.353, § 604)

Section 605. [Liability] A fire-warden shall not be personally liable for any act required or permitted to be done under the provisions of this law [the Forest Fire Protection Law], while acting within the scope of his duties as a fire-warden.
(1915, P.L.797, No.353, § 605)

Subchapter B. Forest Protection

Section 1. [Cooperative agreements and expenditure] Be it enacted, &c., That the Department of Forestry [now the Department of Conservation and Natural Resources] is hereby authorized to enter into co-operative agreements with local forest fire associations, within this Commonwealth, for the prevention and suppression of forest fires; and is hereby authorized to expend, from its general forest fire appropriation, for this purpose, a sum of money equal in amount to the amount which shall be expended by each local association for the employment of proper persons to patrol such lands during those danger seasons of the year known as the forest fire seasons, and for such period of time each season as, in the judgment of the local association and the department, it is necessary or expedient to maintain such regular patrol; and under such terms and conditions made with such local associations as, in the judgment of said department, will produce the best and most satisfactory results in the prevention and suppression of forest fires: Provided, That such expenditure by the department

shall not exceed thirty dollars per month for each patrolman.
(1913, P.L.906, No.432, § 1)

Section 2. [Reporting] Every such local forest fire protection association shall render to the Department of Forestry [now the Department of Conservation and Natural Resources], at the end of each calendar year, a report showing the number of acres of land comprised within the activities of the association, and an itemized statement of all receipts and expenditures during the year for which the report is rendered. And in case no appropriation shall be made by the Legislature for forest fire and protective work at any future time, all such co-operative agreements, subsisting at that time, shall be construed as being suspended during such interval for which no appropriation is made. Said local association shall also report any general results of the work that the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] may desire.
(1913, P.L.906, No.432, § 2)

Section 4. [Organization of mutual forest fire protective association] When any group of land owners desire to organize themselves into a mutual forest fire protective association they shall promptly notify the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] of their intent, if it be the desire of such land owners to avail themselves of the benefits of this act [the act of July 22, 1913, P.L.906, No.432].
(1913, P.L.906, No.432, § 4)

Section 1. [Bureau established] Be it enacted, &c., That a Bureau of Forest Protection is hereby established within the Department of Forestry [now the Department of Conservation and Natural Resources]. The persons appointed thereto or assigned to duty therein shall be subject to the authority and under the control of the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources].
(1915, P.L.797, No.353, § 1)

Section 701. Forest Fire-fighters.--Persons who extinguish or help to extinguish forest fires, except as otherwise provided, shall be paid at a rate per hour to be determined for each forest fire district by the chief forest fire-warden, with the approval of the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], and based upon the rates of wages received for day labor within the respective forest fire districts; provided the rate does not exceed forty cents per hour.
(1915, P.L.797, No.353, § 701)

Section 702. Appeal to the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources].--If any person shall feel aggrieved by the act of any fire-warden, such person may appeal to the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources], who will examine into the complaint. After hearing the parties he shall decide as to him shall seem just and right.
(1915, P.L.797, No.353, § 702)

Section 703. Land Owners.--Nothing in this act [the Forest Fire Protection Law] shall be so construed as to relieve the owner or lessee of lands, upon which fires may burn or be started, from the duty of extinguishing such fire so far as may lie within his power.

No owner or lessee of land upon which fire may burn or be started, nor any person during employment with such owner or lessee, nor any other person with a present vested interest in such land, shall receive compensation under this act for extinguishing fire upon his land or the land to which his interest is attached: Provided, however, That this provision shall not apply to the extinguishing of fires on lands which are listed with the Department of Forestry [now the Department of Conservation and Natural Resources] under agreement for the better protection, management, and development of such land for the present and future timber supply, and where the expenditure on the part of the landowner for such purpose shall be not less than ten

cents per acre per year, of which assessments paid to any protection association, cooperating with the Department of Forestry, may be a part.

No person who is responsible for the spreading of a fire to a woodlot forest, or wild land, nor any person in his employ, may receive compensation from a fire warden for helping to extinguish such fire.
(1915, P.L.797, No.353, § 703)

Section 901. [Expenses] Expenses incurred under this act [the Forest Fire Protection Law] shall be paid from the general forest protection appropriation.
(1915, P.L.797, No.353, § 901)

Section 902. [Billing] No bills of expense relating to the protection of forests from fire, incurred under this act [the Forest Fire Protection Law], shall be honored by the chief forest fire-warden unless presented to him within sixty days after the expense has been incurred.
(1915, P.L.797, No.353, § 902)

Section 903. [Duties of Auditor General] The Auditor General shall satisfy himself as to the correctness of all bills transmitted to him by the Commissioner of Forestry [now the Secretary of Conservation and Natural Resources] for expense incurred under this act [the Forest Fire Protection Law], and shall then draw his warrants against the general forest protection appropriation in favor of the persons and for the amounts shown by the approved bills.
(1915, P.L.797, No.353, § 903)

Subchapter C. Interstate Forest Fire Protection

Section 1. [Interstate forest fire protection compact] The Governor of the Commonwealth of Pennsylvania is hereby authorized and directed to execute a compact on behalf of the Commonwealth of Pennsylvania with any one or more of the States of Delaware, Maryland, New Jersey, Virginia and West Virginia, and with such other states as may enter into the compact legally joining therein, who may, by their legislative bodies, so authorize a compact, in form substantially as follows:

Middle Atlantic Interstate
Forest Fire Protection Compact

Article I

The purpose of this compact is to promote effective prevention and control of forest fires in the Middle Atlantic region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member States, and by providing for mutual aid in fighting forest fires among the compacting States of the region and with States which are party to other regional forest fire protection compacts or agreements.

Article II

This compact shall become operative immediately as to those States ratifying it whenever any two or more of the States of Delaware, Maryland, New Jersey, Pennsylvania, Virginia and West Virginia which are contiguous have ratified it and Congress has given consent thereto.

Article III

In each state the State forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that State and shall consult with like officials of the other member States and shall implement cooperation between such States in

forest fire prevention and control.

The compact administrators of the member States shall organize to coordinate the services of the member States and provide administrative integration in carrying out the purposes of this compact.

The compact administrators shall formulate and, in accordance with need, from time to time revise a regional forest fire plan for the member States.

It shall be the duty of each member State to formulate and put in effect a forest fire plan for that State and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV

Whenever the State forest fire control agency of a member State requests aid from the State forest fire control agency of any other member State in combating, controlling or preventing forest fires, it shall be the duty of the State forest fire control agency of that State to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V

Whenever the forces of any member State are rendering outside aid pursuant to the request of another member State under this compact, the employes of such State shall, under the direction of the officers of the State to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employes of the State to which they are rendering aid.

No member State or its officers or employes rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting State or under the laws of the aiding State or under the laws of a third State on account of or in connection with a request for aid shall be assumed and borne by the requesting State.

Any member State rendering outside aid pursuant to this compact shall be reimbursed by the member State receiving such aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries and maintenance of employes and equipment incurred in connection with such request: Provided, That nothing herein contained shall prevent any assisting member State from assuming such loss, damage, expense or other cost, or from loaning such equipment, or from donating such services to the receiving member State without charge or cost.

Each member State shall provide for the payment of compensation and death benefits to injured employes and the representatives of deceased employes in case employes sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such State.

For the purposes of this compact, the term employe shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding State under the laws thereof.

The compact administrators shall formulate procedure for claims and reimbursement under the provisions of this article in accordance with the laws of the member States.

Article VI

Nothing in this compact shall be construed to authorize or permit any member State to curtail or diminish its forest fire fighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member State to maintain adequate forest fire fighting

forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

Nothing in this compact shall be construed to limit or restrict the powers of any State ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of State laws, rules or regulations intended to aid in such prevention, control and extinguishment in such State.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member State or States.

Article VII

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the Middle Atlantic Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each State, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

Article VIII

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any State party to this compact and any other State which is party to a regional forest fire protection compact in another region: Provided, That the Legislature of such other State shall have given its assent to such mutual aid provisions of this compact.

Article IX

This compact shall continue in force and remain binding on each State ratifying it until the Legislature or the Governor of such State takes action to withdraw therefrom. Such action shall not be effective until six (6) months after notice thereof has been sent by the chief executive of the State desiring to withdraw to the chief executives of all States then parties to the compact.
(1953, P.L.970, No.235, § 1)

Section 2. [Effect] When the Governor shall have executed said compact on behalf of this Commonwealth and shall have caused a verified copy thereof to be filed with the Secretary of the Commonwealth, and when said compact shall have been authorized by the Legislature and executed by the Governor of one or more of the States named in section one of this act [the Middle Atlantic Interstate Forest Fire Protection Compact Act], then said compact shall become operative and effective as between this Commonwealth and such other State or States. The Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents as between this Commonwealth and any other State authorizing said compact.
(1953, P.L.970, No.235, § 2)

Section 3. [Administration] The Secretary of Conservation and Natural Resources, or someone designated by him, shall act as compact administrator for the Commonwealth and represent the Commonwealth in the Middle Atlantic Interstate Forest Fire Protection Compact.
(1953, P.L.970, No.235, § 3)

Section 1. [Interstate cooperation in forest fire protection] The preservation of the part of the earth's surface occupied by this Commonwealth is of vital concern to the people of Pennsylvania. Similar concerns are held by the citizens of other states.

The quality of the environment of each is directly dependent upon the maintenance of the quality of the environment of the others. In furtherance of its cooperation with other states and the Federal Government in this respect it is hereby declared to be the policy of this Commonwealth, under certain circumstances, to aid other states, groups of states and Federal agencies and to accept aid therefrom in the protection of forests from the ravages of fire.
(1974, P.L.524, No.178, § 1)

Section 2. [Duties relating to interstate fire protection] The Department of Environmental Resources [now the Department of Conservation and Natural Resources] may upon request of any other state or the United States, forward to or receive therefrom, for use under the supervision of such department, except as otherwise provided herein, such of its employees and equipment as it deems necessary to assist in the protection of forests from the ravages of fire.
(1974, P.L.524, No.178, § 2)

Section 3. [Supervision of Commonwealth employees] Employees of the Department of Environmental Resources [now the Department of Conservation and Natural Resources], during their detail to another state or Federal agency to fight forest fires, shall be considered, for all purposes, to be working in the Commonwealth for that department. The supervision of their duties during such detail may, however, be governed by agreement between the department and the state, group of states, or Federal agency to which they are detailed.
(1974, P.L.524, No.178, § 3)

Section 4. [Travel expenses of Commonwealth employees] The Department of Environmental Resources [now the Department of Conservation and Natural Resources] may, in accordance with the travel regulations of such agency, pay the travel expenses of the employees detailed to another state or Federal agency, and may pay travel or living expenses of such employees incurred in connection with their work assignments in the receiving state or area of Federal responsibility. The department may request reimbursement from any state, groups of states or Federal agency requesting assistance for any loss or damage or expense incurred in the operations of any equipment, and for the cost of all materials, transportation wages, salaries and maintenance of employees and equipment incurred in connection with such a request.
(1974, P.L.524, No.178, § 4)

Section 5. [Reimbursing employees of other jurisdictions] The Department of Environmental Resources [now the Department of Conservation and Natural Resources] shall, in accordance with its regulations, pay those travel and other expenses of employees or equipment of other states or Federal agencies detailed to assist it in forest fire protection in Pennsylvania incurred in the performance of their work assignments while in this Commonwealth provided such payment is requested by the assisting states, groups of states or Federal agency.
(1974, P.L.524, No.178, § 5)

Subchapter D. Miscellaneous Provisions

Section 1. [Rewards] Be it enacted, &c., That the Department of Forestry [now the Department of Conservation and Natural Resources] is authorized to offer and to pay rewards for evidence leading to the arrest and conviction of any person who maliciously sets fire to any woodlot, forest, or wild land. When such evidence is obtained by any local forest fire warden during time for which said warden shall not have been otherwise paid, the Department of Forestry is authorized to pay, from its appropriation, the amount of said reward to said fire warden.
(1923, P.L.761, No.300, § 1)

Section 1. [Commonwealth reimbursement] Be it enacted, &c., That the sum of six thousand dollars ($6,000) is hereby specifically appropriated to the Department of Forests and Waters [now the Department of Conservation and Natural Resources] for the purposes of reimbursing parents or dependent relatives of persons killed or persons themselves seriously injured while in the service of the Commonwealth in fighting forest fires under orders from any forest fire warden or other agent of the Department of Forests and Waters, and who are unable to secure, or barred by operation of law from securing, compensation under the workmen's compensation laws.
(1925, P.L.232, No.153, § 1)

Section 2. [Claims against Commonwealth] Any such parent or dependent relative of any person heretofore, or hereafter killed, or any such person heretofore or hereafter seriously injured while fighting fires, as provided in section one of this act [the act of April 11, 1925, P.L.232, No.153], may present a claim therefor to the Board of Finance and Revenue, and for the purpose of hearing and adjusting such claims the Secretary of Forests and Waters [now the Secretary of Conservation and Natural Resources] shall become a member of said Board with full powers of a member thereof.
(1925, P.L.232, No.153, § 2)

Section 3. [Findings; compensation] The said Board [of Finance and Revenue] shall hear and determine all such claims, and if in any case the Board is of the opinion that a moral claim exists against the Commonwealth for any such injury or death, and that such claim is not properly adjustable or cannot then be adjusted under the workmen's compensation laws, it shall make a finding to that effect, and shall fix the sum which in its opinion will compensate the parent, parents, or dependent relative or relatives of the person killed or the person seriously injured. Any amount so fixed by the Board shall be payable from the appropriation hereinbefore made by warrant of the Auditor General, after requisition by the Secretary of Forests and Waters [now the Secretary of Conservation and Natural Resources], and to each such requisition shall be attached the findings of the Board. The action of the Board in allowing or disapproving a claim shall be final and there shall be no appeal therefrom, but the Board in its discretion may grant rehearings on any claim and make any new findings, in accordance with this act [the act of April 11, 1925, P.L.232, No.153].
(1925, P.L.232, No.153, § 3)

Section 1. [Liability for expenses of forest fire] Be it enacted, &c., That from and after the passage of this act [the act of April 3, 1929, P.L.135, No.137], every person causing a forest fire within this Commonwealth, directly or by the act of an agent or employe, shall be liable to the Commonwealth for all expenses incurred by the Department of Forests and Waters [now the Department of Conservation and Natural Resources] on account of such fire.
(1929, P.L.135, No.137, § 1)

Section 2. [Legal action] The Department of Justice [now the Office of Attorney General], acting for and on behalf of the Department of Forests and Waters [now the Department of Conservation and Natural Resources], may recover the expenses incurred by the latter department on account of any forest fire, from the person liable for payment of such expenses, by instituting, in the name of the Commonwealth, an action of assumpsit in any county in which the defendant can be served with process, but no such action shall be brought unless the person liable for the payment of such expenses has failed to pay the same within thirty days after receiving a bill therefor from the Department of Forests and Waters.

All moneys recovered by the Department of Justice in such action shall be paid into the General Fund of the State Treasury.
(1929, P.L.135, No.137, § 2)

Section 3. ["Forest fire"] The term "forest fire," as used in this act [the act of April 3, 1929, P.L.135, No.137], is intended to include fires which burn in woods, farmers' woodlots,

marshes, brush barrens, brush lands, and wild, unseated, uncultivated land.
(1929, P.L.135, No.137, § 3)

Section 1725-C. Restricted receipt accounts.

* * *

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

* * *

(1929, P.L.343, No.176, § 1725-C)

Section 1717-M. Restricted receipt accounts.

* * *

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

* * *

(1929, P.L.343, No.176, § 1717-M)

Section 1. [Lease or sale of telephone lines] The Department of Forests and Waters [now the Department of Conservation and Natural Resources], when it is recommended by the Chief Forest Fire Warden and approved by the Secretary of Forests and Waters [now the Secretary of Conservation and Natural Resources], is authorized to lease or sell its telephone lines, or any part thereof, whenever it can increase the efficiency of its communication facilities or reduce its expenses by so doing. All moneys received from such lease or sale shall be paid into the General Fund of the State Treasury.
(1945, P.L.15, No.7, § 1)

Section 302. Forests.

(a) Acquisition, establishment and disposition.--The department [of Conservation and Natural Resources] has the following powers and duties with respect to the acquisition, establishment and disposition of State forest lands and certain other Commonwealth-owned resources:

* * *

(7) To appoint and, with the approval of the Governor, fix the compensation of a Chief Forest Fire Warden and such district forest fire wardens, and to appoint and fix the compensation of such local forest fire wardens and other assistants as shall be required for the prevention, control, and extinction of forest fires.

* * *

(b) Utilization and protection.--The department has the following powers and duties with respect to the utilization and protection of State forest lands:

* * *

(7) To enter into cooperative agreements with county, township, municipal and private agencies for the prevention and suppression of forest fires as provided by law.

* * *

(d) Chief Forest Fire Warden.--The Chief Forest Fire Warden, subject to the approval of the secretary [of Conservation and Natural Resources], shall have the following powers and duties to:

(1) Take such measures for the prevention, control and extinction of forest fires as will assure a reasonable protection from fire to woodlots, forest and wild land within this Commonwealth.

(2) Supervise and manage the forest fire wardens throughout this Commonwealth and, when necessary, to appoint persons who shall serve without compensation as special or as ex officio fire wardens. Such special or ex officio fire wardens shall have the same powers as local forest fire wardens, but their duties may be changed or extended by the

chief forest fire warden. Any special or ex officio forest fire warden, appointed as herein provided, shall be entitled to receive the necessary expenses incurred by him in the performance of his duties as fire warden.

(3) Report to the secretary, at such times as the secretary shall require, covering all phases of the work done under his direction.

(4) Collect, with the assistance of the fire wardens under his supervision, data as to location and fire hazards of woodlots, forests and wild lands within this Commonwealth, as to forest fires and losses resulting therefrom, and such other data as he may desire to present to the department or the public.

(5) Plan and to put into operation and maintain a system of fire towers and observation stations, which shall cover the regions subject to forest fires and to purchase the necessary materials and equipment and hire the necessary labor.

(6) Appoint certain forest fire wardens as patrolmen for regions subject to great fire risk during dry seasons, whenever necessary.

(7) Enter into agreements with persons, associations or corporations, upon satisfactory terms, for forest fire prevention or control.

(8) Conduct educational work in relation to the protection of forests from fire.

(9) Approve and transmit to the secretary all correct bills for expenses incurred by him or under his supervision.

(10) Declare a public nuisance any property which by reason of its condition or operation is a special forest fire hazard and, as such, endangers other property or human life. He shall notify the owner of the property or the person responsible for the condition declared a public nuisance and advise him of the abatement of such public nuisance. In case of a railroad, such notice shall be served upon the superintendent of the division where the nuisance exists.

(11) Collect and arrange information concerning violation of laws relating to the protection of forests from fire and present the same to the secretary, who shall file it with the Office of Attorney General for legal action.

(12) Issue, to persons appointed forest fire wardens, certificates of appointment and, when deemed advisable, to issue badges to such persons.

(e) District fire warden.--Each district fire warden shall have the power and his duty shall be to:

(1) Establish headquarters at some advantageous place within his district.

(2) Act as the field representative of the Chief Forest Fire Warden.

(3) Collect and forward to the Chief Forest Fire Warden such data within his district as may be required by the Chief Forest Fire Warden.

(4) Make recommendations to the Chief Forest Fire Warden for the appointment of local fire wardens, the location of towers, the employment of patrolmen, the region to be patrolled and such other matters as may come to his attention which would tend to improve the protective system.

(5) Arrange for annual meetings of fire wardens within his district for instruction in forest fire matters.

(6) Report to the Chief Forest Fire Warden conditions existing within his district, which are or may become forest fire hazards, and to serve notices for the correction or removal of such conditions, after and when issued by the Chief Forest Fire Warden.

(7) Receive, audit and, if correct, approve the reports and accounts of the local fire wardens before submitting them to the Chief Forest Fire Warden.

(8) Act as an inspector of the work of the local fire wardens and render assistance to them.

(9) Conduct educational work and develop cooperation between local agencies and the department for the prevention and suppression of forest fires.

(10) Perform such other duties as may be assigned to him by the secretary and the Chief Forest Fire Warden.

(f) Local forest fire wardens.--It shall be the duty of each local forest fire warden:

(1) Whenever fire is discovered in or approaching woodlots, forests or wild lands,

whether the same be owned by individuals, corporations or by the Commonwealth, immediately to take such measures as are necessary to extinguish the fire.

(2) Whenever fires have been combated or extinguished, to prepare a correct statement of expenses, upon forms to be furnished by the department, which must be filed with the district forest fire warden and forwarded to the Chief Forest Fire Warden within 60 days of the date of the fire.

(3) Promptly to investigate the cause of each fire which comes to his knowledge, collect such evidence as may be discovered relating thereto, and such other facts as he may be directed to investigate, and report the same to the Chief Forest Fire Warden.

(4) To attend an annual meeting of forest fire wardens in his district when notified or present a reasonable excuse.

(5) When designated as a patrolman or watchman, to perform such duties as may be assigned him by the Chief Forest Fire Warden or by the district forest fire warden.

(g) Powers of wardens generally.--Every forest fire warden, appointed as provided in this act [the Conservation and Natural Resources Act], shall have the power to:

(1) Employ such other persons, as in his judgment may be necessary, to render assistance in extinguishing forest fires and to compel the attendance of persons and to require their assistance in the extinguishing of forest fires.

(2) Administer an oath or affirmation in order to examine any person who he believes knows facts relating to any forest fire or who claims compensation for services rendered.

(3) Enter upon any land at any time for the purpose of performing duties in accordance with this act.

(4) Arrest on view, without first procuring a warrant, any person detected by him in the act of committing an offense against any of the laws for the protection of forests, woodlots or wild lands or when he shall have a reasonable suspicion that any person is committing or about to commit some such offense. Such forest warden shall have further power to take the offender before a justice of the peace, magistrate or other officer having jurisdiction for hearing, trial or other due process of law.

(5) Exercise the foregoing powers, not only in the jurisdiction for or within which he may have been appointed but also in adjacent or other boroughs, townships or counties.

* * *

(1995, P.L.89, No.18, § 302)

Section 7. Prescribed burn plan.

* * *

(b) Contents.--A prescribed burn plan shall include procedures that minimize the possibility that fire will escape from the desired area and minimize danger to the public and firefighting personnel from fire and smoke. The prescribed burn plan shall be consistent with the standards, and a prescribed burn shall be executed pursuant to the plan.

(2009, P.L.76, No.17, § 7)

Chapter 6. Department of Drug and Alcohol Programs

Section 2301-A. Powers and duties [of Department of Drug and Alcohol Programs].

The Department of Drug and Alcohol Programs shall have the power and its duty shall be:

(1) To develop and adopt a State plan for the control, prevention, intervention, treatment, rehabilitation, research, education and training aspects of drug and alcohol abuse and dependence problems. The State plan shall include, but not be limited to, provisions for:

* * *

(xv) Treatment and rehabilitation services for male and female juveniles and adults who are charged with, convicted of or serving a criminal sentence for any criminal offense under the laws of this Commonwealth. Provision of similar services shall be made for juveniles adjudged to be delinquent, dependent or neglected.

These services shall include, but are not limited to, emergency medical services, inpatient services and intermediate care, rehabilitative and outpatient services.

* * *

(xvii) Establishment of a system of emergency medical services for persons voluntarily seeking treatment, for persons admitted and committed to treatment facilities according to the procedural admission and commitment provisions of the act of July 9, 1976 (P.L.817, No.143), known as the Mental Health Procedures Act, and for persons charged with a crime under Pennsylvania law. Upon the establishment of such emergency medical services, the Department of Drug and Alcohol Programs, by regulation, shall require that appropriate emergency medical services be made available to all drug and alcohol abusers who are arrested for a crime under Pennsylvania law.

* * *

(1929, P.L.177, No.175, § 2301-A)

Section 3. Establishment of Methadone Death and Incident Review Team.

(a) Team established.--The department [of Drug and Alcohol Programs] shall establish a Methadone Death and Incident Review Team and conduct a review and shall examine the circumstances surrounding methadone-related deaths and methadone-related incidents in this Commonwealth for the purpose of promoting safety, reducing methadone-related deaths and methadone-related incidents and improving treatment practices.

* * *

(2012, P.L.1198, No.148, § 3)

Section 6. Review procedures.

The [Methadone Death and Incident Review] team may review the following information:

* * *

(6) Information made available by firefighters or emergency services personnel.

* * *

(2012, P.L.1198, No.148, § 6)

Chapter 7. Department of Environmental Protection

Section 9. Regulations for Operational Provisions.--The Environmental Quality Board shall make rules and regulations to implement the operational provisions of this act [the Coal Mine Emergency Medical Personnel Law].

(1976, P.L.931, No.178, § 9)

Section 503. Registration [of underground storage tanks].

(a) Requirements.--Every owner of an underground storage tank, except as specifically excluded by policy or regulation of the department [of Environmental Protection], shall register with the department each underground storage tank by completing and submitting the form provided by the department and by paying the registration fee prescribed by the department for each underground storage tank within three months of the effective date of this act [the Storage Tank and Spill Prevention Act]. Volunteer fire companies and volunteer emergency medical services organizations which own underground storage tanks shall register each underground storage tank with the department but shall not be required to pay the registration fee. It shall be unlawful for any owner or operator to operate or use, in any way, any underground storage tank that has not been registered as required by this section.

* * *

(1989, P.L.169, No.32, § 503)

Section 504. Permits and plans.

* * *

(d) Prior permits.--Any person who has obtained a permit for the underground storage

tank facility prior to the effective date of this act [the Storage Tank and Spill Prevention Act], pursuant to the act of June 8, 1911 (P.L.705, No.281), entitled "An act creating the office of Fire Marshal, to be attached to the Department of Public Safety in cities of the first class; prescribing his duties and powers; and providing penalties for violations of the provisions of the act; and providing for the method of appointment, compensation, and for the maintenance of his office," the act of April 27, 1927 (P.L.450, No.290), referred to as the State Fire Marshal Law, or the act of July 28, 1953 (P.L.723, No.230), known as the Second Class County Code, shall be deemed to have an operating permit under this act so long as that person complies with the operational standards and requirements for removal from service established through regulation promulgated by the department under this act and all other applicable laws.

* * *

(1989, P.L.169, No.32, § 504)

Section 209. Certified hazardous material response teams.

(a) General rule.--The [Pennsylvania Emergency Management] council shall establish a program for certifying hazardous material response teams, setting standards for training, equipment, safety, operations and administration of the teams. The certification program shall include, but not be limited to:

(1) Standards for certifying response teams with several preparedness levels patterned after levels established by the United States Occupational Safety and Health Administration at 29 CFR Part 1910.120.

(2) Reviewing existing hazardous material training and certification programs to establish specific procedures for crediting that training and certification under the program established by this section.

(b) Hazardous material response zones.--The council may establish hazardous material response zones, consisting of portions of counties or multiple counties, that may be served by certified hazardous material response teams that are certified by the council where counties have not identified zones in their Hazardous Material Emergency Response Preparedness Assessment.

(c) Grants.--Each certified hazardous material response team may be eligible to receive, through an application submitted by a county, an emergency management grant from the Hazardous Material Response Fund. Counties are required to submit copies of all applications and requests they receive from certified hazardous material response teams as part of their application.

(d) Compliance with guidelines and regulations.--Hazardous material response teams shall comply with any guidelines, regulations, directives or other documents developed by PEMA and the council for incorporation into the Commonwealth's hazardous material safety program.

(e) Compliance with act [the Hazardous Material Emergency Planning and Response Act].--Each county shall comply with the hazardous material safety program and 35 Pa.C.S. Pt. V (relating to emergency management services) by doing any of the following:

(1) Individually organizing and operating a certified hazardous material response team.

(2) Contracting or having formal agreements with a certified hazardous material response team, including those formed by a regional hazardous material organization or private companies.

(3) Participating as a member of a regional hazardous material organization for the purpose of creating and organizing a certified hazardous material response team.

(f) Grants to counties.--A county may be eligible for a grant from the Hazardous Material Response Fund for a cost that would otherwise be eligible under section 208(c) but was actually incurred prior to the effective date of this act [the Hazardous Material Emergency Planning and Response Act] and after the effective date of SARA, Title III, provided that no such grant shall take priority over grants for eligible costs incurred after the effective date of this act.

(g) Regional hazardous material organizations.--Regional hazardous material

organizations formed solely by a county or counties may be funded fully or in part by proportional contributions from the political subdivisions included within the hazardous material response zone serviced by the regional hazardous material organization or as otherwise agreed to by contract between the regional hazardous material organization and those political subdivisions and approved in the county preparedness assessment.

(h) Insurance.--Each Commonwealth agency, local agency, regional hazardous material organization, volunteer service organization, hazardous material transporter, manufacturer, supplier or user, or other entity that organizes a certified hazardous material response team as identified on the team certification, shall be responsible for providing, directly or by agreement with a third party, workers' compensation and ordinary public liability insurance for its certified hazardous material response team. The Commonwealth, a county or municipality may self-insure to meet this obligation to the extent it is now authorized by State law. A certified hazardous material response team that meets the training standards or certification requirements established under the Commonwealth's hazardous material safety program shall receive a discount from the applicable insurance company as that insurance company's loss experience justifies based on guidelines developed by the Insurance Commissioner.

(i) Incident response.--A certified hazardous material response team may, when authorized by the county emergency management coordinator, enter onto any private or public property on which a release of a hazardous material has occurred or the occurrence or the threat of a hazardous material release is imminent. A certified hazardous material response team may enter any adjacent or surrounding property to which the hazardous material release has entered or threatens to enter. A certified hazardous material response team may enter any private or public property in order to respond to the release or threatened release of a hazardous material, to monitor and contain the hazardous material release, to perform cleanup and stabilization actions and to perform any other response activities deemed necessary by the certified hazardous material response team or by the representatives of PEMA, the county emergency management office as established under 35 Pa.C.S. Pt. V or the local committee.

(j) State agency.--Notwithstanding any Federal law to the contrary, the Department of Environmental Protection, consistent with the State emergency operations plan, is designated as the State agency assigned the responsibility to direct cleanup efforts at a release site upon the occurrence of a release.

(1990, P.L.639, No.165, § 209)

Section 6. [Mine Families First Response and Communication] Advisory council.

(a) Establishment.--The department [of Environmental Protection] shall establish the Mine Families First Response and Communication Advisory Council. The council shall be comprised of at least the following members:

(1) One member representing mine owners.
(2) One member representing mine labor unions.
(3) One member representing local emergency response professionals.
(4) One member representing mental health professionals.
(5) One member from the Pennsylvania Emergency Management Agency.
(6) Two at-large members selected from the general public.

Each member shall be appointed by the Governor, with the exception of the two at-large members, one of whom shall be appointed by the President pro tempore of the Senate and the other of whom shall be appointed by the Speaker of the House of Representatives. All members must be residents of this Commonwealth. One alternate member shall be appointed for each member and shall take the place of the respective member whenever that member is unable to attend an official meeting.

(b) Terms.--Each member shall serve for a period of three years. A member upon expiration of that member's term shall continue to serve until a successor is appointed.

(c) Duties.--The advisory council shall assist the department in developing the initial mine families first response and communication plan and provide assistance in periodic review and updating of the plan. The advisory council shall assist in reviewing how the plan was used in the event of an actual mine emergency and offer recommendations to the department for any

needed changes to the plan resulting from its review.

(d) Expenses.--Advisory council members shall not receive a salary but shall be reimbursed for all necessary expenses incurred in the performance of their duties. An alternate may not be reimbursed unless the alternate serves in place of the appointed member.

(e) Meetings.--All actions of the advisory council shall be by majority vote of the members or alternates present. A quorum shall be at least one more than half the number of the advisory council members; however, vacancies shall not be counted when calculating the number needed for a quorum. The advisory council shall elect a chairperson from among its members. The advisory council shall meet upon the call of the chairperson, after a mine emergency, or at least annually.

(2007, P.L.415, No.57, § 6)

Chapter 8. Department of General Services

Section 1724-B. Department of General Services.

From funds appropriated for capitol fire protection, the city of Harrisburg shall use the funds to support the provisions of fire services to the Capitol complex.

(1929, P.L.343, No.176, § 1724-B)

Section 1724-E. Department of General Services.

(a) Capitol Complex fire services.--The General Assembly shall provide annual appropriations to support the provision of fire services to the Capitol Complex in the City of Harrisburg.

* * *

(1929, P.L.343, No.176, § 1724-E)

Section 1724-F. Department of General Services.

From money appropriated for capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol Complex.

(1929, P.L.343, No.176, § 1724-F)

Section 1724-H. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1929, P.L.343, No.176, § 1724-H)

Section 1724-J. Department of General Services.

From money appropriated to the Department of General Services for Capitol fire protection, the City of Harrisburg shall use the money to support the provisions of fire services to the Capitol complex.

(1929, P.L.343, No.176, § 1724-J)

Section 1. Designation of area as "Emergency Responder Plaza."

The public area between the Keystone Building and the State Museum on the grounds of the State Capitol in Harrisburg shall on and after the effective date of this act [the act of December 10, 2001, P.L.858, No.91] be known as "Emergency Responder Plaza."

(2001, P.L.858, No.91, § 1)

Section 2. Duties of Department of General Services.

The Department of General Services shall fabricate and place an appropriate bronze plaque which denotes the designation of this area to be known as "Emergency Responder Plaza."

(2001, P.L.858, No.91, § 2)

Chapter 9. Governor

Subchapter A. General Duties

Section 1. [Funds allocated to repair or replace equipment and facilities] The Governor is hereby authorized to allocate from funds appropriated under the act of July 7, 1972 (Act No. 18-A), as much money as may be necessary to provide for the repair or replacement of volunteer fire company and ambulance association operational equipment and facilities damaged or destroyed in the great storms and floods of September, 1971 and June, 1972.
(1972, Sp.Sess. 1, P.L.2014, No.1, § 1)

Section 2. [Limitation on use of funds] Such funds as may be allocated by the Governor shall not be used for the repair or replacement of meeting halls, social rooms or any other facilities not directly related to fire fighting, rescue or ambulance operations.
(1972, Sp.Sess. 1, P.L.2014, No.1, § 2)

§ 7701. Duties concerning disaster prevention.

(a) Governor.--In addition to disaster prevention measures included in the Commonwealth and local plans, the Governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. The Governor, from time to time, shall make recommendations to the General Assembly, political subdivisions and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

* * *

(c) Other Commonwealth agencies.--At the direction of the Governor, and pursuant to any other authority and competence they have, Commonwealth agencies, including but not limited to those charged with economic recovery responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, construction standards, public utilities and energy, shall make studies of disaster prevention-related matters.

* * *

(35 Pa.C.S. § 7701)

Subchapter B. Disaster Emergencies

§ 7301. General authority of Governor.

* * *

(c) Declaration of disaster emergency.--A disaster emergency shall be declared by executive order or proclamation of the Governor upon finding that a disaster has occurred or that the occurrence or the threat of a disaster is imminent. The state of disaster emergency shall continue until the Governor finds that the threat or danger has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist and terminates the state of disaster emergency by executive order or proclamation, but no state of disaster emergency may continue for longer than 90 days unless renewed by the Governor. The General Assembly by concurrent resolution may terminate a state of disaster emergency at any time. Thereupon, the Governor shall issue an executive order or proclamation ending the state of disaster emergency. All executive orders or proclamations issued under this subsection shall indicate the nature of the disaster, the area or areas threatened and the conditions which have brought the disaster about or which make possible termination of the state of disaster emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, shall be promptly filed with the Pennsylvania Emergency Management Agency and the Legislative Reference Bureau for publication under Part II of Title 45 (relating to publication and effectiveness of Commonwealth documents).

(d) Activation of disaster response.--An executive order or proclamation of a state of disaster emergency shall activate the disaster response and recovery aspects of the Commonwealth and local disaster emergency plans applicable to the political subdivision or area in question and shall be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment and materials and facilities assembled, stockpiled or arranged to be made available pursuant to this part [35 Pa.C.S. Pt. V (relating to emergency management services)] or any other provision of law relating to disaster emergencies.

(e) Commander in chief of military forces.--During the continuance of any state of disaster emergency, the Governor is commander in chief of the Pennsylvania military forces. To the greatest extent practicable, the Governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or regulations, but this does not restrict the authority of the Governor to do so by orders issued at the time of the disaster emergency.

(f) Additional powers.--In addition to any other powers conferred upon the Governor by law, the Governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions of any statute, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.

(2) Utilize all available resources of the Commonwealth Government and each political subdivision of this Commonwealth as reasonably necessary to cope with the disaster emergency.

(3) Transfer the direction, personnel or functions of Commonwealth agencies or units thereof for the purpose of performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation under section 7313(10) (relating to powers and duties), commandeer or utilize any private, public or quasi-public property if necessary to cope with the disaster emergency.

(5) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within this Commonwealth if this action is necessary for the preservation of life or other disaster mitigation, response or recovery.

(6) Prescribe routes, modes of transportation and destinations in connection with evacuation.

(7) Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.

(8) Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.

(9) Confer the power of arrest on the law enforcement personnel serving as part of the emergency forces of a party state during operations in this Commonwealth pursuant to a declaration of a disaster emergency under subsection (c). Law enforcement personnel shall be under the operational control of the Commissioner of Pennsylvania State Police and shall comply with the terms and conditions of the Emergency Management Assistance Compact under Chapter 76 (relating to Emergency Management Assistance Compact). Arrest powers granted under this paragraph shall expire when the declaration of a disaster emergency is terminated by executive order, proclamation or operation of law, if the arrest powers have not previously been terminated.

(35 Pa.C.S. § 7301)

§ 7302. Temporary housing.

(a) Authority of Governor.--Whenever the Governor has proclaimed a disaster emergency under this part [35 Pa.C.S. Pt. V (relating to emergency management services)], or the President has declared an emergency or a major disaster to exist in this Commonwealth, the Governor is authorized:

(1) To enter into purchase, lease or other arrangements with any Federal agency for temporary housing units to be occupied by disaster victims and to make the units available

to any political subdivision of this Commonwealth named as a party to the emergency or disaster declaration.

(2) To assist any political subdivision of this Commonwealth which is the locus of temporary housing for disaster victims to acquire sites necessary for such temporary housing and to do all things required to prepare such sites to receive and utilize temporary housing units by:

(i) advancing or lending funds available to the Governor from any appropriation made by the General Assembly or from any other source;

(ii) "passing through" funds made available by any agency, public or private; or

(iii) becoming a copartner with the political subdivision for the execution and performance of any temporary housing for disaster victims project;

and for such purposes to pledge the credit of the Commonwealth on such terms as the Governor deems appropriate having due regard for current debt transactions of the Commonwealth.

(3) Under such regulations as the Governor shall prescribe, to temporarily suspend or modify for not to exceed 60 days any public health, safety, zoning, transportation (within or across this Commonwealth) or other requirement of statute or regulation within this Commonwealth when by proclamation the Governor deems the suspension or modification essential to provide temporary housing for disaster victims.

(b) Acquisition of sites by political subdivisions.--Any political subdivision of this Commonwealth is expressly authorized to acquire, temporarily or permanently, by purchase, lease or otherwise, sites required for installation of temporary housing units for disaster victims, and to enter into whatever arrangements which are necessary to prepare or equip the sites to utilize the housing units.

(c) Construction of section.--This section does not limit the authority of the Governor to apply for, administer and expend any grants, gifts or payments in aid of disaster prevention, preparedness, response or recovery.

(d) Definitions.--As used in this section, "major disaster" and "emergency" shall have the same meanings as defined or used in The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.).

(35 Pa.C.S. § 7302)

§ 7303. Debris and wreckage removal.

(a) Authority of Governor.--Whenever the Governor has declared a disaster emergency to exist under this part [35 Pa.C.S. Pt. V (relating to emergency management services)], or the President, at the request of the Governor, has declared a major disaster or emergency to exist in this Commonwealth, the Governor is authorized:

(1) Notwithstanding any other provision of law, through the use of Commonwealth agencies or instrumentalities, to clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety, or public or private property.

(2) To accept funds from the Federal Government and utilize the funds to make grants or to reimburse any political subdivision for the purpose of removing debris or wreckage from publicly or privately owned land or water.

(b) Authority of Commonwealth personnel.--Whenever the Governor provides for clearance of debris or wreckage pursuant to subsection (a), employees of the designated Commonwealth agencies or individuals appointed by the Commonwealth are authorized to enter upon private land or waters and perform any tasks necessary to the removal or clearance operation.

(c) Nonliability of Commonwealth personnel.--Except in cases of willful misconduct, gross negligence or bad faith, any Commonwealth employee or agent complying with and performing duties pursuant to orders of the Governor under this section shall not be liable for death of or injury to persons or damage to property.

(35 Pa.C.S. § 7303)

§ 7304. Community disaster loans.

Whenever, at the request of the Governor, the President has declared a major disaster to exist in this Commonwealth, the Governor is authorized:

(1) Upon determining that a political subdivision of this Commonwealth will suffer a substantial loss of tax and other revenues from a major disaster and has demonstrated a need for financial assistance to perform its governmental functions, to apply to the Federal Government, on behalf of the political subdivision, for a loan and to receive and disburse the proceeds of any approved loan to any applicant political subdivision.

(2) To determine the amount needed by any applicant political subdivision to restore or resume its governmental functions and to certify the amount to the Federal Government. No application amount shall exceed 25% of the annual operating budget of the applicant for the fiscal year in which the major disaster occurs.

* * *

(35 Pa.C.S. § 7304)

§ 7305. Individual and family assistance.

(a) Grants by Federal Government.--Whenever the President, at the request of the Governor, has declared a major disaster or emergency to exist in this Commonwealth, the Governor is authorized:

(1) Upon determining that assistance under The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.), and from other means is insufficient to meet the disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster, to accept a grant from the Federal Government for the purpose of meeting the expenses or needs of disaster victims, subject to any terms and conditions imposed upon the grant.

(2) To enter into an agreement with the Federal Government or any Federal agency or officer pledging the Commonwealth to participate in the funding of the assistance authorized in paragraph (1) and, if Commonwealth funds are not otherwise available to the Governor, to accept an advance of the Commonwealth share from the Federal Government to be repaid when the Commonwealth is able to do so.

(b) Grants by Governor.--To implement subsection (a), the Governor is authorized to make grants to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster declared by the President. Any grant shall not exceed the amount authorized by The Robert T. Stafford Disaster Relief and Emergency Assistance Act or by applicable State law to an individual or family in any single major disaster.

(c) Penalty for false application.--Any person who fraudulently or willfully makes a misstatement of fact in connection with an application for assistance under this section shall be guilty of a misdemeanor of the third degree.

(35 Pa.C.S. § 7305)

§ 7305.1. Grants for hazard mitigation.

(a) Commonwealth participation in hazard mitigation funding; agreements.--Whenever the President authorizes the contribution of up to 75% of the cost of hazard mitigation measures to reduce the risk of future damage, hardship, loss or suffering in any area affected by a major disaster pursuant to The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 88 Stat. 143), the Governor is authorized, subject to the availability of appropriated funds, to enter into an agreement with the Federal Government or any Federal agency or officer pledging the Commonwealth to participate in the funding of the mitigation project.

(b) Special Session disaster relief acts.--Projects which are itemized under Chapter 3 of the act of July 11, 1996 (2nd Sp.Sess., P.L.1791, No.8), known as the Special Session Flood Control and Hazard Mitigation Itemization Act of 1996, and the act of July 11, 1996 (2nd Sp.Sess., P.L.1826, No.9), known as the Special Session Flood Relief Act, are deemed to be hazard mitigation projects for the purposes of hazard mitigation funding to the extent that such projects qualify under The Robert T. Stafford Disaster Relief and Emergency Assistance Act

(Public Law 93-288, 88 Stat. 143).
(35 Pa.C.S. § 7305.1)

§ 7306. Appropriation of Federal funds.

All moneys received from the Federal Government for the purpose of disaster assistance or relief, including assistance as specified under sections 7302 (relating to temporary housing), 7303 (relating to debris and wreckage removal) and 7304 (relating to community disaster loans), shall be paid into the General Fund.
(35 Pa.C.S. § 7306)

§ 7308. Laws suspended during emergency assignments.

(a) Commonwealth agencies.--In the case of a declaration of a state of emergency by the Governor, Commonwealth agencies may implement their emergency assignments without regard to procedures required by other laws (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials and expenditures of public funds.

* * *

(35 Pa.C.S. § 7308)

Subchapter C. Emergency Management Assistance Compact

§ 7601. Compact enacted.

The Emergency Management Assistance Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article I

Purpose and Authorities

This compact is made and entered into by and between the participating member states which enact this compact, hereinafter called party states. For the purposes of this compact, the term "states" is taken to mean the several states, the Commonwealth of Puerto Rico, the District of Columbia and all U.S. territorial possessions.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Article II

General Implementation

Each party state entering into this compact recognizes that many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating states, including any resources on hand or available from the Federal Government or any other source, that are essential to the safety, care and welfare of the people in the event of any emergency or disaster

declared by a party state shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

Article III

Party State Responsibilities

A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans and in carrying them out, the party states, insofar as practical, shall:

1. review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency or enemy attack;

2. review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency;

3. develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans;

4. assist in warning communities adjacent to or crossing the state boundaries;

5. protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material;

6. inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness; and

7. provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The authorized representative of a party state may request assistance to another party state by contacting the authorized representative of that state. The provisions of this compact shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:

1. a description of the emergency service function for which assistance is needed, including, but not limited to, fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue;

2. the amount and type of personnel, equipment, materials and supplies needed and a reasonable estimate of the length of time they will be needed; and

3. the specific place and time for staging of the assisting party's response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans and resource records relating to emergency capabilities.

Article IV

Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state.

Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers, except

that of arrest unless specifically authorized by the receiving state, duties, rights and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving state, whichever is longer.

Article V

Licenses and Permits

Whenever any person holds a license, certificate or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical or other skills and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

Article VI

Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence or recklessness.

Article VII

Supplementary Agreements

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this compact contains elements of a broad base common to all states, and nothing herein shall preclude any state entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

Article VIII

Compensation

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

Article IX

Reimbursement

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid and for the costs incurred in connection with such requests; provided that any aiding party state may assume in whole or in part such loss, damage, expense or other cost or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states. Article VIII expenses shall not be

reimbursable under this article.

Article X
Evacuation

Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of any emergency or disaster of sufficient proportions to so warrant shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

Article XI
Implementation

A. This compact shall become effective immediately upon its enactment into law by any two states. Thereafter, this compact shall become effective as to any other state upon enactment by such state.

B. Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

C. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

Article XII
Validity

This compact shall be construed to effectuate the purposes stated in Article I. If any provision of this compact is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected.

Article XIII
Additional Provisions

Nothing in this compact shall authorize or permit the use of military force by the National Guard of a state at any place outside that state in any emergency for which the President is authorized by law to call into Federal service the militia, or for any purpose for which the use of the Army or the Air Force would in the absence of express statutory authorization be prohibited under section 1385 of Title 18 of the United States Code.
(35 Pa.C.S. § 7601)

§ 7602. Exercise of powers and duties.

The Governor or a designee shall exercise the powers, duties and responsibilities set forth in section 7601 (relating to compact enacted).
(35 Pa.C.S. § 7602)

§ 7603. Mutual agreements.

The Governor shall examine threats to the security and safety of the Commonwealth and execute appropriate interstate mutual aid plans and procedures as may be necessary to implement this compact [the Emergency Management Assistance Compact].
(35 Pa.C.S. § 7603)

§ 7604. Budgetary considerations.

(a) Expenditures.--In addition to the funds which the Governor is authorized to transfer for disasters in accordance with 35 Pa.C.S. § 7307 (relating to use and appropriation of unused Commonwealth funds), the Governor may transfer any other appropriated but unused funds in an amount of not more than $15,000,000 in any fiscal year which may have been appropriated for the ordinary expenses of the Commonwealth government from the General Fund to be utilized for the purposes set forth in 35 Pa.C.S. § 7601 (relating to compact enacted). The Secretary of the Budget shall, within five days of a transfer of funds authorized under this section, notify the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives of such transfer. Such notification shall identify the amount transferred, the appropriation from which funds were transferred, the appropriation to which the funds were transferred and the justification for such transfer. The Secretary of the Budget shall provide a full accounting to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives after the close of each fiscal year concerning funds transferred pursuant to the provisions of this section.

(b) Reimbursements.--

(1) Reimbursement of all support provided to member states in accordance with the provisions of 35 Pa.C.S. § 7601 shall be secured by the Governor or the Governor's designee in consultation with the Secretary of the Budget.

(2) The Governor may accept on behalf of the Commonwealth all reimbursements for funds and services provided in accordance with the provisions of 35 Pa.C.S. § 7601. Reimbursements shall be deposited in the State Treasury and shall be allocated by the Secretary of the Budget to the agencies from which funds were transferred pursuant to subsection (a) of this section.

(35 Pa.C.S. § 7604)

Chapter 10. Department of Health

Subchapter A. Coal Mine Emergencies

Section 1. Definitions [relating to coal mine emergency medical personnel].--As used in this act [the Coal Mine Emergency Medical Personnel Law]:

"Emergency medical technician" means a coal mine employee who has successfully completed the course on emergency first-aid care and transportation of the sick and injured recommended by the American Academy of Orthopedic Surgeons or the equivalent thereof, and has been certified by the Department of Health to provide emergency care.

"Emergency medical technician paramedic" means a person who has been certified by the Department of Health to provide emergency medical treatment.

"Mine" means any surface or underground coal mine as defined in the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173, § 3(h), 30 U.S.C. § 802(h).
(1976, P.L.931, No.178, § 1)

Section 2. Emergency Medical Personnel in Coal Mines.--(a) Emergency medical personnel shall be employed in every mine as follows:

(1) Within two years from the effective date of this act [the Coal Mine Emergency Medical Personnel Law], all mines shall be equipped by the operator thereof as follows:

(i) At least one emergency medical technician shall be on duty at a mine at any time when miners at that mine are engaged in the extraction, production, or preparation of coal.

Emergency medical technicians shall be on duty at a mine in sufficient numbers to assure that no miner shall work in a mine location that cannot be reached within a reasonable time by an emergency medical technician. Emergency medical technicians shall be employed on their regular mining duties at locations convenient for quick response to emergencies, and further shall have available to them at all times necessary equipment in compliance with Federal regulations.

(ii) Telephone service or equivalent facilities shall be installed which will provide two-way voice communication between the emergency medical technician in the mine and medical personnel outside the mine who provide emergency medical services on a regular basis.

(iii) On or before July 1, 1978, operators of coal mines shall make adequate provisions so that at least one emergency medical technician paramedic, registered nurse, physician, or physician's assistant shall be available to provide care at a mine at any time that miners at the mine are engaged in the extraction, production or preparation of coal, and such emergency medical technician paramedic, registered nurse, physician or physician's assistant shall be on call to reach the entrance of the mine within 30 minutes.

(b) Notwithstanding any other provision of this act, emergency medical personnel shall be employed in surface coal mines as follows:

(i) If 20 or more persons are employed on a shift, all of the provisions of this act shall apply. A shift shall include all persons working at the different locations of a mine.

(ii) If a mine has employees working at different locations within a radius of not more than ten miles or a lesser number of miles as may be determined by the Department of Environmental Resources [now the Department of Environmental Protection] and said locations are connected by telephone service or equivalent facilities, an emergency medical technician or the equivalent at any location on the shift shall be deemed to be compliance with the provisions of this act.

(iii) If less than 20 persons are employed on a shift, an ambulance service with three members certified as emergency medical technicians, not necessarily coal employees, located within a radius of ten miles, or such other distance as may be approved by the Department of Environmental Resources upon request for and approval of a variance thereto, shall be deemed to be in compliance with the provisions of this act.

(iv) If an area ambulance service is not available, three persons, not necessarily coal employees, possessing certification as an emergency medical technician, or the equivalent thereof, residing within a radius of ten miles, or such other distance as may be approved by the Department of Environmental Resources, upon request for and approval of a variance thereto, for which on-call service has been arranged, shall be compliance with the provisions of this act.
(1976, P.L.931, No.178, § 2)

Section 3. Regulations for Training and Certification.--The Department of Health shall make rules and regulations as may be necessary to train and certify emergency medical technicians and emergency medical technician paramedics.
(1976, P.L.931, No.178, § 3)

Section 4. First-aid Training of Coal Mine Employees.--Each coal mine operator shall provide every new employee who shall not have received the initial training hereunder within six months of the date of his employment with the opportunity for such first-aid training as shall be prescribed by the Department of Environmental Resources [now the Department of Environmental Protection] after consultation with the Department of Health, the Mining Enforcement and Safety Administration of the United States Department of the Interior, representatives of the miners and of the coal mine operators. Each coal mine employee shall be provided with opportunity for refresher first-aid training of not less than five hours within each 24 months of employment. The employee shall be paid regular wages, or overtime pay if applicable, for all periods of first-aid training.
(1976, P.L.931, No.178, § 4)

Section 5. Continuing Training.--The Department of Environmental Resources [now the

Department of Environmental Protection], after consultation with the Department of Health regarding the content of instruction courses, shall provide for necessary training on a continuing basis of emergency medical technicians and emergency medical technician paramedics in sufficient numbers to satisfy the requirements of this act [the Coal Mine Emergency Medical Personnel] and shall propose rules and regulations to implement the operational provisions of this act to the Environmental Quality Board.
(1976, P.L.931, No.178, § 5)

Section 6. Certification.--The Department of Health shall prescribe such procedures as may be necessary to certify emergency medical technicians and emergency medical technician paramedics and consult with the Department of Environmental Resources [now the Department of Environmental Protection] as may be required hereunder.
(1976, P.L.931, No.178, § 6)

Section 601. Definitions [relating to bituminous coal mine safety].

The following words and phrases when used in this chapter [Chapter 6 (relating to emergency medical personnel)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advanced emergency medical technician." A coal mine employee who is certified by the Department of Health as an advanced emergency medical technician.

"Emergency medical responder." A coal mine employee who complies with all of the following:

(1) Has been certified by the Department of Health as an emergency medical responder.

(2) Has successfully completed all of the following courses of additional training of the type approved by the Department of Health for emergency medical technicians:

(i) Patient assessment in the areas of splinting, extremity manual, rigid and soft vacuum.

(ii) Spine care in the areas of:

(A) restricting spinal motion, helmet removal and stabilization; and

(B) devices to restrict spinal motion.

(3) Has successfully completed any additional courses required by regulation of the board.

"Emergency medical technician." A coal mine employee who has been certified by the Department of Health as an emergency medical technician.

"Paramedic." An individual who has been certified by the Department of Health as a paramedic.
(2008, P.L.654, No.55, § 601)

Section 602. Emergency medical personnel.

Emergency medical personnel shall be employed at every mine as follows:

(1) At least one emergency medical responder, emergency medical technician or advanced emergency medical technician shall be on duty at any time when miners at that mine are engaged in the extraction, production or preparation of coal. Emergency medical responders, emergency medical technicians or advanced emergency medical technicians shall be on duty at a mine in sufficient numbers to assure that no miner shall work in a mine location which cannot be reached in 30 minutes by an emergency medical responder, an emergency medical technician or an advanced emergency medical technician. Emergency medical responders, emergency medical technicians or advanced emergency medical technicians shall be employed at their regular duties at locations convenient for quick response to emergencies and shall have available to them at all times necessary equipment in compliance with Federal regulations.

(2) Telephone services or the equivalent facilities shall be installed which shall provide two-way voice communications between the emergency medical responder, the emergency medical technician or the advanced emergency medical technician at the mine

and medical personnel outside or away from the mine who provide emergency medical services on a regular basis.

(3) Operators shall make adequate provisions so that at least one paramedic, registered nurse, physician or physician assistant is available to provide care at a mine at any time that individuals are engaged in extraction, production or preparation of coal. Emergency medical personnel under this paragraph shall be on call to reach the entrance of the mine within 30 minutes.

(2008, P.L.654, No.55, § 602)

Section 607. Certification.

The Department of Health shall promulgate regulations to prescribe procedures necessary to certify emergency medical responders, emergency medical technicians, advanced emergency medical technicians and paramedics and consult with the department as may be required under this chapter.

(2008, P.L.654, No.55, § 607)

Section 608. Liability.

(a) Physicians.--

(1) Except as set forth in paragraph (2), a physician who in good faith gives instructions to an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, a paramedic, a registered nurse or a physician assistant shall not be liable for civil damages as a result of issuing the instructions.

(2) Paragraph (1) does not apply where the actions constitute gross negligence, reckless misconduct or intentional misconduct.

(b) Other medical personnel.--

(1) Except as set forth in paragraph (2), an emergency medical responder, an emergency medical technician, an advanced emergency medical technician, a paramedic, a registered nurse or a physician assistant who in good faith attempts to render emergency care to a sick or injured individual in or about a mine shall not be liable for civil damages as a result of any acts or omissions.

(2) Paragraph (1) does not apply where the actions constitute gross negligence, reckless misconduct or intentional misconduct.

(2008, P.L.654, No.55, § 608)

Section 609. Equivalent training.

If the department determines that an operator is presently providing emergency medical care for its employees which is equivalent to or superior to the emergency medical care provided for under this chapter, the department shall make a finding that the operator is in compliance with this chapter.

(2008, P.L.654, No.55, § 609)

Subchapter B. Emergency Medical Services System

Section 1705-E. Block grants.

* * *

(c) Preventive Health and Health Services Block Grant.--The Preventive Health and Health Services Block Grant (PHHSBG) is for the provision of preventive health and other health services related to emergency medical systems, health initiative grants, comprehensive public health, hypertension, fluoridation, health education, risk reduction, home health, rape crisis and domestic violence services.

* * *

(1929, P.L.343, No.176, § 1705-E)

Section 1. Short title [of Stroke System of Care Act].

This act shall be known and may be cited as the Stroke System of Care Act.

(2012, P.L.549, No.54, § 1)

Section 2. Definitions [relating to stroke system of care].

The following words and phrases when used in this act [the Stroke System of Care Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Emergency medical services agency medical director." As defined in 35 Pa.C.S. § 8103 (relating to definitions).

* * *

(2012, P.L.549, No.54, § 2)

Section 4. Emergency medical services.

(a) List of all stroke centers.--The department [of Health] shall:

(1) Make available a list of certified comprehensive stroke centers, primary stroke centers and acute stroke-ready hospitals to each emergency medical services agency medical director in this Commonwealth.

(2) Maintain a copy of the list of certified comprehensive stroke centers, primary stroke centers and acute stroke-ready hospitals in the office designated with the department to oversee emergency medical services.

* * *

(b) Assessment.--The department shall make available and distribute a nationally recognized standardized stroke triage assessment tool within 60 days of the effective date of this act. The department shall:

(1) Make available a copy to each emergency medical services agency medical director in this Commonwealth so that the directors can use the tool or a substantially similar one to evaluate patients.

* * *

(c) Protocols.--The department shall establish protocols that are related to prehospital assessment, treatment and transport of stroke patients by licensed emergency medical services providers that will allow the patient to receive the appropriate care at a certified stroke center in the shortest amount of time. The protocols shall include plans for triage and transport of acute stroke patients to the closest certified stroke center or a facility that can provide appropriate treatment if the certified stroke center is not within a specified time frame from onset of symptoms.

(d) Training.--The department shall establish protocols to ensure that certified emergency medical services providers, within their scope of practice, receive regular training on the assessment and treatment of stroke patients.

(e) Compliance.--Within 60 days of the effective date of this act, each emergency medical services provider must comply with all protocols and regulations promulgated by the department under this act [the Stroke System of Care Act].

(2012, P.L.549, No.54, § 4)

Section 5. Biennial report.

* * *

(b) Contents.--The report shall include:

* * *

(3) A summary of the training protocols to ensure that certified emergency medical services providers, within their scope of practice, receive regular training and assessment and treatment of stroke patients.

* * *

(2012, P.L.549, No.54, § 5)

§ 8101. Short title of chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

This chapter shall be known and may be cited as the Emergency Medical Services System Act.
(35 Pa.C.S. § 8101)

§ 8102. Declaration of policy.

The General Assembly finds and declares as follows:

(1) Emergency medical services are an essential public service and frequently the health care safety net for many Commonwealth residents.

(2) It is in the public interest to assure that there are high quality and coordinated emergency and urgent medical services readily available to the residents of this Commonwealth to prevent premature death and reduce suffering and disability which arise from severe illness and injury.

(3) The public interest under paragraph (2) is best achieved through a regulated and coordinated emergency medical services system.

(4) Transportation of both emergency and nonemergency patients is an integral part of the health care delivery system in this Commonwealth, and it is in the public interest that the emergency medical services system serve all persons in this Commonwealth who:

(i) require medical care to address illness or injury;

(ii) need transportation to a hospital or other health care facility to receive that care; and

(iii) require medical assessment, monitoring, assistance, treatment or observation during transportation.

(5) It serves the public interest if the emergency medical services system is able to quickly adapt and evolve to meet the needs of the residents of this Commonwealth for emergency and urgent medical care and to reduce their illness and injury risks.

(6) It serves the public interest if the emergency medical services system provides community-based health promotion services that are integrated with the overall health care system.

(7) Emergency medical services should be acknowledged, promoted and supported as an essential public service.

(8) This chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] shall be liberally construed to establish and maintain an effective and efficient emergency medical services system which is accessible on a uniform basis to residents of this Commonwealth and to visitors to this Commonwealth.

(9) Residents of this Commonwealth and visitors to this Commonwealth should have prompt and unimpeded access to urgent and emergency medical care throughout this Commonwealth.

(10) The Department of Health should continually assess and, as needed, revise the functions of emergency medical services agencies and providers and other components of the emergency medical services system that it regulates under this chapter to:

(i) improve the quality of emergency medical services provided in this Commonwealth;

(ii) have the emergency medical services system adapt to changing needs of the residents of this Commonwealth; and

(iii) promote the recruitment and retention of persons willing and qualified to serve as emergency medical services providers in this Commonwealth.

(11) The emergency medical services system should be fully integrated with the overall health care system, and in particular with the public health system, to identify, modify and manage illness and injury and illness and injury risks.
(35 Pa.C.S. § 8102)

§ 8103. Definitions [relating to emergency medical services system].

The following words and phrases when used in this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advanced emergency medical services." Emergency medical services exceeding the scope of practice of an emergency medical technician.

"Advanced emergency medical technician." An individual who is certified by the Department of Health as an advanced emergency medical technician.

"Advanced life support squad vehicle." A vehicle which:

(1) is maintained or operated to transport emergency medical service providers above the advanced emergency medical technician level, equipment and supplies to rendezvous with the crew of an ambulance for the purpose of providing advanced emergency medical services to patients; and

(2) is not used in the transportation of patients.

"ALS." Advanced life support.

"Ambulance." A ground, water or air vehicle which is maintained or operated for the purpose of providing emergency medical services to and transportation of patients.

"Ambulance attendant." An individual who is 16 years of age or older and satisfies one of the following:

(1) Possesses a certificate evidencing successful completion of an advanced first aid course sponsored by the American Red Cross and a current certificate evidencing successful completion of a cardiopulmonary resuscitation course acceptable to the Department of Health.

(2) Possesses a current certificate evidencing successful completion of a course determined by the Department of Health to be equivalent to the requirements in paragraph (1).

"Basic emergency medical services" or "basic EMS." Emergency medical services included within, but not exceeding, the scope of practice of an emergency medical technician.

"Basic life support squad vehicle." A vehicle which:

(1) is maintained or operated to transport emergency medical services providers, equipment and supplies to rendezvous with the crew of an ambulance for the purpose of providing emergency medical services at or below the advanced emergency medical technician level to patients; and

(2) is not used in the transportation of patients.

"BLS." Basic life support.

"Board." The State Advisory Board, which is the Board of Directors of the Pennsylvania Emergency Health Services Council.

"Catchment area." An area surrounding a hospital that is located less than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center.

"Commonwealth emergency medical services medical director" or "Commonwealth EMS medical director." A physician who is approved and employed by the Department of Health to advise and formulate policy on matters pertaining to emergency medical services.

"Comprehensive emergency services." The capacity of a hospital emergency department to maintain staff and provide immediate and advanced care for Pennsylvania patients who require trauma care treatment 24 hours per day and seven days per week based on the availability of the following services:

(1) At least two qualified physicians to staff the emergency department during periods of peak utilization.

(2) At least one registered nurse with specialized training in advanced life support techniques at all times.

(3) Anesthesia services at all times.

(4) Physician specialists who can immediately consult by telephone or radio and can report immediately to the hospital emergency department as needed.

(5) Ancillary services, such as laboratory, radiology, pharmacy and respiratory therapy, at all times, with appropriate personnel who can report immediately to the hospital emergency department as needed.

"Department." The Department of Health of the Commonwealth.

"Emergency." A physiological or psychological illness or injury of an individual, such that a prudent layperson who possesses an average knowledge of health and medicine could

reasonably expect the absence of immediate emergency medical services to result in:

(1) placing the health of the individual or, with respect to a pregnant woman, the health of the woman or her unborn child, in serious jeopardy;

(2) serious impairment of bodily functions; or

(3) serious dysfunction of a bodily organ or part.

"Emergency medical responder" or "EMR." An individual who is certified by the Department of Health as an emergency medical responder.

"Emergency medical services" or "EMS." Any of the following:

(1) The medical care, including medical assessment, monitoring, treatment, transportation and observation, which may be provided to a person in responding to an actual or reported emergency to:

(i) prevent or protect against loss of life or a deterioration in physiological or psychological condition; or

(ii) address pain or morbidity associated with the person's condition.

(2) The transportation of an individual with medical assessment, monitoring, treatment or observation of the individual who, due to the individual's condition, requires medical assessment, monitoring, treatment or observation during the transport.

"Emergency medical services agency" or "EMS agency." An entity that engages in the business or service of providing emergency medical services to patients within this Commonwealth by operating any of the following:

(1) An ambulance.

(2) An advanced life support squad vehicle.

(3) A basic life support squad vehicle.

(4) A quick response service.

(5) A special operations EMS service. This paragraph includes, but is not limited to:

(i) a tactical EMS service;

(ii) a wilderness EMS service;

(iii) a mass-gathering EMS service; and

(iv) an urban search and rescue EMS service.

(6) A vehicle or service which provides emergency medical services outside of a health care facility, as prescribed by the Department of Health by regulation.

"Emergency medical services agency medical director" or "EMS agency medical director." A physician who is employed by, contracts with or volunteers with an emergency medical services agency either directly or through an intermediary to:

(1) evaluate the quality of patient care provided by the emergency medical services providers utilized by the emergency medical services agency; and

(2) provide medical guidance and advice to the emergency medical services agency.

"Emergency medical services provider" or "EMS provider." Any of the following:

(1) An emergency medical responder.

(2) An emergency medical technician.

(3) An advanced emergency medical technician.

(4) A paramedic.

(5) A prehospital registered nurse.

(6) A prehospital physician extender.

(7) A prehospital emergency medical services physician.

(8) An individual prescribed by regulation of the Department of Health to provide specialized emergency medical services.

"Emergency medical services system" or "EMS system." The arrangement of personnel, facilities and equipment to prevent and manage emergencies in a geographic area.

"Emergency medical services vehicle operator" or "EMS vehicle operator." An individual certified by the Department of Health to operate a ground emergency medical services vehicle.

"Emergency medical technician" or "EMT." An individual who is certified by the Department of Health as an emergency medical technician.

"Facility." A physical location at which an entity operates a health care facility licensed under Federal or State law.

"Foundation." The Pennsylvania Trauma Systems Foundation, a nonprofit Pennsylvania corporation whose function is to accredit trauma centers that receive or seek to receive Commonwealth funds.

"Hospital." An institution having an organized medical staff that is primarily engaged in providing to inpatients, by or under the supervision of physicians, diagnostic and therapeutic services or rehabilitation services for the care or rehabilitation of injured, disabled, pregnant, diseased, sick or mentally ill persons. The term includes a facility for the diagnosis and treatment of disorders within the scope of specific medical specialties. The term does not include a facility caring exclusively for the mentally ill.

"Medical command facility." A distinct unit which contains the necessary equipment and personnel for providing medical command to and control over emergency medical services providers.

"Medical command order." An order issued by a medical command physician to an emergency medical services provider who is functioning on behalf of an emergency medical services agency.

"Medical command physician." A physician certified by the Department of Health to give medical command orders to emergency medical services providers.

"Medical monitoring." Performing continuous or periodic observations of an individual's condition or continuation of an ordered treatment plan for an individual to prevent pain, suffering or the exacerbation of a preexisting condition.

"Medical observation." Performing continuous or periodic observations of an individual's stable condition to determine whether there is a change in that condition.

"Paramedic." An individual who is certified by the Department of Health as a paramedic.

"Patient." An individual for whom an emergency medical services provider is:

(1) providing emergency medical services on behalf of an EMS agency; or

(2) required to provide emergency medical services on behalf of an EMS agency because the individual's condition requires or may require medical observation, monitoring, assessment or treatment for an illness, disease, injury or other disability.

"Peer review." The evaluation by health care providers of the quality and efficiency of services ordered or performed by emergency medical services providers and physicians who direct or supervise EMS providers under this chapter and the regulations of the Department of Health.

"Physician." A person who has a currently registered license to practice medicine or osteopathic medicine in this Commonwealth.

"Prehospital emergency medical services physician" or "prehospital EMS physician." A physician who is certified by the Department of Health as a prehospital emergency medical services physician.

"Prehospital physician extender" or "PHPE." A physician assistant who is certified by the Department of Health as a prehospital physician extender.

"Prehospital registered nurse" or "PHRN." A registered nurse who is certified by the Department of Health as a prehospital registered nurse.

"Quick response service" or "QRS." An operation in which emergency medical services providers of an EMS agency:

(1) respond to an actual, reported or perceived emergency; and

(2) provide emergency medical services to patients pending the arrival of an ambulance.

"Regional emergency medical services council" or "regional EMS council." A nonprofit incorporated entity or appropriate equivalent that is assigned by the Department of Health to:

(1) plan, develop, maintain, expand and improve emergency medical services systems within a specific geographic area of this Commonwealth; and

(2) coordinate those systems into a regional emergency medical services system.

"Regional emergency medical services medical director" or "regional EMS medical director." The medical director of a regional emergency medical services council.

"Review organization." A committee which engages in peer review as authorized by the regulations of the Department of Health.

"Rural area." An area outside urbanized areas as defined by the United States Bureau of the Census.

"Special care unit." An appropriately equipped area of a hospital where provisions have been made for a concentration of physicians, nurses and others who have special skills and experiences to provide medical care for critically ill patients.

"Trauma care." Medical services provided to an individual with a severe, life-threatening injury that is likely to result in mortality or permanent disability.

"Trauma center." Any of the following:

(1) A hospital accredited as a Level I, Level II, Level III or Level IV trauma center by the Pennsylvania Trauma Systems Foundation in accordance with this chapter.

(2) An out-of-State hospital that qualifies as a trauma center under the Title XIX State Plan that:

(i) has paid to the foundation the annual participation fees that would be due if the hospital were to obtain accreditation from the foundation; and

(ii) has submitted to the foundation on an annual basis:

(A) the clinical patient data that the hospital submits to the National Trauma Database regarding residents of this Commonwealth who receive trauma services from the hospital; and

(B) the information necessary to calculate the supplemental payment under section 8107.3 (relating to funding) as provided in the Title XIX State Plan.

"Travel distance." The distance traveled by a motor vehicle on paved public roads having at least two driving lanes of width and on which a motor vehicle would reasonably travel in the transport of patients. Travel distance is calculated by rounding up to the next whole mile for a portion of a mile over a whole mile for the distance traveled.
(35 Pa.C.S. § 8103)

§ 8104. Emergency medical services system programs.

(a) Planning and coordination.--The department [of Health] shall plan, guide and coordinate programs on the following matters to promote effective and efficient operation of Statewide and regional EMS systems:

(1) The number and distribution of EMS providers and other persons integral to an EMS system, such as medical command physicians and EMS agency medical directors, with appropriate training and experience.

(2) Reasonably accessible training for EMS providers and other persons integral to an EMS system, including clinical training and continuing education programs coordinated with other programs providing similar, complementary and supplemental training and education.

(3) The joining of personnel, facilities and equipment coordinated through a communication system to ensure that EMS requests will be handled by communications facilities that:

(i) utilize emergency medical telecommunications screening to determine the appropriate emergency agency response;

(ii) are accessible to the general public through a common telephone number and, where feasible, through the universal emergency telephone number 911; and

(iii) will have direct communications with appropriate personnel facilities and equipment resources.

(4) The number and distribution of ambulances and other EMS vehicles in which:

(i) ambulances and other vehicles meet appropriate criteria relating to location, design, performance and equipment; and

(ii) operators and other personnel staffing vehicles meet appropriate training and experience requirements.

(5) The number and accessibility of facilities that:

(i) are collectively capable of providing EMS on a continuous basis;

(ii) have appropriate specialty capabilities;

(iii) meet appropriate standards relating to capacity, location, personnel and equipment; and

(iv) are coordinated with other health care facilities and resource centers.

(6) Access and transportation to trauma centers and specialty care receiving facilities.

(7) Transfer of patients between facilities or to programs offering necessary follow-up care and rehabilitation.

(8) Utilization of appropriate personnel, facilities and equipment of each entity providing EMS.

(9) Regional EMS councils that provide persons residing in an EMS region, and who have no professional or financial interest in the provision of health care, with an adequate opportunity to participate in the making of policy for the regional EMS system.

(10) The provision of EMS to all persons requiring those services.

(11) A standardized data collection system that covers all phases of the EMS incident, including, but not limited to, the dispatch report and contact, treatment and transport of a patient in the EMS system.

(12) Programs of public education, information and prevention, integrated with public health education and taking into account needs of visitors and residents, concerning methods for accessing EMS and stressing dissemination of information as to first aid and cardiopulmonary resuscitation.

(13) The provision of periodic comprehensive review and evaluation of the extent and quality of the EMS provided in each regional EMS system and reports to the department of each review or evaluation.

(14) Plans to assure that each regional EMS system will be able to provide or secure EMS during mass casualty situations, natural disasters and declared states of emergency in accordance with Chapter 71 (relating to general provisions) and the instructions of the Pennsylvania Emergency Management Agency.

(15) Appropriate intrastate and interstate arrangements for the provision of EMS as needed.

(b) Limitations.--This section is intended to identify EMS objectives to be pursued and achieved by the department in its role as lead agency for EMS. Nothing herein shall be construed to confer regulatory powers upon the department beyond those conferred elsewhere in this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].
(35 Pa.C.S. § 8104)

§ 8105. Duties of department [of Health].

(a) Duty.--It shall be the duty of the department [of Health] to assist in the development of local EMS systems; plan, guide and coordinate the development of regional EMS systems into a unified Statewide system; and coordinate systems in this Commonwealth with similar systems in neighboring states.

(b) Authority.--The department shall be the lead agency for EMS in this Commonwealth. The department is authorized to:

(1) Coordinate a program for planning, developing, maintaining, expanding, improving and upgrading EMS systems in this Commonwealth.

(2) Establish, by regulation, standards and criteria governing the awarding and administration of contracts and grants under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] for initiation, maintenance and improvement of regional EMS systems.

(3) Require collection and maintenance of patient data and information in EMS patient care reports by EMS agencies.

(4) Collect, as deemed necessary and appropriate, data and information regarding patients who utilize emergency departments without being admitted to the facility and patients admitted through emergency departments, trauma centers or directly to special care units, in a manner that protects and maintains the confidential nature of patient records. The data and information shall be reasonable in detail and shall be collected

pursuant to regulations issued by the department. Data and information shall be limited to that which may be used for specific planning, research and quality improvement purposes and shall not be duplicative of data and information already available to the department.

(5) Prepare and revise a Statewide EMS system plan under section 8111 (relating to comprehensive plan).

(6) Define and approve training programs and accredit educational institutions for EMS training of EMS providers.

(7) Provide technical assistance to local governments, EMS agencies and other entities for the purpose of assuring effective planning and execution of EMS.

(8) Administer contracts and grants authorized under this chapter and other grants pertaining to EMS.

(9) Establish standards for the licensing, registration and operation of EMS agencies and inspect EMS agencies for compliance with this chapter and regulations adopted under this chapter.

(10) Maintain a quality improvement program for the purpose of monitoring and improving the delivery of EMS.

(11) Promulgate regulations to establish standards and criteria for EMS systems and services.

(12) Integrate all trauma centers accredited pursuant to section 8107 (relating to Pennsylvania Trauma Systems Foundation) into the Statewide EMS system.

(13) Recommend to 911 and other EMS agency dispatchers protocols with respect to the type and quantity of EMS resources to dispatch to emergencies.

(14) Investigate, based upon complaints and information received, possible violations of this chapter and regulations under this chapter and take disciplinary actions, seek injunctions and refer matters for criminal prosecution.

(15) Investigate complaints concerning delivery of services by trauma centers and forward investigation results to the appropriate accrediting entity with a recommendation for action.

(16) Enter into agreements with other states which may include, as appropriate to effectuate the purposes of this chapter, the acceptance of EMS resources of other states that do not fully satisfy the requirements of this chapter or regulations adopted under this chapter.

(c) EMS protocols.--The department shall establish criteria and protocols, including bypass protocols, for evaluation, triage, treatment, transport, transfer and referral of patients to ensure that they receive appropriate EMS and are transported to the most appropriate facility. Regional EMS councils shall not be eligible for contracts or grant funds or State EMS Operating Fund disbursements unless they assist in ensuring regional implementation of the criteria and protocols. Protocols under this subsection are not subject to the rulemaking process.
(35 Pa.C.S. § 8105)

§ 8106. Emergency medical services patient care reports.

(a) Preparation.--An EMS agency shall ensure that its responding EMS providers complete an EMS patient care report for each response made in which it encounters a patient or a person who has been identified as a patient to the EMS agency, unless the department [of Health] by regulation exempts certain types of patient contact from the reporting requirement. The department shall employ an electronic EMS patient care reporting process that shall solicit standardized data and patient information. The department may require an EMS agency to complete a different standardized report or different fields in a standardized report based upon the type of resources the EMS agency uses in responding. The department shall permit an EMS agency to file a paper report for extraordinary reasons as determined by the department on a case-by-case basis.

(b) Content.--The report shall contain information as solicited on the form or other reporting process developed by the department. The reporting process shall solicit essential information in reasonable detail. The department may also use the reporting process to collect data to enhance its ability to carry out its responsibilities under sections 8104 (relating to

emergency medical services system programs) and 8105 (relating to duties of department).

(c) Patient medical record.--If a patient is transported to a hospital or from a hospital to another health care facility, information about the patient and EMS performed on the patient that is solicited through the reporting process shall be provided by the EMS agency to the hospital or other health care facility and become part of the patient's medical record.

(d) Reporting.--An EMS agency shall report to the department or a regional EMS council, as determined by department regulation, data that is solicited through the reporting process.

(e) Confidentiality.--

(1) Patient information collected by an EMS agency shall be confidential and shall not be released by the EMS agency or a health care facility except as follows:

(i) To the patient who is the subject of the report or to a person who is authorized to exercise the rights of the patient with respect to securing the report.

(ii) Pursuant to an order of a court of competent jurisdiction, including a subpoena when it constitutes a court order, except that disclosure pursuant to a subpoena shall not be permitted as to information in the report that is of such nature that disclosure pursuant to a subpoena is not otherwise authorized by law.

(iii) To a health care provider to whom a patient's medical record may be released under the law.

(iv) For billing purposes.

(v) For quality improvement activities.

(vi) To the department or a regional EMS council for the purpose of investigating possible violations of this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] or related regulations.

(vii) To a government agency or its agent, as authorized by the department, for the purpose of the agency performing official government duties.

(2) Notwithstanding the duty of confidentiality applicable to department and regional EMS councils concerning reports under paragraph (1), the report may be released for specific research or EMS planning purposes approved by the department, subject to department approval and supervision to ensure that use of the report is strictly limited to the purposes of the research.

(f) Vendors.--A vendor may not sell or otherwise provide or offer reporting forms or software marketed as appropriate for use in making reports required under this section unless the vendor submits the product to the department for review and receives department approval. Thereafter, the vendor shall submit any modification of the product to the department for review and approval if the vendor intends to offer the modified product for use in the EMS patient care reporting process. If the department makes changes to the EMS patient care report, it shall publish a notice of the changes in the Pennsylvania Bulletin. The effective date for the changes shall be no fewer than 60 days following publication. After publication of changes, a vendor may not market a product as one appropriate for use in making an EMS patient care report, any reporting forms or software approved by the department prior to publication of the changes, unless the vendor clearly discloses that the forms or software were approved prior to publication of the changes. The department may assess a vendor a $5,000 civil penalty for each day a vendor violates the provisions of this subsection.

(35 Pa.C.S. § 8106)

§ 8107. Pennsylvania Trauma Systems Foundation.

(a) Trauma center accreditation.--The foundation shall develop a private voluntary accreditation program to:

(1) Establish standards for the operation of trauma centers that receive or seek to receive Commonwealth funds, adopting, at a minimum, current guidelines for trauma centers defined by the American College of Surgeons. Additionally, Level III trauma centers shall meet accreditation criteria for Level III trauma centers imposed by the act of March 24, 2004, (P.L.148, No.15), known as the Pennsylvania Trauma Systems Stabilization Act. For the purpose of reaccreditation, the standards shall require, at a minimum, that each adult Level I and Level II trauma center treat at least 600 severe and urgent injury cases

per year.

(2) Evaluate a hospital making application to the foundation to determine if the hospital meets the foundation's standards. An evaluation shall include hospital site visits by accreditation survey teams composed of independent, qualified persons selected by the foundation.

(3) Issue certificates of accreditation to hospitals that meet the accreditation standards. Certificates of accreditation shall be valid for a period not to exceed three years. Certificates of accreditation may be revoked by the foundation if it is determined that the trauma center no longer meets accreditation standards as set forth in this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(4) Establish an appeal mechanism for reconsideration of accreditation decisions.

(b) Judicial review.--A person aggrieved by a determination of the foundation under this section may file a petition for review within 30 days in an appropriate court of common pleas.

(c) Prohibition.--No hospital shall hold itself out as a trauma center unless it has a current certificate of accreditation issued under this section.

(d) Board of directors.--The board of directors of the foundation shall consist of the following voting members: five representatives of State organizations representing physicians; five representatives of State organizations representing hospitals; three representatives of State organizations representing registered professional nurses; two representatives of other Statewide EMS organizations having expertise in the delivery of trauma services; the chairman and minority chairman of the Public Health and Welfare Committee of the Senate or designees chosen from among the members of the committee; the chairman and minority chairman of the Health and Human Services Committee of the House of Representatives or designees chosen from among the members of the committee; and the Secretary of Health or a designee. The bylaws of the foundation shall identify a method to select members to achieve professional and geographic balance on the board of directors. Terms of office shall be limited to three years.

(e) Data collection.--The foundation shall compile and maintain statistics on mortality and morbidity on multisystem trauma victims. The data collection shall be coordinated and performed in conjunction with State data collection activities.

(35 Pa.C.S. § 8107)

§ 8107.1. Accreditation of trauma centers.

(a) Standards.--The foundation shall accredit Level III trauma centers by adopting, at a minimum, current guidelines defined by the American College of Surgeons for Level III trauma centers. The accreditation process shall be conducted in compliance with section 8107 (relating to Pennsylvania Trauma Systems Foundation).

(b) Additional requirements.--In addition to the Level III standards established by the foundation under subsection (a), a hospital must meet all of the following criteria to qualify for Level III accreditation:

(1) Provide comprehensive emergency services.

(2) Total on an annual basis at least 4,000 inpatient admissions from its emergency department.

(3) Be located in a third, fourth, fifth, sixth, seventh or eighth class county. The requirement under this paragraph shall not apply to accredited Level III trauma centers as of the effective date of this subsection.

(4) Be located more than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center.

(c) Submission of application required.--To be eligible for accreditation as a Level III trauma center and to qualify for funds under section 8107.3 (relating to funding), a hospital must comply with subsection (b) to submit an application to the foundation.

(d) Review of application.--Within 120 days of the receipt of an application, the foundation shall complete its review of the application to determine compliance with the criteria under subsection (b). No later than 240 days from the completion of a site survey, the foundation shall grant or deny a certificate to a hospital seeking to be accredited as a Level III trauma center under subsections (a) and (b).

(e) Additional accreditation criteria.--For a hospital that submits an application for Level I, Level II or Level III accreditation after the effective date of this subsection, the hospital shall be located more than 25 miles of travel distance established by roadways from a Level I, Level II or Level III trauma center. If a trauma center is accredited before the effective date of this subsection, and the accreditation is denied or voluntarily withdrawn, notwithstanding the reason, the trauma center shall be subject to the travel distance requirement under this section in the same manner as a trauma center that has never been accredited if the hospital reapplies for accreditation.

(f) Applicability.--The travel distance requirements under this section shall not apply in the following situations:

(1) For a trauma center accredited before the effective date of this subsection, the trauma center may move or relocate the trauma center within 10 miles by roadway from the original location.

(2) In a merger or acquisition of a trauma center.

(3) For a hospital seeking accreditation under subsection (e), the travel distance requirement shall not apply if the hospital can demonstrate that the other trauma centers in the catchment area have a volume of excess cases above the volumes required for reaccreditation under section 8107(a)(1) that is, for a period of three preceding years, twice the amount required for reaccreditation under section 8107(a)(1).

(g) Volume waiver process.--The foundation shall develop a process to allow a hospital seeking accreditation under subsection (e) and a waiver of the travel distance requirement under subsection (f)(3) to have patient volume data reviewed to determine eligibility for the waiver prior to the pursuit of trauma center accreditation.
(35 Pa.C.S. § 8107.1)

§ 8108. State Advisory Board.

(a) Designation and composition.--The [State Advisory] board shall be composed of volunteer, professional and paraprofessional organizations involved in EMS. The board shall be geographically representative of the provider organizations that represent EMS providers, firefighters, regional EMS councils, physicians, hospital administrators and other health care providers concerned with EMS. The board may be composed of up to 30 organizations. Each organization that is a member of the Pennsylvania Emergency Health Services Council and is elected to serve as a member on the board shall have one vote on the board.

(b) Duties.--The duties of the board shall be to:

(1) Elect officers.

(2) Advise the department [of Health] concerning manpower and training, communications, EMS agencies, content of regulations, standards and policies promulgated by the department under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] and other subjects deemed appropriate by the department.

(3) Serve as the forum for discussion on the content of the Statewide EMS system plan, or any proposed revisions thereto, and advise the department as to the content of the plan.

(c) Open meetings.--Meetings of the board shall be held in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(d) Terms.--A voting member of the board shall serve a three-year term. A voting member shall not serve more than two consecutive terms.

(e) Quorum.--A simple majority of the voting members of the board shall constitute a quorum for the transaction of business.

(f) Compensation.--Members of the board shall serve without compensation, except the Pennsylvania Emergency Health Services Council, through its contract or grant with the department, may pay necessary and reasonable expenses incurred by members of the board while performing their official duties.

(g) Contracts and grants.--The department shall contract with or provide a grant to the board for performance of its work under subsection (b). Contracts and grants between the

department and the board for the performance of work other than under subsection (b) shall be subject to section 8112 (relating to contracts and grants) where applicable.
(35 Pa.C.S. § 8108)

§ 8109. Regional emergency medical services councils.

(a) Purpose.--Regional EMS councils shall assist the department [of Health] in carrying out the provisions of this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)]. Each regional EMS council shall adhere to policy direction from the department.

(b) Organization.--For purposes of this chapter, the organizational structure of a regional EMS council shall be representative of the public, health professions and major private and public voluntary agencies, organizations and institutions concerned with providing EMS in the region and shall be one of the following:

(1) A unit of general local government, with an advisory council, meeting requirements for representation.

(2) A representative public entity administering a compact or other areawide arrangement or consortium.

(3) Any other public or private nonprofit entity that meets requirements for representation as determined by the department.

(c) Duties.--Each regional EMS council shall, if directed by the department:

(1) Assist the department in achieving the Statewide and regional EMS system components and goals described under section 8104 (relating to emergency medical services system programs).

(2) Assist the department in the collection and maintenance of standardized data and information as provided in section 8106 (relating to emergency medical services patient care reports).

(3) Prepare, annually review and revise, as needed, a regional EMS system plan for the EMS region the department has designated and for which the department has contracted or provided a grant to it to serve.

(4) Carry out, to the extent feasible, the Statewide and regional EMS system plans.

(5) Assure the reasonable availability of training and continuing education programs for EMS providers.

(6) Provide necessary and reasonable staff services and appropriate and convenient office facilities that can serve as the EMS region's location for the planning, maintenance and coordinative and evaluative functions of the council.

(7) Establish a mechanism to provide for input from facilities and EMS agencies in the EMS region in decisions that include, but are not limited to, membership on its governing body.

(8) Establish, subject to department approval, regional EMS triage, treatment and transportation protocols consistent with Statewide protocols adopted by the department. A regional EMS council may also establish, subject to department approval, additional triage, treatment and transportation protocols. No regional protocol shall be subject to the rulemaking process.

(9) Advise public safety answering points and municipal and county governments as to the EMS resources available for dispatching and recommend dispatch criteria that may be developed by the department or the council as approved by the department.

(10) Assist the department in achieving a unified Statewide EMS system.

(11) Designate a regional EMS medical director and establish a medical advisory committee and a quality improvement committee.

(12) Develop a conflict of interest policy, subject to department approval, and require its board or advisory council members, officials and employees to agree to the policy in writing.

(13) Perform other duties assigned by the department to assist the department in carrying out the requirements of this chapter.

(d) Regional EMS medical directors.--The department shall consult with the regional EMS medical directors in developing and adopting EMS protocols and may consult with them on any

matter involved in the department's administration of this chapter.
(35 Pa.C.S. § 8109)

§ 8111. Comprehensive plan.

(a) Preparation.--

(1) The department [of Health], with the assistance of the [State Advisory] board, shall prepare a Statewide EMS system plan, which plan shall include both short-range and long-range goals and objectives, and shall make the plan available to the General Assembly and all concerned agencies, entities and individuals.

(2) A regional EMS system plan, upon approval of the department, shall:

(i) Become part of the Statewide EMS system plan.

(ii) Include for the EMS region the same types of information that subsection (b) requires for the Statewide plan.

(b) Contents.--At a minimum, the Statewide plan shall contain:

(1) An inventory of EMS resources available within this Commonwealth.

(2) An assessment of the effectiveness of the existing EMS system and a determination of the need for changes to the EMS system.

(3) Performance measures for delivery of EMS to all persons in this Commonwealth.

(4) Methods to be used in achieving the stated performance measures.

(5) A schedule for achievement of the stated performance measures.

(6) A method for monitoring and evaluating whether the stated performance measures are being achieved.

(7) Estimated costs for achieving the stated performance measures.

(c) Revisions.--

(1) The department shall collect and analyze EMS data for the purpose of:

(i) Revising the Statewide EMS system plan, including determining the status of the Statewide EMS system, the degree of compliance with the requirements of this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] and the effectiveness of EMS systems in reducing morbidity and mortality associated with medical emergencies.

(ii) Planning future EMS system initiatives.

(2) Persons regulated by the department under this chapter and dispatchers of EMS agencies shall provide data, without charge, as reasonably requested by the department and regional EMS councils, to aid them in developing and revising Statewide and regional EMS system plans and in conducting investigations under this chapter as authorized by the department.

(d) Annual reports.--The department shall annually publish comprehensive and specific reports of activity and plan implementation.

(e) Use of Statewide plan.--

(1) The department shall use the Statewide plan for contract and grant purposes as set forth in section 8112(a) (relating to contracts and grants).

(2) Nothing in the Statewide plan shall be construed to vest the department with any regulatory authority.

(35 Pa.C.S. § 8111)

§ 8112. Contracts and grants.

(a) General power.--The department [of Health] may enter into contracts or grants with entities to serve as regional EMS councils responsible for the initiation, expansion, maintenance and improvement of regional EMS systems that are in accordance with the Statewide EMS system plan.

(b) Limitation.--An entity with which the department enters into a contract or grant under this section to serve as a regional EMS council shall carry out the duties assigned by the department under section 8109(c) (relating to regional emergency medical services councils).

(c) Purposes.--In contracting with or giving a grant to regional EMS councils, the department may allocate Emergency Medical Services Operating Fund moneys appropriated to

the department only for the following purposes:

(1) Providing programs of public education, information, health promotion and prevention regarding EMS.

(2) Purchasing ambulances, other EMS vehicles, medical equipment and rescue equipment.

(3) Applying to costs associated with conducting training and testing programs for EMS providers.

(4) Applying to costs associated with inspections and investigations conducted to assist the department to carry out its regulatory authority under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(5) Purchasing communications equipment and services, including alerting equipment, provided that the purchases are in accordance with the Statewide EMS system plan.

(6) Assisting with the merger of EMS agencies or assisting an EMS agency to acquire another EMS agency, when the department determines circumstances exist such that the transaction and financial assistance are needed to serve the public interest.

(7) Applying to costs associated with the maintenance and operation of regional EMS councils. Those costs may include, but shall not be limited to, salaries, wages and benefits of staff, travel, equipment and supplies, leasing of office space and other costs incidental to the conduct of business which are deemed by the department to be necessary and appropriate for carrying out the purposes of this chapter.

(8) Applying to costs associated with collection and analysis of data necessary to evaluate the effectiveness of EMS systems in providing EMS and to administer quality improvement programs.

(9) Applying to costs associated with assisting EMS agencies to recruit and retain EMS providers.

(d) Restriction.--In contracting with or providing grants to regional EMS councils, the department may not allocate Emergency Medical Services Operating Fund moneys appropriated to the department for the following purposes:

(1) Acquisition, construction or rehabilitation of facilities or buildings, except renovation as may be necessary for the implementation or modification of EMS communication systems.

(2) Purchasing hospital equipment, other than communications equipment for medical command and receiving facilities, unless the equipment is used or intended to be used in an equipment exchange program with EMS agencies.

(3) Maintenance of ambulances, other EMS vehicles and equipment.

(4) Applying to costs deemed by the department as inappropriate for carrying out the purposes of this chapter.

(5) Applying to costs which are normally borne by patients, except for extraordinary costs as determined by the department.

(e) Reports.--The recipient of a contract or grant under this chapter shall make reports to the department as may be required by the department.

(f) Contract and grant prerequisites.--The department shall not contract with or provide a grant to an entity for that entity to serve as a regional EMS council unless:

(1) The entity has submitted a contract or grant application to the department in a form and format prescribed by the department that is consistent with the Statewide and regional EMS system plans.

(2) The application addresses planning, maintenance and improvement of the regional EMS system.

(3) The entity demonstrates to the department's satisfaction the qualifications and commitment to plan, maintain and improve a regional EMS system and that the entity has the required organizational structure and provisions for representation of appropriate entities.

(g) Technical assistance.--The department shall provide technical assistance, as appropriate, to regional EMS councils and to such other eligible entities as necessary for the

purpose of their carrying out the provisions of contracts and grants under this section, with special consideration for contractors and grantees representing rural areas.

(h) Payments.--Payments pursuant to a contract or grant under this section may be made in advance or by way of reimbursement and in installments and on conditions as the department determines will most effectively carry out the provisions of this chapter.

(i) Other funds considered.--

(1) In determining the amount of a contract or grant under this section, the amount of funds available to the contractor or grantee from non-State contributions and Federal grant or contract programs pertaining to EMS shall be taken into consideration.

(2) For purposes of this subsection, "non-State contributions" include the outlay of cash and in-kind services to the contractor or grantee or toward the operation of a regional EMS system by private, public or government third parties, including the Federal Government.

(j) Other contracts and grants.--The department may enter into contracts and grants with organizations other than regional EMS councils in order to assist the department in complying with the provisions of this section and chapter.

(k) Public disclosure.--

(1) Subject to the provisions of paragraph (2), finalized contracts and grants shall be deemed public records subject to disclosure.

(2) The department may not disclose information in contracts or grants that could be used by persons to undermine measures to combat, respond to or recover from terrorist attacks.

(l) Sole source contract or grant.--Upon expiration of a contract or grant with an entity to carry out the duties of a regional EMS council as set forth in subsection (c), the department, without undertaking a competitive bidding process, may enter into a new contract or grant with the same entity for that entity to continue to serve as a regional EMS council and perform the duties set forth in subsection (c), as determined by the department, if that entity, in carrying out the prior contract or grant, demonstrated its ability and commitment to the department's satisfaction to plan, maintain and improve the regional EMS system consistent with the terms of the prior contract or grant.

(35 Pa.C.S. § 8112)

§ 8113. Emergency medical services providers.

(a) Certification.--The department [of Health] shall issue certifications for the following types of EMS providers, which shall be permanent, subject to disciplinary action pursuant to section 8121 (relating to certification sanctions):

(1) Emergency medical responder.
(2) Emergency medical technician.
(3) Advanced emergency medical technician.
(4) Paramedic.
(5) Prehospital registered nurse.
(6) Prehospital physician extender.
(7) Prehospital EMS physician.
(8) Any other class of EMS provider the department establishes by regulation.

(b) Other emergency medical services providers.--The department may establish, by regulation as the need arises, classes of EMS providers to provide specialized EMS. The regulations shall establish certification, practice, disciplinary and other provider standards consistent with the purposes of this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system] and the statutory regulatory schemes applicable to paramedics except as necessary to meet the special EMS needs for which the class of EMS provider is created.

(c) Application.--An applicant for EMS provider certification shall complete an application for certification on a form or through an electronic application process prescribed by the department.

(d) Education.--The department shall assist, encourage and coordinate the education of EMS providers.

(1) The department shall develop standards through regulations for the accreditation, reaccreditation and operation of educational institutes to provide the training persons must successfully complete to be certified as EMS providers.

(2) The department shall develop standards through regulations for the approval of continuing education courses for EMS providers and for the accreditation of persons and Commonwealth agencies that provide continuing education EMS providers may take to secure renewal of registration.

(3) The department, in consultation with the board, shall review and update the permitted scope of continuing education programs not less than biennially.

(4) If the educational institute or provider of continuing education courses fails to satisfy the operational standards or fails to continue to meet the accreditation standards, the department may take one or more of the following actions:

(i) Deny the application for reaccreditation.

(ii) Impose terms of probation.

(iii) Revoke, suspend, limit or otherwise restrict the accreditation.

(iv) Impose a civil penalty not exceeding $1,000 for each infraction.

(e) Examinations.--

(1) A person who intends to secure EMS provider certification shall take the required certification examinations within one year after completing the EMS provider training required for certification.

(2) Except as otherwise provided in this subsection, a person who fails a written or practical skills examination for an EMS provider certification may repeat the failed examination without retaking the examination the person passed.

(3) A person who fails the written examination three times shall complete a refresher course approved by the department or repeat the EMS provider training program before taking the examination again.

(4) A person who fails the practical skills examination three times shall complete a remedial course approved by the department or repeat the EMS provider training program before again taking the examination.

(5) A person who fails either examination six times or who does not pass the required examinations within two years after completing the EMS provider training program shall receive no credit for an examination previously passed and shall repeat the training program for the EMS provider certification before the person may take the certification examinations again.

(6) If the standards a person needs to satisfy to take a certification examination change after the person has failed the examination, the person may not retake the examination unless the person meets the new standards.

(7) The department may, by regulation, change the standards in this subsection.

(f) Reciprocity and endorsement.--The department may issue EMS provider certifications by reciprocity or endorsement as follows:

(1) If the department, upon review of the criteria for certification of a type of EMS provider in another state, determines that the criteria is substantially equivalent to the criteria for a similar certification in this Commonwealth, the department may enter into a reciprocity agreement with its counterpart certifying agency in the other state to certify that type of EMS provider based solely on the other state's certification of the provider. No reciprocity agreement may deprive the department from denying a certification based on disciplinary considerations.

(2) If the department, upon review of a course or an examination approved by another state for EMS provider certification or continuing education or upon review of a national course or examination, determines that the course or examination meets or exceeds the standards for such a course or examination for a similar type of certification in this Commonwealth, or for registration of the certification, the department may endorse the course or examination as meeting the course or examination requirements for that type of EMS provider certification in acting upon an applicant's application for certification or registration of the certification in this Commonwealth.

(g) Skills.--The department shall publish in the Pennsylvania Bulletin a list of skills within the scope of practice of each type of EMS provider. The list shall be updated by publication as necessary.

(h) Medical command orders and protocols.--

(1) An EMS provider, other than a prehospital EMS physician, shall provide EMS pursuant to department-approved protocols and medical command orders.

(2) The protocols shall identify circumstances in which an EMS provider shall seek direction from a medical command physician, which direction may be given by the physician in person or through an authorized agent or via radio or other telecommunications device approved by the department, and shall address the responsibilities of an EMS provider when medical command cannot be secured or is disrupted.

(i) Reports of convictions, discipline and exclusions.--

(1) An applicant for an EMS provider certification shall report to the department all misdemeanor, felony and other criminal convictions that are not summary or equivalent offenses, and all disciplinary sanctions that have been imposed upon a license, certification or other authorization of the applicant to practice an occupation or profession, and any exclusion from a Federal or State health care program of the applicant or an entity in which the applicant had equity or capital, stock or profits of the entity equal to at least 5% of the value of the property or assets of the entity at the time of the exclusion.

(2) The applicant shall also provide the department with a certified copy of the criminal charging, judgment and sentencing documents for each conviction and a certified copy of an adjudication or other document imposing discipline against the applicant.

(3) The department may not certify an applicant until the department receives the documents, unless the applicant establishes that the documents from which certified copies are to be made no longer exist.

(4) An EMS provider shall report the same type of convictions, disciplinary sanctions and exclusions and provide the same documents to the department within 30 days after each conviction, discipline and exclusion.

(j) Identification.--

(1) An EMS provider shall provide proof of authority to practice as an EMS provider if requested when providing services as an EMS provider.

(2) For purposes of this subsection, "proof of authority to practice" means a card or certificate issued by the department that shows current registration of the EMS provider's certification.

(k) Change of address.--

(1) An EMS provider and an applicant for EMS provider certification shall ensure that the department has the current address at which the person can be reached by mail at all times.

(2) Neither an EMS provider's home address, telephone number nor any other residential contact information provided to the department shall be deemed a public record.

(l) Current registration.--To provide EMS, an EMS provider shall maintain current registration of his certification as an EMS provider.

(m) Downgrading certification or practice.--

(1) An EMS provider who has a currently registered certification as an advanced EMT or higher-level EMS provider and is not permitted to practice at that level by an EMS agency pursuant to sections 8125(b)(2) (relating to medical director of emergency medical services agency) and 8129(k) (relating to emergency medical services agencies) may function as a lower-level EMS provider for that EMS agency, as authorized by the EMS agency medical director, if the EMS agency permits.

(2) Upon expiration of the biennial registration period, an EMS provider who is at or above the advanced EMT level and whose practice for an EMS agency has been downgraded pursuant to sections 8125(b)(2) and 8129(k) may choose to maintain current registration of the EMS provider's certification by meeting the biennial registration requirements for that certification.

(3) An EMS provider who has a currently registered certification as an advanced EMT or higher-level EMS provider and does not meet the requirements for biennial registration of that certification may apply to and secure from the department registration of a lower-level EMS provider certification if the EMS provider meets the registration requirements for that certification.

(4) Instead of a registration certificate, the department shall issue a lower-level certification to an EMS provider who does not already have that certification and applies for a registration of that certification under this subsection.

(5) An EMS provider whose practice level has been downgraded under this section and who does not maintain current registration of the higher-level certification may not display an insignia, patch or any other indicia of the higher-level certification when providing EMS.

(n) Biennial registrations.--

(1) The biennial registration of each EMS provider certification subject to a biennial registration requirement shall expire on January 1 of the next even-numbered year.

(2) The continuing education requirements for the biennial registration following the initial registration of a certification shall be prorated based upon the month in which the EMS provider became certified, with any fractional requirement rounded down.

(o) Exceptions for members of armed forces returning from tour of duty.--EMS providers and EMS vehicle operators returning from active military service who have a certification registration that expired during their tours of duty or will expire within 12 months after their return from military duty may secure an exception to satisfying the continuing education requirements for certification registration as follows:

(1) EMS providers who have a triennial certification registration requirement may secure an exception to the period of time in which they would otherwise need to meet continuing education requirements for triennial registration of their certifications, as the department deems appropriate.

(2) EMS providers and EMS vehicle operators who have a biennial certification registration requirement may secure an exception to the period of time in which they would otherwise need to meet continuing education requirements for biennial registration of their certifications, as the department deems appropriate. Before an EMS provider without a current biennial registration begins to work for an EMS agency, the EMS agency medical director must determine that the EMS provider has continuing competency in the knowledge and skills required to provide the services the EMS agency will assign to the EMS provider.

(3) EMS providers may seek an exception to their continuing education requirements for certification registration by asking the department to endorse their relevant military training as satisfying some or all of the applicable continuing education requirements.

(35 Pa.C.S. § 8113)

§ 8114. Emergency medical responders.

(a) Scope of practice.--An EMR performs for an EMS agency BLS skills involving basic interventions with minimum EMS equipment as follows:

(1) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until a higher-level EMS provider arrives at the scene and then may assist that EMS provider.

(2) As a member of the crew of an ambulance.

(3) In another capacity as authorized by the department [of Health] by regulation.

(b) Certification.--The department shall certify as an EMR an individual who meets all of the following:

(1) Is at least 16 years of age.

(2) Has successfully completed an EMR training course approved by the department.

(3) Has a current certificate evidencing successful completion of a CPR course

acceptable to the department.

(4) Has passed an EMR skills practical examination approved by the department.

(5) Has passed a written EMR certification examination approved by the department.

(c) Triennial registration.--An EMR's certification is deemed registered for three years after issuance. An EMR must register the EMR certification at three-year intervals by completing an application for triennial registration on a form or through an electronic process, as prescribed by the department. The following shall apply:

(1) The department shall issue a triennial registration of an EMR certification to an EMR who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time established by regulation of the department.

(ii) Successfully:

(A) completes EMR triennial registration practical skills and written knowledge examinations approved by the department; or

(B) secures continuing education credits for EMR triennial registration as required by the department in continuing education programs approved by the department.

(2) An EMR whose registration of an EMR certification has expired must qualify for a triennial registration of the certification as prescribed by regulation of the department.

(d) Transition for first responders.--An individual who is certified as a first responder on the effective date of this section shall be considered to be an EMR with a current registration and shall be subject to the triennial registration requirements of an EMR. The registration of the EMR certification shall expire on the same date the first responder certification would have expired if the first responder certification remained in effect.

(e) Transition for ambulance attendants.--An individual who is an ambulance attendant on the effective date of this section shall be considered to be an EMR with a current registration and shall be subject to the triennial registration requirements of an EMR. The registration of the EMR certification shall expire on the same date that the person's qualifications as an ambulance attendant expire and would have needed to be renewed.

(35 Pa.C.S. § 8114)

§ 8115. Emergency medical technicians.

(a) Scope of practice.--An EMT performs basic EMS skills involving basic interventions and equipment found on an EMS vehicle as follows:

(1) For an EMS agency as a member of the crew of an ambulance.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital setting until an ambulance arrives and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency, as prescribed by regulation of the department.

(4) For an EMS agency in another capacity authorized by regulation of the department.

(b) Certification.--The department [of Health] shall certify as an EMT an individual who meets all of the following:

(1) Is at least 16 years of age.

(2) Has successfully completed an EMT training course which:

(i) teaches basic EMS; and

(ii) is approved by the department.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed an EMT skills practical examination approved by the department.

(5) Has passed a written EMT certification examination approved by the department.

(c) Triennial registration.--An EMT's certification is deemed registered for three years after

issuance. An EMT must register the EMT certification at three-year intervals by completing an application for triennial registration on a form or through an electronic process, as prescribed by the department. The following shall apply:

(1) The department shall issue a triennial registration of an EMT certification to an EMT who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time established by regulation of the department.

(ii) Successfully:

(A) completes EMT triennial registration practical skills and written knowledge examinations approved by the department; or

(B) secures continuing education credits for EMT triennial registration as required by the department in continuing education programs approved by the department.

(2) An EMT whose registration of an EMT certification has expired must qualify for a triennial registration of the certification as prescribed by regulation of the department.

(35 Pa.C.S. § 8115)

§ 8116. Advanced emergency medical technicians.

(a) Scope of practice.--An advanced EMT performs basic EMS and ALS skills which include interventions and administration of medications with basic and advanced equipment found on an EMS vehicle as follows:

(1) For an EMS agency as a member of the crew of an ambulance.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency, as prescribed by regulation of the department.

(4) For an EMS agency in another capacity as authorized by regulation of the department.

(b) Certification.--The department [of Health] shall certify as an advanced EMT an individual who meets all of the following:

(1) Is at least 18 years of age.

(2) Has successfully completed a course under subparagraph (i) or (ii):

(i) An advanced EMT training course which:

(A) teaches basic life support skills;

(B) teaches advanced life support skills deemed appropriate by regulation of the department; and

(C) is approved by the department.

(ii) An EMT course and secured training and education, through continuing education courses, in skills included in the scope of practice for an advanced EMT for which the applicant did not receive training in the EMT course.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed an advanced EMT skills practical examination approved by the department.

(5) Has passed a written advanced EMT certification examination approved by the department.

(c) Biennial registration.--An advanced EMT's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, an advanced EMT must register the advanced EMT certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process, as prescribed by regulation of the department. The following shall apply:

(1) The department shall issue a biennial registration of an advanced EMT

certification to an advanced EMT who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time established by regulation of the department.

(ii) Successfully:

(A) completes advanced EMT biennial registration practical skills and written knowledge examinations approved by the department; or

(B) secures continuing education credits for advanced EMT biennial registration as required by the department in continuing education programs approved by the department.

(2) An advanced EMT whose registration of an advanced EMT certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.

(35 Pa.C.S. § 8116)

§ 8117. Paramedics.

(a) Scope of practice.--A paramedic is a higher-level EMS provider than an advanced EMT. A paramedic performs basic and advanced EMS skills which include interventions and administration of medications with basic and advanced equipment found on an EMS vehicle as follows:

(1) For an EMS agency as a member of the crew of an ambulance.

(2) For an EMS agency as a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for or independent of an EMS agency, as prescribed by regulation of the department.

(4) For an EMS agency in another capacity authorized by regulation of the department.

(b) Paramedic training.--To be eligible to enroll in a paramedic training course required for certification as a paramedic, an individual must satisfy all of the following:

(1) Be at least 18 years of age when the course commences.

(2) Have a high school diploma or its equivalent.

(3) Be currently certified by the department as an EMT or advanced EMT.

(c) Certification.--The department [of Health] shall certify as a paramedic an EMT or advanced EMT who meets all of the following:

(1) Is at least 18 years of age.

(2) Has successfully completed a paramedic training course which:

(i) teaches basic life support skills;

(ii) teaches advanced life support skills deemed appropriate by regulation of the department; and

(iii) is approved by the department.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed a paramedic skills practical examination approved by the department.

(5) Has passed a written paramedic certification examination approved by the department.

(d) Biennial registration.--A paramedic's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a paramedic must register the paramedic certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process as prescribed by regulation of the department. The following shall apply:

(1) The department shall issue a biennial registration of a paramedic certification to a paramedic who meets all of the following:

(i) Has a current registration and applies for a new registration no later than:
(A) 30 days before the current registration is to expire; or
(B) a lesser time established by regulation of the department.
(ii) Successfully secures continuing education credits for paramedic biennial registration as required by the department in continuing education programs approved by the department.
(2) A paramedic whose registration of a paramedic certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.
(35 Pa.C.S. § 8117)

§ 8118. Prehospital registered nurses.
(a) Scope of practice.--A PHRN is a higher-level EMS provider than an advanced EMT. A PHRN performs for an EMS agency basic and advanced EMS skills and, as authorized by the department [of Health], additional nursing skills within the scope of practice of a registered nurse under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law, or a successor act, as follows:
(1) As a member of the crew of an ambulance.
(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.
(3) As a first aid or safety officer, or in a similar capacity, as prescribed by regulation of the department.
(4) In another capacity as authorized by regulation of the department.
(b) Certification.--The department shall certify as a PHRN an individual who meets all of the following:
(1) Has a current license as a registered nurse with the State Board of Nursing.
(2) Is at least 18 years of age.
(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.
(4) Has passed a PHRN skills practical examination approved by the department.
(5) Has passed a written PHRN certification examination approved by the department.
(c) Biennial registration.--A PHRN's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a PHRN must register the PHRN certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process, as prescribed by regulation of the department. The following shall apply:
(1) The department shall issue a biennial registration of a PHRN certification to a PHRN who meets all of the following:
(i) Has a current registration and applies for a new registration no later than:
(A) 30 days before the current registration is to expire; or
(B) a lesser time established by regulation of the department.
(ii) Has current registration of a registered nurse license.
(iii) Successfully secures continuing education credits for a PHRN biennial registration as required by the department in continuing education programs approved by the department.
(2) A PHRN whose registration of a PHRN certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.
(35 Pa.C.S. § 8118)

§ 8119. Prehospital physician extenders.
(a) Scope of practice.--A PHPE is a higher-level EMS provider than an advanced EMT. A PHPE performs for an EMS agency basic and advanced EMS skills and, as authorized by

regulation of the department [of Health], additional physician assistant skills within the scope of practice of a physician assistant under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, or a successor act, as follows, but supervision of a PHPE shall be conducted as set forth in this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)]:

(1) As a member of the crew of an ambulance.

(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency until an ambulance arrives at the scene and then may assist the ambulance crew.

(3) As a first aid or safety officer, or in a similar capacity, for an EMS agency as prescribed by regulation of the department.

(4) In another capacity as authorized by regulation of the department.

(b) Certification.--The department shall certify as a PHPE a physician assistant who meets all of the following:

(1) Has a currently registered license as a physician assistant with the State Board of Medicine or the State Board of Osteopathic Medicine.

(2) Is at least 18 years of age.

(3) Has a current certificate evidencing successful completion of a CPR course acceptable to the department.

(4) Has passed a PHPE skills practical examination approved by the department.

(5) Has passed a written PHPE certification examination approved by the department.

(c) Biennial registration.--A PHPE's certification is deemed registered when the certification is issued. The initial registration shall expire as set forth in section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a PHPE must register the PHPE certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process as prescribed by regulation of the department. The following shall apply:

(1) The department shall issue a biennial registration of a PHPE certification to a PHPE who:

(i) Has a current registration and applies for a new registration no later than:

(A) 30 days before the current registration is to expire; or

(B) a lesser time as established by regulation of the department.

(ii) Has current registration of a physician assistant license.

(iii) Successfully secures continuing education credits for PHPE biennial registration as required by the department in continuing education programs approved by the department.

(2) A PHPE whose registration of a PHPE certification has expired must qualify for a biennial registration of the certification as prescribed by regulation of the department.

(35 Pa.C.S. § 8119)

§ 8120. Prehospital emergency medical services physicians.

(a) Scope of practice.--A prehospital EMS physician is a higher-level EMS provider than an advanced EMT. A prehospital EMS physician performs for an EMS agency basic and advanced EMS skills within the scope of practice of a physician under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act, as applicable, or a successor act, as follows:

(1) As a member of the crew of an ambulance.

(2) As a member of a QRS to stabilize and improve a patient's condition in an out-of-hospital emergency.

(3) As a first-aid or safety officer, or in a similar capacity, as prescribed by regulation of the department [of Health].

(4) In another capacity authorized by regulation of the department.

(b) Certification.--The department shall certify as a prehospital EMS physician a physician who has:

(1) Successfully completed one or more of the following:

(i) An emergency medicine residency program that is accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) The first year of an emergency medicine residency program that satisfies the requirements of subparagraph (i) and has successfully completed programs approved by the department in advanced cardiac life support, advanced trauma life support and advanced pediatric life support.

(iii) An anesthesia, family practice, internal medicine or general surgery residency program that is accepted by either the State Board of Medicine or the State Board of Osteopathic Medicine as providing the graduate medical training the board requires for issuance of a physician license without restriction and the successful completion of programs approved by the department in advanced cardiac life support, advanced trauma life support and advanced pediatric life support.

(2) A current certificate evidencing successful completion of a CPR course acceptable to the department.

(3) Passed an EMS skills practical examination approved by the department or served as a prehospital health professional physician prior to the effective date of this section.

(c) Biennial registration.--A prehospital EMS physician's certification is deemed registered when the certification is issued. The initial registration shall expire under section 8113(n) (relating to emergency medical services providers). Except for the initial registration period, a prehospital EMS physician shall register the prehospital EMS physician certification at two-year intervals by completing an application for biennial registration on a form or through an electronic process as prescribed by the department. The following shall apply:

(1) The department shall issue a biennial registration of a prehospital EMS physician certification to a prehospital EMS physician who meets all of the following:

(i) Has a current registration and applies for a new registration no later than 30 days before the current registration is to expire or within a lesser time period as the department may establish by regulation.

(ii) Has current registration of a physician license.

(iii) Successfully secures continuing education credits for prehospital EMS physician biennial registration as required by the department in continuing education programs approved by the department.

(2) A prehospital EMS physician whose registration of a prehospital EMS physician certification has expired shall qualify for a biennial registration of the certification as prescribed by regulation of the department.

(d) Transition for prehospital health professional physicians.--A physician who served as a prehospital health professional physician prior to the effective date of this section and who satisfies the certification requirements under subsection (b)(1) may serve as a prehospital EMS physician for 90 days after the effective date of this section without having secured a certification as a prehospital EMS physician.

(35 Pa.C.S. § 8120)

§ 8121. Certification sanctions.

(a) Grounds for discipline.--The department [of Health] may discipline an EMS provider or applicant for EMS provider certification for any of the following reasons:

(1) Lack of physical or mental ability to provide adequate services.

(2) Deceptive or fraudulent procurement or representation of certification or registration credentials or for making misleading, deceptive or untrue representations to secure or aid or abet another person to secure a certification, license, registration or any other authorization issued by the department under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(3) Willful or negligent misconduct in providing EMS or practicing beyond the scope of certification authorization without legal authority to do so.

(4) Abuse or abandonment of a patient.

(5) The rendering of services while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(6) The operation of an emergency vehicle in a reckless manner or while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(7) Disclosure of medical or other information about a patient where prohibited by Federal or State law.

(8) Willful preparation or filing of a false medical report or record or the inducement of others to do so.

(9) Destruction of a medical report or record required to be maintained.

(10) Refusal to render emergency medical care because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(11) Failure to comply with department-approved protocols.

(12) Failure to comply with reporting requirements imposed under this chapter or as established by the department.

(13) Practicing without the current registration of a certification.

(14) Conviction of a felony, a crime related to the practice of the EMS provider or a crime involving moral turpitude. For the purposes of this paragraph, a conviction includes a judgment of guilt, a plea of guilty or a plea of nolo contendere.

(15) Willful falsification of or a failure to complete details on an EMS patient care report.

(16) Misappropriation of drugs or EMS agency property.

(17) Having a certification or other authorization to practice a profession or occupation revoked, suspended or subjected to other disciplinary sanction.

(18) Violating or aiding or abetting another person to violate a duty imposed under this chapter, a regulation promulgated under this chapter or an order of the department previously entered in a disciplinary proceeding.

(19) Based upon a finding of misconduct by the relevant Federal or State agency, having been excluded from a Federal or State health care program or having had equity or capital, stock or profits of an entity equal to 5% or more of the value of the property or assets of the entity when it was excluded from a Federal or State health care program.

(20) Any other reason as determined by the department which poses a threat to the health and safety of the public.

(b) Disciplinary options.--If the department is empowered to take disciplinary action against an individual under this section, the department may do one or more of the following:

(1) Deny the application for certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict the certification.

(4) Require the person to take refresher educational courses.

(5) Impose a civil money penalty not exceeding $1,000 for each incident in which the EMS provider engages in conduct that constitutes a basis for discipline.

(6) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

(c) Registration of certification.--The department shall not deny a registration of an EMS provider certification without giving the applicant prior notice of the reason for the denial and providing an opportunity for a hearing.

(d) Reinstatement.--A person whose certification has been revoked may not apply for reinstatement of that certification. A person may petition the department for allowance to apply for a new certification five years from the effective date of the revocation by filing with the department a petition that avers facts to establish that the person has been rehabilitated to an extent that issuing the person a certification would not be detrimental to the public interest. The department may grant or deny the petition, without conducting a hearing, if it accepts as true all

facts averred, other than the conclusory averments, such as that the person has been rehabilitated. If the department grants the person allowance to apply for a new certification, the person shall repeat the training program and the certification examinations for the level of certification for which the person is applying and satisfy all other requirements for the certification that exist at the time of reapplication. If the department does not grant the person allowance to apply for a new certification, the person may not again petition the department for allowance to apply for a new certification until another year from the date of denial.
(35 Pa.C.S. § 8121)

§ 8122. Emergency medical services vehicle operators.

(a) Certification.--An EMS vehicle operator certification shall be permanent, subject to disciplinary action under this section. The department [of Health] shall certify as an EMS vehicle operator a person who meets all of the following:

(1) Completes an application for an EMS vehicle operator certification on a form or through an electronic application process, as prescribed by the department.

(2) Is at least 18 years of age.

(3) Has a current license to operate the vehicle.

(4) Is not addicted to alcohol or drugs.

(5) Is free from physical or mental defect or disease that may impair the person's ability to drive an EMS vehicle.

(6) Has successfully completed an emergency vehicle operator's course of instruction approved by the department.

(7) Has not:

(i) Been convicted within the last four years prior to the date of application of driving under the influence of alcohol or drugs.

(ii) Within the last two years prior to the date of application, been convicted of reckless driving or had a driver's license suspended due to use of drugs or alcohol or a moving traffic violation.

(8) Has successfully completed an emergency vehicle operator's course of instruction approved by the department following a disqualification from certification under paragraph (7), regardless of whether the person successfully completed the course previously.

(b) Registration.--An EMS vehicle operator, other than an EMS vehicle operator who operates a vehicle exclusively for a QRS, shall register the EMS vehicle operator's certification. An EMS vehicle operator who operates an EMS vehicle exclusively for a QRS shall have no registration requirements. Except as otherwise provided in this subsection, an EMS vehicle operator's certification shall be deemed registered for three years after issuance. An EMS vehicle operator may not operate a ground EMS vehicle unless the certification is currently registered. The following shall apply:

(1) The department shall issue a registration of an EMS vehicle operator's certification to an EMS vehicle operator who meets all of the following:

(i) Completes an application for registration on a form or through an electronic application process, as prescribed by the department.

(ii) Has a current registration and applies for a new registration no later than 30 days before the current registration is to expire or within a lesser time period as the department may establish by regulation.

(iii) Has a current license to operate the vehicle.

(iv) Successfully completes continuing education credits for EMS vehicle operators as required by the department in continuing education programs approved by the department.

(2) If a person who is issued an EMS vehicle operator's certification also has an EMS provider's certification, the registration of the EMS vehicle operator's certification shall expire at the same time as the registration of the EMS provider's certification. If the person does not maintain current registration of the EMS provider's certification, the registration of the EMS vehicle operator's certification shall continue on the same renewal cycle. If an

EMS vehicle operator who is an EMS provider becomes certified as a higher-level EMS provider, the registration of the EMS vehicle operator's certification shall expire at the same time as the registration of the higher-level EMS provider's certification.

(3) If an EMS provider's certification is subject to a biennial registration cycle, the continuing education requirements for the registration of the EMS vehicle operator's certification following the initial registration of the certification shall be prorated based upon the month in which the EMS provider became certified, with any fractional requirement rounded down.

(4) An EMS vehicle operator whose registration of an EMS vehicle operator's certification has expired shall qualify for a biennial registration of the certification as prescribed by regulation of the department.

(c) Transition for EMS vehicle operators.--An individual who served as an EMS vehicle operator prior to the effective date of this section and who satisfies the EMS vehicle operator's certification requirements under subsection (a) may serve as an EMS vehicle operator for 90 days after the effective date of this section without having secured a certification as an EMS vehicle operator.

(d) Grounds for discipline.--The department may suspend or revoke or, as applicable, refuse to issue an EMS vehicle operator's certification for any of the following reasons:

(1) Lack of physical or mental ability to operate an EMS vehicle.

(2) Deceptive or fraudulent procurement or representation of certification or registration credentials or for making misleading, deceptive or untrue representations to secure a certification or registration.

(3) The operation of an emergency vehicle in a reckless manner or while under the influence of alcohol, illegal drugs or the knowing abuse of legal drugs.

(4) Having a driver's license suspended due to use of alcohol or drugs or a moving traffic violation.

(5) Conviction of a felony or crime involving moral turpitude. For the purposes of this paragraph, a conviction includes a judgment of guilt, a plea of guilty or a plea of nolo contendere.

(6) Failing to perform a duty imposed upon an EMS vehicle operator under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] or a related regulation.

(7) Other reasons as determined by the department which pose a threat to the health and safety of the public.

(e) Suspension of certification.--If the department suspends a certification, it may also impose conditions for the lifting of the suspension, including requiring the person to successfully repeat an emergency vehicle operator's course approved by the department.

(f) Reporting responsibilities and automatic suspension.--An EMS vehicle operator shall report to the department within 30 days a suspension of that person's driver's license or a conviction of reckless driving, a felony, a misdemeanor or any other crime that is not a summary offense or equivalent. For a conviction of driving under the influence of alcohol or drugs or reckless driving or for suspension of a driver's license, the certification shall automatically be suspended for the periods of time specified in subsection (a)(7).

(g) Change of address.--

(1) An EMS vehicle operator and an applicant for an EMS vehicle operator's certification shall ensure that the department has the current address at which the person can be reached by mail at all times.

(2) Neither an EMS vehicle operator's home address, telephone number nor any other residential contact information provided to the department shall be deemed a public record.

(35 Pa.C.S. § 8122)

§ 8123. Suspension of certification.

(a) Temporary suspensions.--The department [of Health] may temporarily suspend the certification of an EMS provider or EMS vehicle operator without a hearing if the department

determines that the person is a clear and immediate danger to the public health and safety. Notice to a provider or operator of a temporary suspension shall include a written statement of the underlying factual allegations. After issuance of the notice, the department shall commence formal disciplinary action against the person under section 8121 (relating to certification sanctions) or 8122 (relating to emergency medical services vehicle operators). Within 30 days following the issuance of an order temporarily suspending the certification, the department shall conduct a preliminary hearing to determine if there is a prima facie case supporting the temporary suspension. The person may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses and offer testimony and other evidence. If the department determines that there is not a prima facie case, the suspension shall be lifted immediately. If the department determines that there is a prima facie case, the temporary suspension shall remain in effect until vacated by the department, but not longer than 180 days unless agreed upon by the parties.

(b) Automatic suspensions.--The department shall automatically suspend a certification issued under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] upon receiving a certified copy of court records establishing that the person has been adjudicated as incapacitated under 20 Pa.C.S. § 5511 (relating to petition and hearing; independent evaluation) or an equivalent statutory provision. The department shall lift the suspension upon the person establishing to the department that the person has been adjudicated to have regained capacity under 20 Pa.C.S. § 5517 (relating to adjudication of capacity and modification of existing orders) or an equivalent statutory provision.
(35 Pa.C.S. § 8123)

§ 8124. Emergency medical services instructors.

(a) Certification.--An EMS instructor's certification is permanently subject to disciplinary action under this section. The department [of Health] shall certify as an EMS instructor a person who:

(1) Completes an application for an EMS instructor's certification on a form or through an electronic application process, as prescribed by the department.

(2) Is at least 18 years of age.

(3) Has successfully completed an EMS instructor's course approved by the department or possesses a bachelor's degree in education, a teacher's certification in education or a doctorate or master's degree.

(4) Is certified and currently registered as an EMT or higher-level EMS provider.

(5) Possesses current certification in a CPR course acceptable to the department or current certification as a CPR instructor.

(6) Has at least one year's experience working as an EMT or higher-level EMS provider.

(7) Has provided at least 20 hours of monitored instruction time in an EMS provider's certification program.

(b) Triennial registration.--

(1) An EMS instructor's certification is deemed registered for three years after issuance. An EMS instructor shall register the EMS instructor's certification at three-year intervals by completing an application for triennial registration on a form or through an electronic process, as prescribed by the department. An EMS instructor may not teach in an accredited EMS institute, pursuant to an EMS instructor's certification, unless the certification is currently registered. The department shall issue a triennial registration of an EMS instructor's certification to an EMS instructor who:

(i) Has completed an application for triennial registration on a form or through an electronic application process, as prescribed by the department.

(ii) Has a current registration and applies for a new registration no later than 30 days before the current registration is to expire or within a lesser time as the department may establish by regulation.

(iii) Has taught at least 60 hours of EMS provider's certification or rescue courses approved by the department during the previous three years.

(iv) Is certified and currently registered as an EMT or higher-level EMS provider.

(v) Possesses current certification in a CPR course acceptable to the department or current certification as a CPR instructor.

(2) An EMS instructor whose registration as an EMS instructor's certification has expired shall qualify for a triennial registration of the certification as prescribed by regulation of the department.

(c) Regulations.--The department may adopt regulations to set standards for EMS instructors in providing instruction in EMS institutions.

(d) Grounds for discipline.--The department may impose discipline against an EMS instructor for the following reasons:

(1) Any reason an EMS provider may be disciplined under section 8121 (relating to certification sanctions).

(2) Providing instruction while under the influence of alcohol or illegal drugs or the knowing abuse of legal drugs.

(3) Failing to perform a duty imposed upon an EMS instructor by this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] or a related regulation.

(4) Other reasons as determined by the department that pose a threat to the health, safety or welfare of students.

(e) Disciplinary options.--If the department is empowered to impose discipline against an individual under this section, the department may do one or more of the following:

(1) Deny the application for certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict the certification.

(4) Impose a civil money penalty not exceeding $1,000 for each incident in which the EMS instructor engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

(f) Construction.--This section shall not be construed to require the certification as EMS instructors of all instructors of EMS courses accepted toward educational requirements for EMS provider's certification or toward continuing education requirements for the registration of EMS provider's certifications.

(35 Pa.C.S. § 8124)

§ 8125. Medical director of emergency medical services agency.

(a) Qualifications.--To qualify and continue to function as an EMS agency medical director, an individual shall:

(1) Be a physician.

(2) Satisfy one of the following:

(i) Have successfully completed an emergency medicine residency program accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Have successfully completed a residency program in surgery, internal medicine, family medicine, pediatrics or anesthesiology, accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine. The physician shall also have successfully completed or taught an advanced cardiac life support course acceptable to the department within the preceding two years and have completed, at least once, an advanced trauma life support course acceptable to the department and an advanced pediatric life support course acceptable to the department or other programs determined by the department to meet or exceed the standards of these programs.

(iii) Have served as an advanced life support service medical director under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, prior to the effective date of this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(3) Have a valid Drug Enforcement Agency number.

(4) Have completed the EMS agency medical director's course, an EMS fellowship or other EMS training program that is determined by the department [of Health] to be equivalent. This training shall assure that the EMS agency medical director has knowledge of:

(i) The scope of practice of EMS providers.

(ii) The provision of EMS pursuant to department-approved protocols.

(iii) The interface between EMS providers and medical command physicians.

(iv) Quality improvement principles.

(v) Emergency medical dispatch principles and EMS agency communication capabilities.

(vi) EMS system design and operation.

(vii) Federal and State laws and regulations regarding EMS.

(viii) Regional and State mass casualty and disaster plans.

(b) Roles and responsibilities.--An EMS agency medical director is responsible for the following:

(1) Reviewing department-approved EMS protocols that are applicable to the EMS agency and ensuring that its EMS providers and other relevant personnel are familiar with the protocols applicable to them.

(2) Conducting for and reporting to the EMS agency the following:

(i) An initial assessment of an EMS provider at or above the advanced EMT level to determine whether the EMS provider has demonstrated competency in the knowledge and skills one must have to competently perform the skills within the scope of practice of the EMS provider at that level and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level. This subparagraph does not apply if the EMS provider was working for the EMS agency at the same level prior to the physician becoming the medical director for the EMS agency and the EMS provider was credentialed at that EMS agency within the last year as being able to perform at the EMS provider's certification level.

(ii) At least annually, an assessment of each EMS provider at or above the advanced EMT level as to whether the EMS provider has demonstrated competency in the knowledge and skills an EMS provider must have to competently perform the skills within the scope of practice of the EMS provider at that level and a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level.

(3) Participating in and reviewing quality improvement reviews of patient care provided by the EMS agency and participating in the Statewide and regional quality improvement program.

(4) Providing medical guidance and advice to the EMS agency.

(5) Providing guidance with respect to the ordering, stocking and replacement of drugs and compliance with laws and regulations impacting upon the EMS agency's acquisition, storage and use of those drugs.

(6) Maintaining a liaison with the regional EMS medical director.

(7) Recommending to the department suspension, revocation or restriction of EMS provider's certifications.

(8) Reviewing regional mass casualty and disaster plans.

(9) Performing other functions as the department may impose by regulation.

(35 Pa.C.S. § 8125)

§ 8126. Medical command physicians and facility medical directors.

(a) Role of medical command physician.--A medical command physician communicates with and issues medical command orders to EMS providers when they seek direction. A medical command physician shall have an arrangement with a medical command facility to provide medical command on its behalf and shall function under the direction of a medical command facility medical director and under the policies and procedures of the medical

command facility. A medical command physician shall provide medical command to EMS providers consistent with Statewide protocols and protocols that are in effect in either the region in which treatment originates or the region from which the EMS providers begin receiving medical command from a medical command physician. For good cause, a medical command physician may give medical command orders that are inconsistent with these protocols.

(b) Certification.--The department [of Health] shall certify as a medical command physician a physician who was approved as a medical command physician in this Commonwealth immediately prior to the effective date of this section. The department shall also certify as a medical command physician a physician who:

(1) Completes an application for medical command physician certification on a form or through an electronic application process, as prescribed by the department.

(2) Satisfies one of the following:

(i) Has successfully completed an emergency medicine residency program accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.

(ii) Has successfully completed or taught an advanced cardiac life support course acceptable to the department within the preceding two years and has successfully completed or taught an advanced trauma life support course acceptable to the department and an advanced pediatric life support course acceptable to the department or other programs determined by the department to meet or exceed the standards of these programs.

(iii) Has had an emergency medicine practice in another jurisdiction and establishes to the department that the physician has a combination of training, education and emergency medicine practice that makes the physician qualified to serve as a medical command physician.

(3) Has completed a medical command course offered or approved by the department.

(4) Is practicing as an emergency medicine physician or is participating as a resident in a second or subsequent year in an emergency medicine residency program or has had at least three years' experience as a full-time emergency medicine physician.

(5) Has a current Drug Enforcement Agency number, except for an emergency medicine resident who is authorized to use a hospital's Drug Enforcement Agency number for practice within the emergency medicine residency program.

(6) Has an arrangement with a medical command facility to serve as a medical command physician for that facility after receiving certification as a medical command physician.

(c) Triennial registration.--A medical command physician's certification is deemed registered for three years after issuance. A medical command physician shall triennially register the physician's certification with the department on a form or through an electronic application process, as prescribed by the department, as a condition for continued practice as a medical command physician. The department shall issue a triennial registration of a medical command physician's certification to a medical command physician within 30 days after the physician applies for a new registration if the physician demonstrates that the physician continues to meet the requirements for the certification, except the requirements of subsection (b)(2), and satisfies such other requirements as the department may impose by regulation.

(d) Residents.--A physician who is in a second year in an emergency medicine residency program may issue medical command orders only to the extent that performance of that function is a component of and within the framework of the emergency medicine residency program and may do so only with supervision by a medical command physician who has served as a medical command physician for at least two years, has completed two years in an emergency medicine residency program or has secured medical command certification by satisfying subsection (b)(2)(iii).

(e) Role of medical command facility medical director.--A medical command facility medical director shall be responsible for the following in a medical command facility:

(1) Medical command.

(2) Quality improvement.
(3) Serving as a liaison with the regional EMS council medical director.
(4) Participating in prehospital training activities.
(5) Verifying to the department that a physician seeking a medical command physician's certification, based upon the physician's arrangement with the medical command facility, meets all certification requirements.
(6) Ensuring that the medical command facility satisfies statutory and regulatory requirements.

(f) Certification.--The department shall certify as a medical command facility medical director a physician who was approved as a medical command facility medical director in this Commonwealth immediately prior to the effective date of this section. The department shall also certify as a medical command facility medical director a physician who:

(1) Completes an application for medical command facility medical director certification on a form or through an electronic application process, as prescribed by the department.
(2) Is currently serving as a medical command physician.
(3) Satisfies one of the following:
(i) Has successfully completed a residency program in emergency medicine accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine.
(ii) Has successfully:
(A) completed a residency program in surgery, internal medicine, family medicine, pediatrics or anesthesiology accredited by a residency program accrediting body recognized by the State Board of Medicine or the State Board of Osteopathic Medicine; and
(B) completed or taught:
(I) an advanced cardiac life support course acceptable to the department within the preceding two years;
(II) an advanced trauma life support course acceptable to the department; and
(III) an advanced pediatric life support course acceptable to the department.
(4) Has experience in prehospital and emergency department care of acutely ill or injured patients.
(5) Has experience in providing medical command direction to EMS providers.
(6) Has experience in the training of EMS providers both below and above the advanced EMT level.
(7) Has experience in the medical audit, review and critique of EMS providers below and above the advanced EMT level.
(8) Has an arrangement with a medical command facility to serve as its medical director after receiving certification as a medical command facility medical director.

(g) Triennial registration.--A medical command facility medical director's certification is deemed registered for three years after issuance. A medical command facility medical director shall triennially register the physician's certification with the department on a form or through an electronic application process, as prescribed by the department, as a condition for continued practice as a medical command facility medical director. The department shall issue a triennial registration of a medical command facility medical director certification to a medical command facility medical director within 30 days after the physician applies for a new registration if the physician demonstrates that the physician continues to meet the requirements for the certification, except the requirements of subsection (f)(3), and satisfies such other requirements as the department may impose by regulation.

(h) Grounds for discipline.--The department may discipline a medical command physician or medical command facility medical director for the following reasons:

(1) Violating a responsibility imposed on the physician by this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] or the related regulations.

(2) Without good cause, failing to comply with a medical treatment, transport or transfer protocol established or approved by the department.

(i) Types of discipline authorized.--When the department is empowered to discipline a medical command physician or medical command facility medical director under subsection (h), the department may do one or more of the following:

(1) Deny the application for a certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict or condition the certification.

(4) Impose a civil money penalty not exceeding $1,000 for each incident in which the physician engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the individual on probation with the right to vacate the probationary order for noncompliance.

(35 Pa.C.S. § 8126)

§ 8127. Medical command facilities.

(a) Certification required.--To operate as a medical command facility, a medical unit must be certified by the department [of Health] as a medical command facility. The department shall issue a certification to each medical unit that operated as a medical command facility immediately prior to the effective date of this section.

(b) Application.--Application for certification shall be on a form or through an electronic application process prescribed by the department. The application shall solicit information necessary to determine that the applicant meets the certification requirements of this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(c) Requirements.--An applicant shall establish that the applicant:

(1) Is a distinct medical unit operated by a hospital or consortium of hospitals.

(2) Possesses the necessary equipment and personnel for providing medical command to and control over EMS providers.

(3) Employs a medical command facility medical director.

(4) Has taken measures necessary to ensure that a medical command physician is available to provide medical command at all times.

(5) Meets the communication, recordkeeping and other requirements of the department.

(d) Additional requirements.--In addition to the requirements of subsection (c), the department may establish by regulation requirements for a medical command facility to ensure that it operates in an effective and efficient manner to achieve the purposes for which it is certified.

(e) Triennial registration.--A medical command facility's certification is deemed registered for three years after issuance. A medical command facility must register its certification at three-year intervals by completing an application for triennial registration on a form or through an electronic application process prescribed by the department. The department shall grant or deny recertification within 30 days of receipt of the application.

(f) Inspections and inquiries.--The department shall conduct an inspection of the medical unit of each applicant and also inspect existing medical command facilities from time to time as appropriate but not less than once every three years. The department shall have full and free access to examine the medical command facility and its records relating to its operation as a medical command facility. The medical command facility shall fully respond to any inquiry by the department relevant to the determination of whether the facility meets certification and operational requirements.

(g) Grounds for discipline.--The department may discipline a medical command facility for the following reasons:

(1) Violating a requirement of this section.

(2) Violating a certification requirement or an operational requirement imposed under subsection (d).

(3) Refusing to permit an inspection or respond to an inquiry under subsection (f).

(4) Failing to comply, without just cause, with a medical treatment, transport or

transfer protocol approved by the department.

(h) Types of discipline.--When the department is empowered to discipline a medical command facility, the department may do one or more of the following:

(1) Deny the application for a certification.

(2) Issue a public reprimand.

(3) Revoke, suspend, limit or otherwise restrict or condition the certification.

(4) Impose a civil money penalty of up to $5,000 for each act that presents a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the facility on probation with the right to vacate the probationary order for noncompliance.

(35 Pa.C.S. § 8127)

§ 8128. Receiving facilities.

(a) Purpose.--A receiving facility is a facility to which an ambulance may transport a patient who requires prompt medical care in addition to that provided by the ambulance crew after the crew responds to an emergency.

(b) Requirements.--A receiving facility shall include, but need not be limited to, a fixed location having an organized emergency department, including a physician trained to manage cardiac, trauma, pediatric, medical, behavioral and all-hazards emergencies, who is present in the facility and available to the emergency department 24 hours per day and seven days per week. By regulation, the department [of Health] may authorize other types of facilities to serve as receiving facilities for purposes of serving patients who have special medical needs.

(c) Patient transports.--Unless directed otherwise by a medical command physician, the initial transport of a patient following an ambulance response to a reported emergency shall be to a receiving facility pursuant to a protocol under section 8105(c) (relating to duties of department) or 8109(c)(8) (relating to regional emergency medical services councils) or such other location as the department designated by protocol.

(35 Pa.C.S. § 8128)

§ 8129. Emergency medical services agencies.

(a) License required.--A person may not, as an owner, agent or otherwise, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in operating or providing an ambulance, advanced life support squad vehicle, basic life support squad vehicle, quick response service, special operations EMS service or other vehicle or service as prescribed by the department by regulation to provide EMS outside a health care facility or on roadways, airways or waterways of this Commonwealth unless the person holds a current EMS agency license authorizing the particular service or operation.

(b) Application.--An application for an EMS agency license shall be submitted on a form or through an electronic application process prescribed by the department.

(c) Issuance of license.--The department shall issue a license to an applicant when it is satisfied that:

(1) The applicant and persons having substantial ownership interests in the applicant are responsible persons and the EMS agency will be staffed by and conduct its activities utilizing responsible persons. For purposes of this paragraph:

(i) a responsible person is a person who has not engaged in any act contrary to justice, honesty or good morals which indicates that the person is likely to betray the public trust in carrying out the activities of an EMS agency or a person who has engaged in such conduct but has been rehabilitated and establishes that he or she is not likely to again betray the public trust;

(ii) a person has a substantial ownership interest if the person has equity in the capital, stock or the profits of the EMS agency equal to 5% or more of the value of the property or assets of the EMS agency; and

(iii) a person staffs an EMS agency if the person engages in an activity integral to operation of the EMS agency, including, but not limited to, making or participating in the making or execution of management decisions, providing EMS,

billing, calltaking and dispatching.

(2) The applicant meets supply and equipment requirements and each ambulance or other vehicle that will be used in providing EMS is adequately constructed and equipped and will be maintained and operated to safely and efficiently render the services offered.

(3) The applicant will meet the staffing standards for its vehicles and services.

(4) The applicant will provide safe and efficient services that are adequate for the emergency medical care, the treatment and comfort and, when appropriate, the transportation of patients.

(5) The applicant will have an EMS agency medical director who, in addition to satisfying the criteria of section 8125(a) (relating to medical director of emergency medical services agency), satisfies other criteria the department may establish by regulation based on the types of vehicles and services the applicant intends to provide under the EMS agency license.

(6) The applicant is in compliance with the rules and regulations promulgated under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(d) Persons under 18 years of age.--An EMS agency shall ensure that a person under 18 years of age, when providing EMS on behalf of the EMS agency, is directly supervised by an EMS provider who is at least 21 years of age who has the same or higher level of EMS provider certification and at least one year of active practice as an EMS provider.

(e) Triennial registration.--An EMS agency's license is deemed registered for three years after the issuance. An EMS agency must register its license at three-year intervals by completing an application on a form or through an electronic application process prescribed by the department. The department shall act on the application within 90 days of receipt of a complete and accurate application. The department shall not deny a registration of a license without giving the applicant prior notice of the reason for denial and providing an opportunity for a hearing.

(f) Nontransferability of license.--An EMS agency may not transfer its license. An EMS agency may enter into a contract with another entity for that entity to manage the EMS agency if that entity has been approved by the department to manage an EMS agency. The department may deny approval to an entity to provide management services for an EMS agency if:

(1) the entity is not in compliance with this chapter or applicable regulations;

(2) the entity is not a responsible person as defined in subsection (c)(1)(i);

(3) a person having a substantial ownership interest in the entity is not a responsible person;

(4) the entity will not be staffed by or conduct its activities through responsible persons; or

(5) the entity refuses to provide the department with records or information reasonably requested to enable the department to make a determination.

(g) Display.--As prescribed by department regulation, a current department-issued inspection sticker shall be displayed on each ambulance, advanced life support squad vehicle, basic life support squad vehicle and, as required by regulation, any other EMS vehicle authorized by the department.

(h) Inspection.--The department or its agent shall inspect an applicant's vehicles, equipment and personnel qualifications prior to granting an EMS agency license and shall inspect an EMS agency from time to time, as deemed appropriate and necessary, but not less than once every three years.

(i) Dispatching.--

(1) An EMS agency that operates a communications center dispatching EMS resources shall use calltakers and dispatchers who satisfy the requirements of the Pennsylvania Emergency Management Agency under section 3(a)(6) of the act of July 9, 1990 (P.L.340, No.78), known as the Public Safety Emergency Telephone Act, and shall use an emergency medical dispatch program approved by the department. An emergency medical dispatch program is a system or program that enables patients to be assessed and treated via telecommunication by using accepted medical dispatch standards.

(2) Operation by an EMS agency of a communications center that dispatches EMS

resources shall be considered part of the EMS agency's licensed operation and shall be subject to the requirements of this chapter and the department's regulations.

(j) Construction, equipment and supplies.--Within two years after the effective date of this chapter, the department shall publish in the Pennsylvania Bulletin, and update as necessary, vehicle construction and equipment and supply requirements for EMS agencies in this Commonwealth based upon the types of EMS vehicles operated and the services provided.

(k) Implementation of credentialing decisions.--An EMS agency may not permit an EMS provider at or above the advanced EMT level to provide EMS at that level unless its EMS agency medical director apprises that the EMS provider satisfies the criteria of section 8125(b)(2). An EMS agency may permit an EMS provider who does not satisfy the section 8125(b)(2) criteria to continue to work for the EMS agency at a lower EMS provider level if the EMS provider is authorized to do so by the EMS agency medical director. The EMS agency shall notify the department of that decision within ten days after it is made. If the EMS agency medical director has determined that the EMS provider has not demonstrated competency in the knowledge and skills necessary to competently perform the skills within the scope of practice of the EMS provider at that level or has not demonstrated a commitment to adequately perform other functions relevant to the EMS provider providing EMS at that level and the EMS agency medical director chooses to impose restrictions on the EMS provider's practice, such as requiring the EMS provider to function under the supervision of another EMS provider or requiring the EMS provider to contact a medical command physician prior to providing EMS, then the EMS agency may permit the EMS provider to provide EMS only with the restrictions directed by the EMS agency medical director.

(l) Staffing.--The department may by regulation revise the staffing standards for ambulances, squad vehicles and quick response services set forth in sections 8130 (relating to advanced life support ambulances), 8131 (relating to air ambulances), 8132 (relating to advanced life support squad vehicles), 8133 (relating to basic life support ambulances), 8134 (relating to basic life support squad vehicles) and 8135 (relating to quick response services).

(m) Custody or control of patient.--If a law enforcement officer is at the scene of a police incident when an EMS provider arrives, the law enforcement officer may preclude the EMS provider from entering the scene to provide EMS until the law enforcement officer determines that it is safe for the EMS provider to enter. Under such circumstances, the law enforcement officer shall permit the EMS provider access to the patient before the officer transports the patient. If, pursuant to a medical treatment protocol or medical command order, an EMS agency is required to transport to a receiving facility a patient whom a law enforcement officer has taken or wants to take into custody or whom the law enforcement officer believes needs to be spoken with immediately, the EMS agency shall transport the patient to a receiving facility, and the law enforcement officer shall have discretion to accompany the patient in the EMS vehicle and authority to employ security precautions deemed necessary by the law enforcement officer to ensure the safety of the officer and others, except that the security precautions shall not unreasonably interfere with the provision of EMS to the patient.

(n) Cessation of operations.--Upon suspension or revocation of a license, the EMS agency shall cease operations and no person shall permit or cause the EMS agency to continue.

(o) Discontinuance or reduction of service.--An EMS agency shall not discontinue providing service it is licensed to provide or reduce the hours when it provides service until a minimum of 90 days after notifying the department in writing of the change. Notice shall include a statement that the licensee has notified the chief executive officer of each political subdivision in the licensee's service area of the intent to discontinue providing the service or reduce the hours it provides the service and that the intent to discontinue or reduce hours has been advertised in a newspaper of general circulation in the licensee's service area.

(p) Regulations.--The department shall promulgate regulations setting forth requirements for EMS agencies in this Commonwealth based upon the types of EMS vehicles they operate and the services they provide.

(q) Transition for ambulance services and quick response services.--Upon the effective date of this section, an entity that is licensed as an ambulance service or recognized as a QRS immediately prior to the effective date of this section may continue to operate as an EMS

agency if it meets the staffing and other operational requirements of this chapter, and it shall be considered to be an EMS agency with a current registration of its license. The initial registration of the EMS agency's license shall expire on the same date that the entity's license as an ambulance service or recognition as a QRS would have expired if it had remained in effect.

(r) Exemptions.--The following are exempt from the licensing provisions of this chapter:

(1) Privately owned vehicles not ordinarily used to transport patients.

(2) An EMS agency licensed in another state and not under this chapter that is dispatched to respond to an emergency within this Commonwealth when an EMS vehicle or service licensed under this chapter is unable to respond within a reasonable time or its response is not sufficient to deal with the emergency.

(3) An EMS agency licensed in another state that limits its operations in this Commonwealth to the transportation and provision of medical care incidental to transportation of patients and other persons requiring transportation by EMS vehicles from locations outside this Commonwealth to locations within this Commonwealth.

(4) EMS vehicles owned and operated by an agency of the Federal Government.

(35 Pa.C.S. § 8129)

§ 8130. Advanced life support ambulances.

(a) Purpose.--An ALS ambulance crew provides medical assessment, triage, monitoring, treatment, transportation and observation of patients who require EMS above the skill level of an advanced EMT.

(b) Staffing requirements.--

(1) Except as otherwise provided in this section, minimum staffing requirements for an ALS ambulance when responding to a call to provide EMS for a patient requiring EMS above the skill level of an advanced EMT is one EMS provider at or above the EMT level, one EMS provider above the advanced EMT level and one EMS vehicle operator. Only the two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider qualified to provide the type and level of EMS required by the patient must attend to the patient at the scene and during transportation. If a member of the ambulance crew arrives at the scene before another crew member, that person shall begin providing EMS to the patient at that person's skill level.

(2) Minimum staffing requirements for an ALS ambulance is the same as for a BLS ambulance when the ALS ambulance responds to a call to provide EMS for a patient requiring EMS at or below the skill level of an advanced EMT.

(35 Pa.C.S. § 8130)

§ 8131. Air ambulances.

(a) Purpose.--An air ambulance is a rotorcraft staffed by a crew that provides medical assessment, treatment, monitoring, observation and transportation of patients who require EMS where time to administer definitive care is of the essence and transportation by air ambulance to a facility able to provide the care is faster than transportation by ground ambulance, or require EMS provided by specialized equipment or providers not available on a ground ambulance and the air ambulance can provide this faster than the patient would receive such care at a receiving facility if transported by ground ambulance.

(b) Staffing requirements.--Minimum staffing standards for an air ambulance when dispatched to provide or when providing medical assessment, treatment, monitoring, observation or transportation of a patient is one pilot and two EMS providers other than the pilot who are above the advanced EMT level, with at least one of those two EMS providers specially trained in air medical transport.

(35 Pa.C.S. § 8131)

§ 8132. Advanced life support squad vehicles.

(a) Purpose.--An ALS squad vehicle transports EMS providers above the advanced EMT level, along with equipment and supplies, to rendezvous with an ambulance crew or to respond prior to arrival of an ambulance, in order to provide medical assessment, monitoring, treatment

and observation of a patient who requires EMS at or above the skill level of an advanced EMT. An ALS squad vehicle does not transport patients.

(b) Staffing requirements.--Minimum staffing for an ALS squad unit responding to a call to provide EMS for a patient who requires EMS above the skill level of an advanced EMT shall be one EMS provider above the advanced EMT level and one EMS vehicle operator, except that the EMS provider may staff the vehicle alone if the EMS provider is also an EMS vehicle operator.

(35 Pa.C.S. § 8132)

§ 8133. Basic life support ambulances.

(a) Purpose.--A BLS ambulance crew provides medical assessment, triage, monitoring, treatment, transportation and observation of patients who require EMS at or below the skill level of an advanced EMT and also transports patients who require EMS above the skill level of an advanced EMT when an EMS provider above the level of an advanced EMT rendezvous with the BLS ambulance before or during transport of the patient and accompanies the patient during the transport after arrival.

(b) Staffing requirements.--

(1) Except as provided under paragraph (2), minimum staffing for a BLS ambulance when responding to a call to provide EMS is an ambulance attendant, EMR or EMT, a second EMS provider at or above the EMT level and an EMS vehicle operator, except that only the two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider above the EMR level must attend to the patient at the scene and during patient transportation.

(2) Two years after the effective date of this section, the minimum staffing for a BLS ambulance when responding to a call to provide EMS is an EMS provider at or above the EMR level, an EMS provider at or above the EMT level and an EMS vehicle operator, except that only two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider above the EMR level must attend to the patient at the scene and during patient transportation.

(3) If dispatched to provide EMS for a patient who requires EMS above the skill level of an advanced EMT, the BLS ambulance shall respond as set forth in this subsection. If the BLS ambulance crew members arrive at the scene before a higher-level EMS provider of an ALS ambulance or ALS squad vehicle, the BLS crew members shall provide EMS to the patient at their skill level, including transportation of the patient to a receiving facility if needed, until higher-level EMS is afforded by the arrival of a higher-level EMS provider, after which the BLS ambulance crew shall relinquish primary responsibility for the patient to the higher-level EMS provider.

(4) When transporting from a sending hospital a patient who requires EMS above the skill level of an advanced EMT, if a registered nurse, physician assistant or physician from the sending or receiving hospital joins the ambulance crew, brings on board the ambulance all equipment and supplies to provide the patient with reasonably anticipated EMS above the skill level of an advanced EMT and attends to the patient during the patient transportation, the minimum staffing requirements for the BLS ambulance are as set forth in paragraphs (1) and (2).

(35 Pa.C.S. § 8133)

§ 8134. Basic life support squad vehicles.

(a) Purpose.--A BLS squad vehicle transports an EMS provider, along with basic EMS equipment and supplies, to respond prior to arrival of an ambulance in order to provide EMS at or below the advanced EMT level of care. A BLS squad vehicle is not utilized to transport patients.

(b) Staffing requirements.--Minimum staffing for a BLS squad vehicle when responding to a call to provide EMS for a patient is one EMS provider at or above the EMT level and an EMS vehicle operator, except that an EMS provider who is also an EMS vehicle operator may staff the vehicle alone.

(35 Pa.C.S. § 8134)

§ 8135. Quick response services.

(a) Purpose.--A QRS uses EMS providers to respond to calls for EMS and provide EMS to patients before an ambulance arrives.

(b) Staffing requirements.--The minimum staffing requirement for a QRS is one EMS provider.

(35 Pa.C.S. § 8135)

§ 8136. Special operations emergency medical services.

(a) Purpose.--A special operations EMS service provides EMS in situations or austere environments that require specialized knowledge, equipment or vehicles to access a patient or address the patient's emergency medical needs. The department [of Health] shall by regulation provide for specific types of special operations EMS teams.

(b) Personnel requirements.--By regulation, the department may establish additional training or expertise requirements for the EMS agency medical director and the EMS providers who staff a special operations EMS service.

(c) Other requirements.--By regulation, the department may establish staffing, equipment, supply and any other requirement for a special operations EMS service.

(d) Extraordinary applications.--An entity may propose to provide a special operations EMS need that has not been addressed by applying to the department for an EMS agency license to carry out the special operations EMS or, if it is licensed as an EMS agency, the entity may apply to the department to be authorized to provide the special operations EMS under its license. The department shall address each application on an individual basis and may conditionally deny or grant an application as appropriate to protect the public health and safety. The grant of an application shall be subject to compliance with any later-adopted regulations addressing the type of special operations EMS being provided by the entity.

(e) Protocols.--The department may include in its Statewide EMS protocols special operations EMS protocols.

(35 Pa.C.S. § 8136)

§ 8137. First aid and other services.

(a) Purpose.--An EMS agency may provide EMS at industrial sites, amusement parks or other locations in need of the service. No ambulance or other EMS vehicle shall be required for this purpose.

(b) Staffing.--The minimum staffing requirement is one EMS provider.

(c) Other requirements.--As assigned by the EMS agency, the EMS provider may provide EMS and other medical safety services up to the level for which the EMS provider has the credentials to provide EMS for the EMS agency.

(c.1) Blood draw services.--A paramedic may provide assistance to law enforcement upon request to perform a legal blood draw on behalf of the agency from persons suspected of violating 75 Pa.C.S. § 1543(b)(1.1) (relating to driving while operating privilege is suspended or revoked), 3735 (relating to homicide by vehicle while driving under influence), 3735.1 (relating to aggravated assault by vehicle while driving under the influence), 3802 (relating to driving under influence of alcohol or controlled substance) or 3808(a)(2) (relating to illegally operating a motor vehicle not equipped with ignition interlock). Services provided under this subsection shall be considered to be within the paramedic's scope of practice. An agency vehicle may be utilized to provide the services under this subsection if the agency has implemented policies to ensure that EMS will not be unavailable when an ambulance is needed for a 911 dispatch. An agency may enter into an agreement with law enforcement to provide blood draw services under this subsection. A paramedic performing a legal blood draw service within the paramedic's scope of practice under this section shall maintain the same liability protections provided for under this chapter. It shall be permissible for a court to allow a law enforcement officer who witnessed the blood draw to testify as to the chain of custody in place of the paramedic who drew the blood.

(d) Protocols.--An EMS provider shall follow protocols approved by the department [of Health] when providing EMS or any other services under this section.
(35 Pa.C.S. § 8137)

§ 8138. Other vehicles and services.

The department [of Health] may by regulation prescribe EMS vehicle and service standards for EMS vehicles and services not specified in this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)]. If the department establishes standards in this section, an EMS agency license shall be required to operate the EMS vehicle or provide the service, and an EMS agency may not operate the vehicle or provide the service unless approved to do so by the department.
(35 Pa.C.S. § 8138)

§ 8139. Stretcher and wheelchair vehicles.

(a) Stretcher vehicle.--A stretcher vehicle is a ground vehicle other than an ambulance that is utilized to transport by stretcher persons who do not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation during transportation, but who, due to their physical condition, require vehicle transportation while on a stretcher or in a wheelchair.

(b) Wheelchair vehicle.--A wheelchair vehicle is a ground vehicle other than an ambulance that is used to transport by wheelchair persons who do not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation during transportation, but who, due to their physical condition, require vehicle transportation while on a stretcher or in a wheelchair.

(c) Prohibition.--Operation by an entity of a stretcher vehicle or wheelchair vehicle to transport a person who is known or reasonably should be known by the entity to require medical assessment, monitoring, treatment or observation during transportation shall constitute unlawful operation of an ambulance for purposes of section 8156(a) and (c) (relating to penalties) and, if used as an ambulance by an EMS agency, shall constitute misconduct in operating an EMS agency under section 8142(a)(7) (relating to emergency medical services agency license sanctions). For purposes of this section, unlawful operation includes, but is not limited to, the transportation of the person to or from a facility, a physician's office or any other location to receive or from which the person received health care services.
(35 Pa.C.S. § 8139)

§ 8140. Conditional temporary licenses.

When an EMS agency or an applicant for a license to operate as an EMS agency does not provide service 24 hours per day and seven days per week or is unable to participate in a county-level or broader-level emergency medical response plan approved by the department [of Health], the department shall issue a conditional temporary license for operation of the EMS agency when the department determines that it is in the public interest, subject to such terms as the department deems appropriate. A conditional temporary license shall be valid for one year and may be renewed as many times as the department determines that it is in the public interest to do so.
(35 Pa.C.S. § 8140)

§ 8141. Plans of correction.

(a) Correction of violation.--Upon determining that an EMS agency has violated this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] or regulations promulgated under this chapter, the department [of Health] may issue a written notice to the EMS agency specifying the violation or violations that have been found. The notice shall require the EMS agency to take immediate action to discontinue the violation or to submit a plan of correction to the department, or both, to bring the EMS agency into compliance with applicable requirements. If the nature of the violation is such that the EMS agency cannot remedy the problem immediately and a plan of correction is therefore required, the department may direct

that the violation be remedied within a specified period of time. The EMS agency shall submit a plan of correction within 30 days of the department's issuance of the written notice. If immediate corrective action is required, the notice from the department shall request and the EMS agency shall provide prompt confirmation that the corrective action has been taken.

(b) Discretion.--The department shall not afford the EMS agency an opportunity to correct a violation without facing disciplinary charges if the department determines that it is not in the public interest to do so.

(35 Pa.C.S. § 8141)

§ 8142. Emergency medical services agency license sanctions.

(a) Grounds for discipline.--The department [of Health] may discipline an EMS agency or, as applicable, refuse to issue an EMS agency license for any of the following reasons:

(1) Violating the requirements of this chapter or regulation adopted under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(2) Failing to submit a plan of correction acceptable to the department or correct a deficiency as required under section 8141 (relating to plans of correction) or failing to comply with the plan of correction.

(3) Refusing to accept a conditional temporary license properly sought by the department or to abide by its terms.

(4) Fraud or deceit in obtaining or attempting to obtain a license.

(5) Lending its license or, except as permitted under section 8129(f) (relating to emergency medical services agencies), enabling another person to manage or operate the EMS agency or any service covered by the license.

(6) Using the license of another or in any way knowingly aiding or abetting the improper granting of a license, certification, accreditation or other authorization issued under this chapter.

(7) Incompetence, negligence or misconduct in operating the EMS agency or in providing EMS to patients.

(8) The licensee is not a responsible person or is not staffed by responsible persons and refuses to remove from its staff the irresponsible person or persons when directed to do so by the department. For purposes of this paragraph, "staff" and "responsible person" shall have the meanings set forth in section 8129(c)(1).

(9) Refusing to respond to an emergency and render EMS because of a patient's race, sex, creed, national origin, sexual preference, age, handicap, medical problem or financial inability to pay.

(10) Conviction of a felony or a crime involving moral turpitude or related to the practice of the EMS agency.

(11) Making misrepresentations in seeking funds made available through the department.

(12) Failing to continue to meet applicable licensure requirements.

(13) Violating an order previously issued by the department in a disciplinary matter.

(b) Disciplinary options.--If the department is empowered to impose discipline against an EMS agency under this section, the department may do one or more of the following:

(1) Deny the application for a license.

(2) Administer a written reprimand with or without probation.

(3) Revoke, suspend, limit or otherwise restrict the license.

(4) Impose a civil penalty not exceeding $5,000 for each incident in which the EMS agency engages in conduct that constitutes a basis for discipline.

(5) Stay enforcement of any suspension, revocation or other discipline and place the facility on probation with the right to vacate the probationary order for noncompliance.

(35 Pa.C.S. § 8142)

§ 8151. Limitations on liability.

The following shall apply:

(1) No medical command physician, medical command facility medical director or

medical command facility, which in good faith provides a medical command to an EMS provider or student enrolled in an EMS course of instruction approved by the department [of Health], shall be liable for civil damages as a result of issuing the instruction, absent a showing of gross negligence or willful misconduct.

(2) No EMS agency, EMS agency medical director or EMS provider who in good faith attempts to render or facilitate emergency medical care authorized by this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] shall be liable for civil damages as a result of an act or omission, absent a showing of gross negligence or willful misconduct. This paragraph shall also apply to students enrolled in approved courses of instruction and supervised pursuant to rules and regulations.

(3) No approved EMS training institute nor any entity participating as part of any approved educational program offered by the institute as authorized by this chapter shall be liable for any civil damages as a result of primary and continuing educational practice by duly enrolled students under proper supervision, absent a showing of gross negligence or willful misconduct.

(4) No EMS provider who in good faith attempts to render emergency care authorized by this chapter at an emergency scene while en route to a place of employment shall receive any form of reprimand or penalty by an employer as a result of late arrival at the place of employment. An employer may require written verification from the EMS provider who shall obtain the written verification from either the police officer or other person who is in charge at the emergency scene.

(5) No EMS agency medical director or regional medical director who in good faith gives instructions to or provides primary and continuing educational training to an EMS provider shall be liable for civil damages for issuing the instructions, education or training, absent a showing of gross negligence or willful misconduct.

(6) Neither the department, the Commonwealth EMS Medical Director, a regional EMS council medical director nor any other official or employee of the department or a regional EMS council shall be liable for civil damages arising out of an EMS provider or a student enrolled in an EMS course of instruction approved by the department following protocols approved under this chapter.

(7) No EMS provider or EMS agency may be subject to civil liability based solely on failure to obtain consent in rendering EMS to any person, regardless of age, where the person is unable to give consent for any reason, including minority, and where there is no other person reasonably available who is legally authorized to give or refuse to give consent, if the EMS provider has acted in good faith and without knowledge of facts negating consent.

(8) No EMS provider or EMS agency may be subject to civil liability based solely on refusal to provide treatment or services requested by the patient or the person responsible for making medical care decisions for the patient if the treatment or services requested are not prescribed or authorized by Statewide or regional protocols established under this chapter and the EMS provider has:

(i) contacted a medical command physician who refused to authorize the requested treatment or service; or

(ii) made a good faith effort to contact a medical command physician and was unable to do so.

(9) No dispatcher of EMS who in good faith collects information about a patient from a caller or makes dispatch assignments based upon the information collected may be subject to civil liability based upon the information collected or a dispatch assignment, absent a showing of gross negligence or willful misconduct.

(35 Pa.C.S. § 8151)

§ 8152. Peer review.

(a) Immunity from liability.--

(1) A person who provides information to a review organization shall have the same protections from civil and criminal liability as a person who provides information to a review

organization under the act of July 20, 1974 (P.L.564, No.193), known as the Peer Review Protection Act.

(2) An individual who is a member or employee of a review organization or who furnishes professional counsel or services to the organization shall have the same protections from civil and criminal liability for the performance of any duty, function or activity authorized or required of the review organization as a person who performs the duty, function or activity under the Peer Review Protection Act.

(b) Confidentiality of review organization's records.--The proceedings and records of a review organization shall be held in confidence and shall have the same protections from discovery and introduction into evidence in civil proceedings as they would under the Peer Review Protection Act. A person who was in attendance at a meeting of a review organization shall be subject to the same testimony restrictions as a person who was in attendance at a meeting of a review organization under the Peer Review Protection Act.
(35 Pa.C.S. § 8152)

§ 8153. Support of emergency medical services.

(a) Emergency Medical Services Operating Fund.--There is established a special fund to be known as the Emergency Medical Services Operating Fund, which shall be administered by the department [of Health].

(b) Source.--The following are the sources of the Emergency Medical Services Operating Fund:

(1) Money collected under 75 Pa.C.S. §§ 3121 (relating to EMS costs) and 3807(b)(1)(ix) (relating to Accelerated Rehabilitative Disposition).

(2) All fees, fines and civil penalties collected by the department under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)].

(3) Appropriations.

(4) Contributions.

(c) Purpose of fund.--Except as provided under subsection (d), 75% of the money from the Emergency Medical Services Operating Fund shall be disbursed by the department for only the following uses:

(1) To eligible EMS agencies for applicable purposes stated under section 8112(c) (relating to contracts and grants), with at least 10% of these funds to be allocated to provide additional financial assistance for those EMS systems serving rural areas.

(2) To the board for the performance of duties imposed upon it under this chapter.

(3) To regional EMS councils for the development, maintenance and improvement of EMS systems, including ambulance and communications equipment, and for training, education and EMS agency licensure purposes.

(4) To other contractors and grantees as authorized under section 8112(j).

(d) Allocation to Catastrophic Medical and Rehabilitation Fund.--Twenty-five percent of the money in the Emergency Medical Services Operating Fund shall be allocated to a Catastrophic Medical and Rehabilitation Fund for victims of trauma. After the exhaustion of all alternative financial resources, other than those excluded by the department from consideration, the catastrophic fund shall be available for the purchase of medical, rehabilitation and attendant care services for trauma victims and may be made available for the purchase of supportive services such as respite care and counseling services for the family or household members of trauma victims. The department may, by regulation, prioritize the distribution of funds by and within classification of traumatic injury.

(e) Audit.--The Auditor General shall review collections and expenditures made under this section and report its findings to the General Assembly annually. The audit shall include a review of the collections and expenditures of the regional EMS councils.
(35 Pa.C.S. § 8153)

§ 8154. Prohibited acts.

(a) Making false ambulance requests.--It shall be unlawful for any person to intentionally report a medical emergency and summon an EMS response if the person does not have good

cause to believe that there is a medical emergency for which an EMS response is needed. A person violating this subsection commits a summary offense.

(b) Obstruction.--It is unlawful for any person to intentionally impede or obstruct any EMS provider in the performance of official duties if the EMS provider displays accepted department insignia or credentials. A person violating this subsection commits a summary offense.

(c) Impersonating an emergency medical services provider.--It is unlawful for any person to display an insignia or credentials or act in any manner that would lead reasonable persons to conclude that the person is an EMS provider if that person is not an EMS provider with a current registration to practice or that the person is a higher-level EMS provider than the level at which the person is certified and currently registered to practice. A person violating this subsection commits a summary offense.

(d) Misrepresentation of license.--It is unlawful for any person who does not possess an EMS agency license issued by the department under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] to advertise, display vehicle markings or exhibit any other means that would lead a reasonable person to conclude that the person is a licensed EMS agency or provides a type or level of emergency care other than that for which the person is licensed to provide. A person violating this subsection commits a summary offense.
(35 Pa.C.S. § 8154)

§ 8155. Surrender of license, accreditation or certification.

The department [of Health] shall require a person whose license, accreditation or certification has been suspended or revoked under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] to return to the department in the manner the department directs the license, accreditation document or certificate. A person who fails to do so commits a misdemeanor of the third degree.
(35 Pa.C.S. § 8155)

§ 8156. Penalties.

(a) Unlicensed agency.--A person who operates a service or vehicle for which a license is required under section 8129 (relating to emergency medical services agencies) and who does not have a license to operate the service or vehicle commits a misdemeanor of the third degree.

(b) Unauthorized practice.--A person who provides EMS without an EMS provider's certification or other legal authority to provide EMS commits a misdemeanor of the third degree. A provider who provides EMS without a current registration of the EMS provider's certification and without other legal authority to provide EMS commits a summary offense.

(c) Fine.--In addition to any other civil remedy or criminal penalty provided for under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)], the department may levy a civil penalty of up to $5,000 per day upon a person who owns or operates an EMS agency in this Commonwealth, without having a license to operate that agency in this Commonwealth, and a fine of up to $1,000 per day upon a person who provides EMS without an EMS provider's certification or other legal authority to provide EMS.
(35 Pa.C.S. § 8156)

§ 8157. Adjudications and judicial review.

Except as provided under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] for an emergency suspension, the department [of Health] shall hold hearings and issue adjudications in accordance with 2 Pa.C.S. (relating to administrative law and procedure). The adjudications may be appealed to the Commonwealth Court under 42 Pa.C.S. § 763 (relating to direct appeals from government agencies).

Subchapter C. Advance Health Care Directives and Out-of-Hospital Nonresuscitation Orders

§ 5421. Applicability.

(a) General rule.--This chapter [20 Pa.C.S. Ch. 54 (relating to health care)] applies to advance health care directives and out-of-hospital nonresuscitation orders.

(b) Preservation of existing rights.--The provisions of this chapter shall not impair or supersede any existing rights or responsibilities not addressed in this chapter.
(20 Pa.C.S. § 5421)

§ 5422. Definitions [relating to health care].

The following words and phrases when used in this chapter [20 Pa.C.S. Ch. 54 (relating to health care)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Attending physician." The physician who has primary responsibility for the health care of a principal or patient.

"Bracelet." An out-of-hospital do-not-resuscitate bracelet as defined under section 5483 (relating to definitions).

"Cardiopulmonary resuscitation." Any of the following procedures:

(1) Cardiac compression.
(2) Invasive airway technique.
(3) Artificial ventilation.
(4) Defibrillation.
(5) Any other procedure related to those set forth in paragraphs (1) through (4).

* * *

"DNR." Do not resuscitate.

"Emergency medical services provider." As defined under section 5483 (relating to definitions).

* * *

"Health care." Any care, treatment, service or procedure to maintain, diagnose, treat or provide for physical or mental health, custodial or personal care, including any medication program, therapeutical and surgical procedure and life-sustaining treatment.

* * *

"Health care provider." A person who is licensed, certified or otherwise authorized by the laws of this Commonwealth to administer or provide health care in the ordinary course of business or practice of a profession. The term includes personnel recognized under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

* * *

"Invasive airway technique." Any advanced airway technique, including endotracheal intubation.

"Life-sustaining treatment." Any medical procedure or intervention that, when administered to a patient or principal who has an end-stage medical condition or is permanently unconscious, will serve only to prolong the process of dying or maintain the individual in a state of permanent unconsciousness. In the case of an individual with an advance health care directive or order, the term includes nutrition and hydration administered by gastric tube or intravenously or any other artificial or invasive means if the advance health care directive or order so specifically provides.

"Living will." A writing made in accordance with this chapter that expresses a principal's wishes and instructions for health care and health care directions when the principal is determined to be incompetent and has an end-stage medical condition or is permanently unconscious.

"Medical command physician." A licensed physician who is authorized to give a medical command under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act.

"Necklace." An out-of-hospital do-not-resuscitate necklace as defined under section 5483 (relating to definitions).

"Order." An out-of-hospital do-not-resuscitate order as defined under section 5483 (relating to definitions).

"Patient." An out-of-hospital do-not-resuscitate patient as defined under section 5483 (relating to definitions).

* * *

(20 Pa.C.S. § 5422)

§ 5424. Compliance.

(a) Notification by attending physician or health care provider.--If an attending physician or other health care provider cannot in good conscience comply with a living will or health care decision of a health care agent or health care representative or if the policies of a health care provider preclude compliance with a living will or health care decision of a health care agent or health care representative, the attending physician or health care provider shall so inform the principal if the principal is competent or the principal's health care agent or health care representative if the principal is incompetent.

(b) Transfer.--The attending physician or health care provider under subsection (a) shall make every reasonable effort to assist in the transfer of the principal to another physician or health care provider who will comply with the living will or health care decision of the health care agent or health care representative.

(c) Employee or staff member of health care provider.--

(1) An employee or a staff member of a health care provider may not be required to participate in the withholding or withdrawal of life-sustaining treatment.

(2) A health care provider that is an employer may not discharge or in any other manner discriminate against its employee or staff member as a result of informing the employer of the employee's choice not to participate in the withholding or withdrawal of life-sustaining treatment.

(3) A health care provider that is an employer may require its employee or staff member to express in writing the wishes or unwillingness of the employee or staff member as set forth in this subsection.

(d) Liability.--If transfer under subsection (b) is impossible, the provision of life-sustaining treatment to a principal may not subject an attending physician or a health care provider to criminal or civil liability or administrative sanction for failure to carry out either the provisions of a living will or a health care decision of a health care agent or health care representative.
(20 Pa.C.S. § 5424)

§ 5426. Death not suicide or homicide.

The withholding or withdrawal of life-sustaining treatment from a principal or patient resulting in death, in accordance with the provisions of this chapter [20 Pa.C.S. Ch. 54 (relating to health care)], shall not, for any purpose, constitute suicide or homicide.
(20 Pa.C.S. § 5426)

§ 5431. Liability.

(a) General rule.--A health care provider or another person may not be subject to criminal or civil liability, discipline for unprofessional conduct or administrative sanctions and may not be found to have committed an act of unprofessional conduct as a result of any of the following:

(1) Causing or participating in the initiating, continuing, withholding or withdrawal of life-sustaining treatment or cardiopulmonary resuscitation from a patient or principal, if the health care provider believes in good faith that he has followed the patient's or principal's wishes as expressed in a living will, order or revocation made under this chapter [20 Pa.C.S. Ch. 54 (relating to health care)].

(2) Complying with a direction or decision of an individual who the health care provider believes in good faith has authority to act as a principal's health care agent or health care representative so long as the direction or decision is not clearly contrary to the terms of an advance health care directive that has been delivered to the provider.

(3) Refusing to comply with a direction or decision of an individual based on a good faith belief that the individual lacks authority to act as a principal's health care agent or health care representative or is not acting in accordance with section 5456(c) (relating to

authority of health care agent) or 5461(c) (relating to decisions by health care representative).

(4) Complying with an advance health care directive under the assumption that it was valid when made and the health care provider believes in good faith that it has not been amended or revoked.

(5) Disclosing health care information to another person based upon a good faith belief that the disclosure is authorized, permitted or required by this chapter.

(6) Refusing to comply with a direction or decision of an individual based on a good faith belief that compliance with the direction or decision would be unethical or, to a reasonable degree of medical certainty, would result in medical care having no medical basis in addressing any medical need or condition of the individual, provided that the health care provider complies in good faith with sections 5424 (relating to compliance) and 5462(c) (relating to duties of attending physician and health care provider).

(b) Same effect as if dealing with principal.--Any health care provider and other person acting under subsection (a) is protected and released to the same extent as if dealing directly with a competent principal.

* * *

(20 Pa.C.S. § 5431)

§ 5432. Criminal penalties.

(a) Criminal homicide.--A person shall be subject to prosecution for criminal homicide as provided in 18 Pa.C.S. Ch. 25 (relating to criminal homicide) if the person intends to cause the withholding or withdrawal of life-sustaining treatment contrary to the wishes of the principal or patient and, because of that action, directly causes life-sustaining treatment to be withheld or withdrawn and death to be hastened and:

(1) falsifies or forges the advance health care directive, order, bracelet or necklace of that principal or patient; or

(2) willfully conceals or withholds personal knowledge of a revocation of an advance health care directive or DNR status.

(b) Interference with health care directive.--A person commits a felony of the third degree if that person willfully:

(1) conceals, cancels, alters, defaces, obliterates or damages an advance health care directive, order, bracelet or necklace without the consent of the principal or patient;

(2) causes a person to execute an advance health care directive or order or wear a bracelet or necklace by undue influence, fraud or duress; or

(3) falsifies or forges an advance health care directive, order, bracelet or necklace or any amendment or revocation thereof, the result of which is a direct change in the health care provided to the principal or patient.

(20 Pa.C.S. § 5432)

§ 5443. When living will operative.

(a) When operative.--A living will becomes operative when:

(1) a copy is provided to the attending physician; and

(2) the principal is determined by the attending physician to be incompetent and to have an end-stage medical condition or to be permanently unconscious.

(b) Compliance.--When a living will becomes operative, the attending physician and other health care providers shall act in accordance with its provisions or comply with the transfer provisions of section 5424 (relating to compliance).

(c) Invalidity of specific direction.--If a specific direction in a living will is held to be invalid, the invalidity does not negate other directions in the living will that can be effected without the invalid direction.

(d) Medical record.--Any health care provider to whom a copy of a living will is furnished shall make it a part of the medical record of the principal and, if unwilling to comply with the living will, promptly so advise the principal or the principal's health care agent or representative.

(e) Duration.--Unless a living will states a time of termination, it is valid until revoked by the

principal, notwithstanding the lapse of time since its execution.

(f) Absence of living will.--If an individual does not make a living will, a presumption does not arise regarding the intent of the individual to consent to or to refuse the initiation, continuation, withholding or withdrawal of life-sustaining treatment.

(g) Duty of physician to certify end-stage medical condition.--Promptly after a determination that the principal has an end-stage medical condition or is permanently unconscious, the attending physician shall certify in writing that the principal has an end-stage medical condition or is permanently unconscious.

(20 Pa.C.S. § 5443)

§ **5444. Revocation.**

(a) When living will may be revoked.--A living will may be revoked at any time and in any manner by the principal regardless of the mental or physical condition of the principal.

(b) Effect of revocation.--A revocation is effective upon communication to the attending physician or other health care provider by the principal or a witness to the revocation.

(c) Medical record.--The attending physician or other health care provider shall make the revocation part of the medical record of the principal.

(20 Pa.C.S. § 5444)

§ 5445. Emergency medical services.

(a) General rule.--An emergency medical services provider shall, in the course of providing care to a principal, at all times comply with the instructions of an authorized medical command physician to withhold or discontinue cardiopulmonary resuscitation for a principal whose living will has become operative under section 5443(a) (relating to when living will operative).

(b) Applicability.--This section is applicable only in those instances where an out-of-hospital DNR order is not in effect under section 5484 (relating to orders, bracelets and necklaces).

(20 Pa.C.S. § 5445)

§ 5457. Countermand.

(a) Competent principal.--A principal of sound mind may countermand any health care decision made by the principal's health care agent at any time and in any manner by personally informing the attending physician or health care provider.

(b) Incompetent principal.--Regardless of the principal's mental or physical capacity, a principal may countermand a health care decision made by the principal's health care agent that would withhold or withdraw life-sustaining treatment at any time and in any manner by personally informing the attending physician.

(c) Attending physician.--The attending physician or health care provider shall make reasonable efforts to promptly inform the health care agent of a countermand under this section.

(d) Health care agent.--A countermand exercised under this section shall not affect the authority of a health care agent to make other health care decisions in accordance with the health care power of attorney.

(20 Pa.C.S. § 5457)

§ 5459. Revocation.

* * *

(b) Reliance on health care power of attorney.--A health care provider may rely on the effectiveness of a health care power of attorney unless notified of its revocation.

* * *

(20 Pa.C.S. § 5459)

§ 5461. Decisions by health care representative.

* * *

(b) Application.--This section applies to decisions regarding treatment, care, goods or services that a caretaker is obligated to provide to a care-dependent person who has an end-stage medical condition or is permanently unconscious as permitted under 18 Pa.C.S. § 2713(e)(5) (relating to neglect of care-dependent person).

* * *

(f) Limitation on designation of health care representative.--Unless related by blood, marriage or adoption, a health care representative may not be the principal's attending physician or other health care provider nor an owner, operator or employee of a health care provider in which the principal receives care.

(g) Decision of health care representative.--

(1) If more than one member of a class assumes authority to act as a health care representative, the members do not agree on a health care decision and the attending physician or health care provider is so informed, the attending physician or health care provider may rely on the decision of a majority of the members of that class who have communicated their views to the attending physician or health care provider.

(2) If the members of the class of health care representatives are evenly divided concerning the health care decision and the attending physician or health care provider is so informed, an individual having a lower priority may not act as a health care representative. So long as the class remains evenly divided, no decision shall be deemed made until such time as the parties resolve their disagreement. Notwithstanding such disagreement, nothing in this subsection shall be construed to preclude the administration of health care treatment in accordance with accepted standards of medical practice.

* * *

(i) Countermand of health care decision.--

(1) A principal of sound mind may countermand any health care decision made by the principal's health care representative at any time and in any manner by personally informing the attending physician or health care provider.

(2) Regardless of the principal's mental or physical capacity, a principal may countermand a health care decision made by the principal's health care representative that would withhold or withdraw life-sustaining treatment at any time and in any manner by personally informing the attending physician.

(3) The attending physician or health care provider shall make reasonable efforts to promptly inform the health care representative of a countermand exercised under this section.

(4) A countermand exercised under this section shall not affect the authority of the health care representative to make other health care decisions.

* * *

(k) Written declaration of health care representative.--An attending physician or health care provider may require a person claiming the right to act as health care representative for a principal to provide a written declaration made under penalty of perjury stating facts and circumstances reasonably sufficient to establish the claimed authority.
(20 Pa.C.S. § 5461)

§ 5462. Duties of attending physician and health care provider.

(a) Duty to certify end-stage medical condition.--Promptly after a determination that a principal has an end-stage medical condition or is permanently unconscious, the attending physician shall certify in writing that the principal has an end-stage medical condition or is permanently unconscious.

(b) Communication of health care decision.--Whenever possible before implementing a health care decision made by a health care representative or health care agent, an attending physician or health care provider shall promptly communicate to the principal the decision and the identity of the person making the decision.

(c) Compliance with decisions of health care agent and health care representative.--

(1) Health care necessary to preserve life shall be provided to an individual who has neither an end-stage medical condition nor is permanently unconscious, except if the

individual is competent and objects to such care or a health care agent objects on behalf of the principal if authorized to do so by the health care power of attorney or living will. In every other case, subject to any limitation specified in the health care power of attorney, an attending physician or health care provider shall comply with a health care decision made by a health care agent or health care representative to the same extent as if the decision had been made by the principal.

(2) In all circumstances this subsection shall be construed so as to be consistent with the Americans with Disabilities Act of 1990 (Public Law 101-336, 104 Stat. 327).

(d) Medical record.--

(1) An attending physician or health care provider who is given a health care power of attorney shall arrange for the health care power of attorney or a copy to be placed in the medical record of the principal.

(2) An attending physician or health care provider to whom an amendment or revocation of a health care power of attorney is communicated shall promptly enter the information in the medical record of the principal and maintain a copy if one is furnished.

(e) Record of determination.--An attending physician who determines that a principal is incompetent or has become competent or makes a determination that affects the authority of a health care agent shall enter the determination in the medical record of the principal and, if possible, promptly inform the principal and any health care agent of the determination.
(20 Pa.C.S. § 5462)

§ 5463. Effect on other State law.

* * *

(c) Consent.--This subchapter [20 Pa.C.S. Ch. 54 Subch. C (relating to health care agents and representatives)] does not affect the laws of this Commonwealth regarding any of the following:

(1) The standard of care of a health care provider required in the administration of health care.

(2) When consent is required for health care.

(3) Informed consent for health care.

(4) Consent to health care in an emergency.

* * *

(e) Rights of individuals.--This subchapter does not affect the right of an individual to make health care decisions.

* * *

(20 Pa.C.S. § 5463)

§ 5481. Short title of subchapter [20 Pa.C.S. Ch. 54 Subch. E (relating to out-of-hospital nonresuscitation)].

This subchapter shall be known and may be cited as the Out-of-Hospital Nonresuscitation Act.
(20 Pa.C.S. § 5481)

§ 5483. Definitions [relating to out-of-hospital nonresuscitation].

The following words and phrases when used in this subchapter [20 Pa.C.S. Ch. 54 Subch. E (relating to out-of-hospital nonresuscitation)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Department." The Department of Health of the Commonwealth.

"Emergency medical services provider." A health care provider recognized under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act. The term includes those individuals recognized under 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillator).

"EMS." Emergency medical services.

"Health care provider." A person who is licensed, certified or otherwise authorized by the laws of this Commonwealth to administer or provide health care in the ordinary course of

business or practice of a profession. The term includes personnel recognized under the act of July 3, 1985 (P.L.164, No.45), known as the Emergency Medical Services Act, and those individuals recognized under 42 Pa.C.S. § 8331.2 (relating to good Samaritan civil immunity for use of automated external defibrillator).

"Out-of-hospital do-not-resuscitate bracelet." A bracelet in the standard format set forth in section 5484 (relating to orders, bracelets and necklaces), supplied by the department and issued by the attending physician, which may be worn at the patient's option to notify emergency medical services providers of the presence of an order.

"Out-of-hospital do-not-resuscitate necklace." A necklace in the standard format set forth in section 5484 (relating to orders, bracelets and necklaces), supplied by the department and issued by the attending physician, which may be worn at the patient's option to notify emergency medical services providers of the presence of an order.

"Out-of-hospital do-not-resuscitate order." An order in the standard format set forth in section 5484 (relating to orders, bracelets and necklaces), supplied by the department and issued by the attending physician, directing emergency medical services providers to withhold cardiopulmonary resuscitation from the patient in the event of respiratory or cardiac arrest.

"Out-of-hospital do-not-resuscitate patient." An individual who:

(1) Has an end-stage medical condition or is permanently unconscious.

(2) Pursuant to section 5484(a) (relating to orders, bracelets and necklaces), possesses and in any manner displays or causes to be displayed for emergency medical services providers an apparently valid order, bracelet or necklace.

"Surrogate." A health care agent or a health care representative.

(20 Pa.C.S. § 5483)

§ 5484. Orders, bracelets and necklaces.

(a) Issuance.--An attending physician, upon the request of a patient who is at least 18 years of age, has graduated from high school, has married or is an emancipated minor, or the patient's surrogate if the surrogate is so authorized, shall issue to the patient an order and may issue at the request of the patient or the patient's surrogate a bracelet or necklace supplied by the department [of Health]. The patient may, at the patient's option, wear the bracelet or display the order or necklace to notify emergency medical services providers of the patient's DNR status.

(b) Format of order.--The department shall, with the advice of the Pennsylvania Emergency Health Services Council and with the assistance of the regional emergency medical services councils, make available standard orders for issuance to patients by attending physicians of this Commonwealth. The form of the order shall contain, but not be limited to, the following:

PENNSYLVANIA OUT-OF-HOSPITAL
DO-NOT-RESUSCITATE ORDER

Patient's full legal name:

I, the undersigned, state that I am the attending physician of the patient named above. The above-named patient or the patient's surrogate has requested this order, and I have made the determination that the patient is eligible for an order and satisfies one of the following:

..... has an end-stage medical condition.

..... is permanently unconscious and has a living will directing that no cardiopulmonary resuscitation be provided to the patient in the event of the patient's cardiac or respiratory arrest.

I direct any and all emergency medical services personnel, commencing on the effective date of this order, to withhold cardiopulmonary resuscitation (cardiac compression, invasive airway techniques, artificial ventilation, defibrillation and other related procedures) from the patient in the event of the patient's respiratory or cardiac arrest. I further direct such personnel to provide to the patient other medical interventions, such as intravenous fluids, oxygen or other therapies necessary to provide comfort care or to alleviate pain, unless directed otherwise by the patient or the emergency medical

services provider's authorized medical command physician.

Signature of attending physician:

Printed name of attending physician:

Dated:

Attending physician's emergency telephone number:

I, the undersigned, hereby direct that in the event of my cardiac and/or respiratory arrest efforts at cardiopulmonary resuscitation not be initiated and that they may be withdrawn if initiated. I understand that I may revoke these directions at any time by giving verbal instructions to the emergency medical services providers, by physical cancellation or destruction of this form or my bracelet or necklace or by simply not displaying this form or the bracelet or necklace for my EMS caregivers.

Signature of patient (if capable of making informed decisions):

I, the undersigned, hereby certify that I am authorized to execute this order on the patient's behalf by virtue of having been designated as the patient's surrogate and/or by virtue of my relationship to the patient (specify relationship: .....). I hereby direct that in the event of the patient's cardiac and/or respiratory arrest efforts at cardiopulmonary resuscitation not be initiated and be withdrawn if initiated.

Signature of surrogate (if patient is incapable of making informed decisions):

(c) Format of bracelet.--The department shall, with the advice of the Pennsylvania Emergency Health Services Council and with the assistance of the regional emergency medical services councils, make available standard bracelets for issuance to patients by attending physicians. The bracelets shall be uniform in design and shall, at a minimum, on the face clearly indicate OUT-OF-HOSPITAL DNR and the name of the patient and attending physician as well as the dated signature of the attending physician.

(d) Format of necklace.--The department shall, with the advice of the Pennsylvania Emergency Health Services Council and with the assistance of the regional emergency medical services councils, make available standard necklaces for issuance to patients by attending physicians. The necklaces shall be uniform in design and shall, at a minimum, on the face clearly indicate OUT-OF-HOSPITAL DNR and the name of the patient and attending physician as well as the dated signature of the attending physician.

(20 Pa.C.S. § 5484)

§ 5485. Revocation.

(a) Patient.--If a patient has obtained an order, only the patient may revoke the patient's DNR status.

(b) Surrogate.--If a surrogate has obtained an order, the patient or the surrogate may revoke a patient's status.

(c) Manner.--Revocation under this section may be done at any time without regard to the patient's physical or mental condition and in any manner, including verbally or by destroying or not displaying the order, bracelet or necklace.

(20 Pa.C.S. § 5485)

§ 5487. Emergency medical services.

(a) Medical command instructions.--Notwithstanding the absence of an order, bracelet or necklace pursuant to this section, emergency medical services providers shall at all times comply with the instructions of an authorized medical command physician to withhold or discontinue resuscitation.

(b) Effect of order, bracelet or necklace.--

(1) Emergency medical services providers are authorized to and shall comply with an order if made aware of the order by examining a bracelet, a necklace or the order itself.

(2) Emergency medical services providers shall provide other medical interventions necessary and appropriate to provide comfort and alleviate pain, including intravenous fluids, medications, oxygen and any other intervention appropriate to the level of the certification of the provider, unless otherwise directed by the patient or the emergency medical services provider's authorized medical command physician.

(3) As used in this subsection, the term "comply" means:

(i) to withhold cardiopulmonary resuscitation from the patient in the event of respiratory or cardiac arrest; or

(ii) to discontinue and cease cardiopulmonary resuscitation in the event the emergency medical services provider is presented with an order or discovers a necklace or bracelet after initiating cardiopulmonary resuscitation.

(c) Uncertainty regarding validity or applicability of order, bracelet or necklace.--

(1) Emergency medical services providers who in good faith are uncertain about the validity or applicability of an order, bracelet or necklace shall render care in accordance with their level of certification.

(2) Emergency medical services providers who act under paragraph (1) shall not be subject to civil or criminal liability or administrative sanction for failure to comply with an order under this section.

(d) Recognition of other states' orders.--Emergency medical services or out-of-hospital DNR orders, bracelets or necklaces valid in states other than this Commonwealth shall be recognized in this Commonwealth to the extent that these orders, bracelets or necklaces and the criteria for their issuance are consistent with the laws of this Commonwealth. Emergency medical services providers shall act in accordance with the provisions of this section when encountering a patient with an apparently valid EMS or out-of-hospital DNR form, bracelet or necklace issued by another state. Emergency medical services providers acting in good faith under this section shall be entitled to the same immunities and protections that would otherwise be applicable.

(20 Pa.C.S. § 5487)

Subchapter D. Miscellaneous Provisions

Section 2126. Emergency Drug and Alcohol Detoxification Program.--(a) The Emergency Drug and Alcohol Detoxification Program is established in the Department of Health to provide for detoxification in licensed health care facilities and to establish detoxification facilities. The program shall be administered by the Department of Health.

(b) The Emergency Drug and Alcohol Detoxification Program shall, to the greatest extent possible, utilize existing beds in health care facilities.

* * *

(1929, P.L.177, No.175, § 2126)

Section 1414.9. Administration of Epinephrine Auto-injectors by School Bus Drivers and School Crossing Guards.--The provisions of 42 Pa.C.S. §§ 8332 (relating to emergency response provider and bystander good Samaritan civil immunity) and 8337.1 (relating to civil immunity of school officers or employees relating to emergency care, first aid and rescue) shall apply to a school bus driver and a school crossing guard when all of the following apply:

* * *

(2) The school bus driver or school crossing guard has successfully completed a training program that shall be developed and implemented by the Department of Health. The Department of Health shall have ninety (90) days from the effective date of this section to develop and implement such a training program.

(1949, P.L.30, No.14, § 1414.9)

Section 1528. Cardiopulmonary Resuscitation Education.--(a) In accordance with the academic standards for health, safety and physical education for grades nine through twelve and not later than the beginning of the 2019-2020 school year, the department, in consultation with the Department of Health and at least one organization recognized under section 1205.4, shall identify or develop a model curriculum and curriculum guidelines for instruction on cardiopulmonary resuscitation for public school students in grades nine through twelve.

(b) The model curriculum and guidelines shall:

(1) be posted on the department's publicly accessible Internet website;

(2) be age-appropriate;
(3) be revised regularly to remain current with national standards;
(4) provide guidance for integration into health courses or other appropriate curriculum requirements as listed in 22 Pa. Code § 4.23 (relating to high school education);
(5) be made available to all school entities;
(6) include compilation of recommended guidelines and educational materials from organizations with expertise in CPR and emergency care;
(7) incorporate psychomotor skills training, including hands-only CPR technique; and
(8) include information on the purpose of an automated external defibrillator.
(c) (1) A school entity that offers instruction in CPR may utilize the model curriculum developed under subsections (a) and (b) or develop the school entity's own curriculum in accordance with academic standards and consistent with guidelines developed under subsections (a) and (b). A school entity may utilize appropriate publicly or privately available materials, personnel and other resources in developing and implementing this instruction, subject to the requirements of section 111 and 23 Pa.C.S. § 6344 (relating to employees having contact with children; adoptive and foster parents).
(2) A teacher, instructor or community volunteer, with the participation of a professional educator with a Pennsylvania certification, including a professional educator certified in physical education or health education or a school nurse, may provide, facilitate or oversee the instruction offered by a school entity under this section and need not be a certified CPR trainer.
(d) An individual who in good faith provides instruction in CPR to a student under this section shall not be liable for any civil damages as a result of any act or omission relating to the instruction, except for an act or omission intentionally designed to harm or a grossly negligent act or omission that results in harm to an individual to whom the student administers CPR.
(e) A cyber charter school may provide the instruction under this section through the Internet or other electronic means. If a cyber charter school provides the instruction under this section through the Internet or other electronic means, the cyber charter school shall be exempt from the academic standards and guidelines developed under subsections (a) and (b) regarding in-person instructional requirements.
(f) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:
"Automated external defibrillator." A portable defibrillator designed to be automated for use by a person without substantial medical training who responds to a cardiac emergency.
"Cardiopulmonary resuscitation" or "CPR." A first aid technique utilizing hands-only compressions of the chest used to revive an individual whose heart has stopped beating.
"Department." The Department of Education of the Commonwealth.
"Psychomotor skills." The use of hands-on practice to support cognitive learning.
"School entity." A school district, joint school district, charter school, regional charter school, cyber charter school, intermediate unit or area career and technical school.
(1949, P.L.30, No.14, § 1528)

Section 1801. Definitions.--The following words and phrases as used in this article shall, unless a different meaning is plainly required by the context, have the following meanings:
* * *
(14) "Public service-school" refers to schools, departments, classes, and conferences for the in-service training of public and other service occupations, including police officers, firefighters, finance officers, school board officials, and others.
* * *
(1949, P.L.30, No.14, § 1801)

Section 13.8. Drug Overdose Medication.--(a) The department [of Health], in carrying out its duties under 28 Pa. Code Ch. 1023 (relating to personnel), shall have the following duties:
(1) By December 31, 2014, amend the prehospital practitioner scope of practice of emergency medical services providers to include the administration of naloxone.

(2) In consultation with the Pennsylvania Emergency Health Services Council, implement training, treatment protocols, equipment lists and other policies and procedures for all types of emergency medical services providers.

(3) In consultation with the Department of Drug and Alcohol Programs, develop or approve training and instructional materials about recognizing opioid-related overdoses, administering naloxone and promptly seeking medical attention. The training and instruction materials shall be provided free of charge on the Internet.

(b) A law enforcement agency, fire department or fire company may enter into written agreements with emergency medical services agencies, with the consent of that agency's medical director or a physician, to do the following:

(1) Obtain a supply of naloxone.

(2) Authorize a law enforcement officer or firefighter who has completed training under subsection (a)(2), or who has received the training and instructional materials under subsection (a)(3), to administer naloxone to an individual undergoing or believed to be undergoing an opioid-related drug overdose.

(c) Notwithstanding any other law to the contrary, a health care professional otherwise authorized to prescribe naloxone may dispense, prescribe or distribute naloxone directly or by a standing order to an authorized law enforcement officer or firefighter in accordance with an agreement under subsection (b) or to a person at risk of experiencing an opioid-related overdose or family member, friend or other person in a position to assist a person at risk of experiencing an opioid-related overdose.

(d) The provisions of the act of September 27, 1961 (P.L.1700, No.699), known as the "Pharmacy Act," shall not apply to a law enforcement officer or firefighter who stores naloxone pursuant to an agreement under subsection (b), and in accordance with directions from the health care professional that prescribed, dispensed or distributed the naloxone, or to a person or organization acting at the direction of a health care professional authorized to prescribe naloxone so long as such activities are undertaken without charge or compensation.

* * *

(f) (1) A person, law enforcement agency, fire department or fire company under subsection (b)(2) or (c) who, acting in good faith and with reasonable care, administers naloxone to another person whom the person believes to be suffering an opioid-related drug overdose:

(i) Shall be immune from criminal prosecution, sanction under any professional licensing statute and civil liability for such act.

(ii) Shall not be subject to professional review for such act.

(iii) Shall not be liable for any civil damages for acts or omissions resulting from such act.

(2) Receipt of training and instructional materials that meet the criteria of subsection (a) and the prompt seeking of additional medical assistance shall create a rebuttable presumption that the person acted with reasonable care in administering naloxone.

(g) Nothing in this section shall be interpreted to limit any existing immunities for emergency response providers and others provided for under 42 Pa.C.S. § 8332 (relating to emergency response provider and bystander good Samaritan civil immunity).

(1972, P.L.233, No.64, § 13.8)

§ 52B01. Definitions [relating to opioid treatment agreements].

The following words and phrases when used in this chapter [35 Pa.C.S. Ch.52B (relating to opioid treatment agreements)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Medical emergency." A situation that, in the good faith professional judgment of the prescriber, creates a time sensitive threat of serious risk to the life or physical health of a person. The term includes treatment received in an emergency department or urgent care center under the act of November 2, 2016 (P.L.976, No.122), known as the Safe Emergency Prescribing Act.

* * *

(35 Pa.C.S. § 52B01)

§ 52B02. Procedure [opioid treatment].

* * *

(d) Exception.--Subsection (c) shall not apply if the treatment of an individual with a controlled substance containing an opioid is associated with or incident to:

(1) A medical emergency documented in the medical record of the individual.

* * *

(35 Pa.C.S. § 52B02)

Chapter 11. Insurance Department

Section 6. Revocation, etc., of license.

(a) Grounds for fines, suspensions or revocations.--Committing any of the following acts shall be grounds for fine, suspension or revocation of a public adjuster's license:

* * *

(19) Soliciting business during the progress of a loss-producing occurrence such as a fire, tornado, severe storm or other catastrophe where the immediate safety and security of persons and property is paramount. For purposes of this paragraph, it shall be presumed that the loss-producing occurrence is still in progress while emergency responders are present at the scene, unless the emergency responders have determined that the emergency status of the event has ended.

* * *

(1983, P.L.260, No.72, § 6)

Chapter 12. Department of Labor and Industry

Section 15. Enforcement [of Fire and Panic Act].--The provisions of this act shall apply to every building enumerated in this act, including buildings owned, in whole or in part, by the Commonwealth, or any political subdivision thereof, and shall be enforced by the Secretary of Labor and Industry, by and through his authorized representatives: Provided, That nothing in this act shall be construed as affecting buildings in cities of the first class, second class, and second class A, or the licensing of projectionists in cities of the first class and second class, and that duly appointed chiefs of fire departments shall be equally responsible with the Secretary of Labor and Industry for the enforcement of the provisions of this act and the regulations of the Department of Labor and Industry pertaining to the removal of obstructions to and maintenance of exits, aisles, passageways, and stairways leading to or from exits in all buildings covered by this act, and the inspection and maintenance of emergency lighting systems, fire alarms and fire extinguishing apparatus.

For the purpose of enforcing the provisions of this act, all the officers charged with its enforcement shall have the power to enter any of the buildings or structures enumerated in section two of this act, and no person shall hinder or delay, or interfere with, any of the said officers in the performance of his duty, nor refuse information necessary to determine whether the provisions of this act, and the rules and regulations herein provided for, are or will be complied with.

(1927, P.L.465, No.299, § 15)

Section 2202. Inspection and Administration.--The Department of Labor and Industry shall have the power, and its duty shall be:

* * *

(i) To annually inspect emergency lighting systems, sprinkler systems, and fire alarm systems, in all buildings owned or operated by the Commonwealth, and to report the respective operating conditions thereof to the departments of the Commonwealth having jurisdiction of the buildings.

(1929, P.L.177, No.175, § 2202)

Section 3. Hazardous substance list.

(a) Hazardous substance list.--The department [of Labor and Industry] shall, no later than 180 days subsequent to the effective date of this act [the Worker and community Right-to-Know Act], compile a list of hazardous substances which shall include, but not be limited to, the substances found in the latest compilation or issue of any one of the following lists:

(1) Federal Environmental Protection Agency (EPA) list of toxic pollutants and hazardous substances prepared pursuant to sections 307 and 311 of the Federal Clean Water Act of 1977 (33 U.S.C. §§ 1317, 1321).

(2) EPA list of hazardous air pollutants prepared pursuant to section 112 of the Federal Clean Air Act (42 U.S.C. § 7412).

(3) EPA list of restricted use pesticides found at 40 CFR 162.30 (relating to optional procedures for classification of pesticide uses by regulation).

(4) EPA Carcinogen Assessment Group's List of Carcinogens.

(5) OSHA list of toxic and hazardous substances found in 29 CFR 1910, subpart Z (relating to toxic and hazardous substances).

(6) International Agency for Research on Cancer sublist, entitled "Substances found to have at least sufficient evidence of carcinogenicity in animals."

(7) National Toxicology Program's list of substances published in their latest Annual Report on Carcinogens.

(8) National Fire Protection Association list found in "Hazardous Chemicals Data (NFPA 49)."

(9) National Fire Protection Association list found in "Fire Hazard Properties of Flammable Liquids, Gases, Volatile Solids (NFPA 325M)," but only those substances found on sublists for health items, categories 2, 3 and 4; sublists for reactivity items, categories 3 and 4; sublists for flammability, categories 3 and 4.

(10) American Conference of Governmental Industrial Hygienists' list found in Threshold Limit Value for Chemical Substances and Physical Agents in the Workplace.

(11) National Cancer Institute sublist, entitled "Carcinogens bioassays with at least evidence suggestive of carcinogenic effect," but including only those substances which satisfy criteria of the National Toxicology Program indicating significant carcinogenic effect.

The list shall further include any other substance or mixture designated by the department as hazardous because of its known or probable adverse human or environmental effect. This list shall be updated, reduced or expanded by the department as necessary in light of new scientific evidence and knowledge. A copy of the list and any modifications thereof shall be transmitted to every employer subject to this act.

* * *

(d) Special hazards and environmental hazards.--The department shall designate those hazardous substances which shall be considered special hazardous substances and those which shall be considered environmental hazards. The department shall compile separate lists of the special hazardous substances and the environmental hazards. These lists shall be updated, transmitted to employers and posted by employers in the same manner as the hazardous substance list. The department shall, by regulation, specify those special hazardous substances which, because of their particular or extreme properties, must be identified at concentrations of less than 0.01%.

* * *

(f) Access of police, fire and emergency response agencies.--Upon the request of a local police, fire or emergency response agency, within whose jurisdiction an employer falls, an employer shall provide a copy of its latest hazardous substance survey, and, if requested, copies of all relevant Material Safety Data Sheets. The employer shall further provide, upon the request of said agency, all relevant and available information concerning any environmental hazards pertaining to the workplace in question.

* * *

(1984, P.L.734, No.159, § 3)

Section 12. Risk to public health.

If the department [of Labor and Industry] determines that any hazardous substance or other chemical poses a potential health risk to the general public in an area surrounding the workplace, it shall inform the nearest public health agency, hospital and fire company and shall submit to them copies of each relevant Material Safety Data Sheet or Hazardous Substance Fact Sheet.
(1984, P.L.734, No.159, § 12)

Section 3. Transfer of functions [relating to combustible or flammable liquids].

The powers and duties of the Pennsylvania State Police relating to combustible liquids or flammable liquids under the act of April 27, 1927 (P.L.450, No.291), referred to as the State Fire Marshal Law, are transferred to the department [of Labor and Industry].
(1998, P.L.58, No.15, § 3)

Section 4. Regulations [relating to combustible or flammable liquids].

* * *

(e) Attendant responsibilities.--It shall be the responsibility of an attendant to:

* * *

(4) Immediately activate emergency controls and notify the fire department of any fire or other emergency.

* * *

(1998, P.L.58, No.15, § 4)

Section 2. Definitions [relating to Child Labor Act].

The following words and phrases when used in this act [the Child Labor Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Minor." An individual under 18 years of age.

* * *

"Volunteer emergency service organization." A volunteer fire company, volunteer ambulance organization, volunteer rescue organization, a volunteer forest firefighting organization or a volunteer organization of emergency service personnel who are expected to respond to medical emergencies or large-scale disasters.

* * *

(2012, P.L.1209, No.151, § 2)

Section 7. Minors serving in volunteer emergency service organizations.

(a) General rule.--An individual who is 14 years of age or older who is a member of a volunteer emergency service organization may participate in training and emergency service activities except as follows:

(1) A minor may not operate a truck, ambulance or other official fire vehicle.

(2) A minor may not operate an aerial ladder, aerial platform or hydraulic jack.

(3) A minor may not use rubber electrical gloves, insulated wire gloves, insulated wire cutters, life nets or acetylene cutting units.

(4) A minor may not operate the pump of a fire vehicle while at the scene of a fire.

(5) A minor may not enter a burning structure under any circumstance including a training exercise.

(6) A minor may not engage in firefighting activities unless all of the following apply:

(i) The minor is 16 years of age or older.

(ii) The minor has successfully completed a course of training equal to the standards for basic firefighting established by the State Fire Commissioner and the Department of Conservation and Natural Resources.

(iii) The minor is under the direct supervision and control of the fire chief, an experienced line officer or a designated forest fire warden.

(b) Additional limitations.--In addition to the limitations set forth under subsection (a), the

activities of individuals more than 13 years of age and less than 16 years of age shall be further limited as follows:

(1) An individual who is more than 13 years of age and less than 16 years of age shall only be permitted to perform the following activities:

(i) Training.

(ii) First aid.

(iii) Cleanup service at the scene of a fire, outside the structure and after the fire has been declared by the fire official in charge to be under control.

(iv) Serving food and beverages.

(2) An individual who is more than 13 years of age and less than 16 years of age may not do any of the following:

(i) Operate high pressure hose lines except during training activities. A high pressure hose line is any water hose used for fire suppression with a pressure greater than 150 psi, any air hose with a pressure greater than 100 psi and any hydraulic hose used for rescue tools with a pressure greater than 1,000 psi.

(ii) Ascend ladders except during training activities.

(c) Other prohibited activities.--The department may prohibit other activities that it deems hazardous to the health of minors through regulation.

(d) Other provisions.--

(1) Except as set forth under this subsection, this section does not supersede any other provision of this act or any regulation promulgated under this act.

(2) A minor may continue serving in answer to a fire call until excused by the individual acting as chief of the fire company if the minor:

(i) is 16 years of age or older;

(ii) is a member of a volunteer fire company; and

(iii) answers a fire call while lawfully employed.

(3) An individual who is 14 or 15 years of age may engage in training or firefighting activities permitted under this section until 10 p.m. before a school day if the minor:

(i) is a member of a volunteer fire company; and

(ii) has the written consent of the minor's parent or legal guardian.

(2012, P.L.1209, No.151, § 7)

Chapter 13. Pennsylvania Emergency Management Agency

Subchapter A. General Provisions

Section 1735-B. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Funds appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety at a center located in a city of the first class.

* * *

(1929, P.L.343, No.176, § 1735-B)

Section 1725-C. Restricted receipt accounts.

* * *

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

* * *

(1929, P.L.343, No.176, § 1725-C)

Section 1735-E. Pennsylvania Emergency Management Agency.

The Pennsylvania Emergency Management Agency shall provide semiannual reports of all grants awarded by the Pennsylvania Emergency Management Agency from Federal disaster assistance or relief funds, homeland security and defense funds, avian flu/pandemic preparedness or other public health emergency funds to the chairman and minority chairman of the Appropriations Committee of the Senate and the chairman and minority chairman of the Appropriations Committee of the House of Representatives. The reports shall include information relating to the entity receiving grant money from the agency, including the name and address of the entity, the amount of the grant, the date of issuance and the purpose of the grant. Reports shall be submitted by August 20 for grants awarded during the period from January 1 through June 30 and by February 20 for grants awarded during the period from July 1 through December 31.
(1929, P.L.343, No.176, § 1735-E)

Section 1735-F. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

* * *

(1929, P.L.343, No.176, § 1735-F)

Section 1725-G. Restricted receipt accounts.

* * *

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

* * *

(1929, P.L.343, No.176, § 1725-G)

Section 1735-J. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Money appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety.

(2) Money appropriated for the State Fire Commissioner includes $250,000 to fund a Statewide recruitment and retention coordinator and regional technical advisors to develop, implement and deliver recruitment and retention training programs and provide technical assistance to local fire organizations and local governments.

(1929, P.L.343, No.176, § 1735-J)

Section 1725-K. Restricted receipt accounts.

* * *

(c) Department of Conservation and Natural Resources.--The following restricted receipt accounts may be established for the Department of Conservation and Natural Resources:

(1) Federal Aid to Volunteer Fire Companies.

* * *

(1929, P.L.343, No.176, § 1725-K)

Section 1735-L. Pennsylvania Emergency Management Agency.

The following shall apply to appropriations for the Pennsylvania Emergency Management Agency:

(1) Funds appropriated for local municipal emergency relief shall be used for a State program to provide assistance to individuals and political subdivisions directly affected by natural and man-made disasters or public safety emergencies. State assistance will be

limited to grants for projects that do not qualify for Federal assistance to help repair damages to primary residences, personal property and public facilities. Grants will be made available for reimbursement in a disaster emergency area only when a Presidential disaster declaration is not covering the area or when the agency determines that a public safety emergency has occurred.

(2) Funds appropriated for search and rescue programs shall be used to support programs related to training working service dogs focusing on rescue and public safety at a center located in a city of the first class.

(1929, P.L.343, No. 176, § 1735-L)

Section 1717-M. Restricted receipt accounts.

* * *

(h) Pennsylvania Emergency Management Agency.--The following restricted receipt accounts may be established for the Pennsylvania Emergency Management Agency:

(1) Receipts from Federal Government - Disaster Relief - Disaster Relief Assistance to State and Political Subdivisions.

* * *

(1929, P.L.343, No.176, § 1717-M)

Section 2. Definitions [relating to farm safety and occupational health].

The following words and phrases when used in this act [the Farm Safety and Occupational Health Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Emergency service provider." Any employee, agent, member or officer of a paid or volunteer fire company, ambulance service or rescue squad located in this Commonwealth which is regularly engaged in providing emergency medical care and transportation, fire protection services or rescue services.

* * *

"PEMA." The Pennsylvania Emergency Management Agency.

* * *

(1994, P.L.944, No.134, § 2)

Section 11. Rescue equipment loans [under the Farm Safety and Occupational Health Act].

Notwithstanding section 4(a)(2) of the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, PEMA may make loans for the purchase of heavy-duty rescue equipment to any one volunteer fire, ambulance or rescue company in the maximum amount of $150,000 for any such rescue vehicle or 50% of the total cost of the vehicle, whichever is less. PEMA may also make such loans for the purchase of a single heavy-duty rescue vehicle by two or more volunteer fire, ambulance or rescue companies, provided that such companies have formed a regional or countywide farm rescue response team.

(1994, P.L.944, No.134, § 11)

§ 7102. Definitions [relating to emergency management services].

The following words and phrases when used in this part [35 Pa.C.S. Pt. V (relating to emergency management services)] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Agency." The Pennsylvania Emergency Management Agency.

"Council." The Pennsylvania Emergency Management Council.

* * *

"Disaster." A man-made disaster, natural disaster or war-caused disaster.

"Disaster emergency." Those conditions which may by investigation made, be found, actually or likely, to:

(1) affect seriously the safety, health or welfare of a substantial number of citizens of this Commonwealth or preclude the operation or use of essential public facilities;

(2) be of such magnitude or severity as to render essential State supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced; and

(3) have been caused by forces beyond the control of man, by reason of civil disorder, riot or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

"Disaster emergency-related work." The repair, renovation, installation, construction or rendering of services or other business activities that relate to infrastructure that has been damaged, impaired or destroyed by a disaster.

"Emergency management." The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response and recovery for emergencies of any kind, whether from attack, man-made or natural sources.

"Emergency services." The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and provide emergency repair of injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resources management, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection.

* * *

"Local emergency." The condition declared by the local governing body when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

"Local organization." A local emergency management organization.

"Man-made disaster." Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

"Natural disaster." Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

* * *

"Person." An individual, corporation, firm, association, public utility, trust, estate, public or private institution, group, the Commonwealth or a local agency or political subdivision and any legal successor, representative or agency of the foregoing.

"Political subdivision." Any county, city, borough, incorporated town or township.

* * *

"Resource shortage." The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of this Commonwealth.

"War-caused disaster." Any condition following an attack upon the United States resulting

in substantial damage to property or injury to persons in the United States caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical or biological means, or other weapons or overt paramilitary actions, or other conditions such as sabotage.
(35 Pa.C.S. § 7102)

§ 7103. Purposes of part [35 Pa.C.S. Pt. V (relating to emergency management services)].

The purposes of this part are to:

(1) Reduce vulnerability of people and communities of this Commonwealth to damage, injury and loss of life and property resulting from disasters.

(2) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.

(3) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.

(4) Clarify and strengthen the roles of the Governor, Commonwealth agencies and local government in prevention of, preparation for, response to and recovery from disasters.

(5) Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery.

(6) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of this Commonwealth, and similar State-local and Federal-State activities in which the Commonwealth and its political subdivisions participate.

(7) Provide a disaster management system embodying all aspects of predisaster preparedness and postdisaster response.

(8) Assist in prevention of disaster caused or aggravated by inadequate planning for and regulation of public and private facilities and land use.

(9) Supplement, without in any way limiting, authority conferred by previous statutes of this Commonwealth and increase the capability of the Commonwealth and local agencies having responsibilities for civil defense to perform both civil defense and disaster services.

(10) Further the operational capacities of Commonwealth agencies to deal with disaster situations.

(11) Further programs of education and training.

(12) Establish integrated communications capabilities and warning systems.

(35 Pa.C.S. § 7103)

§ 7104. Limitations.

This part [35 Pa.C.S. Pt. V (relating to emergency management services)] is not intended to:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this part or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

(2) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States or of any personnel thereof when on active duty except that Commonwealth and local disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies.

(3) Limit, modify or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the Constitution, statutes or common law of this Commonwealth independent of, or in conjunction with, any provisions of this part.

(35 Pa.C.S. § 7104)

§ 7311. Creation [of Pennsylvania Emergency Management Agency].

To assure prompt, proper and effective discharge of basic Commonwealth responsibilities relating to civil defense and disaster preparedness, operations and recovery, there is hereby formally created the Pennsylvania Emergency Management Agency.

(35 Pa.C.S. § 7311)

§ 7312. Organization [of Pennsylvania Emergency Management Agency].

This agency shall consist of and be organized substantially as follows:

(a) Council.--Primary responsibility for overall policy and direction of a Statewide civil defense and disaster program and response capability of the type hereinafter prescribed shall be vested in a body legally known as the Pennsylvania Emergency Management Council, which shall be composed of: the Governor, Lieutenant Governor, Adjutant General, Secretary of Health, Attorney General, General Counsel, Secretary of Community Affairs, Secretary of Environmental Protection, Secretary of Transportation, Secretary of Agriculture, Secretary of Public Welfare, Commissioner of the Pennsylvania State Police, Chairman of the Public Utility Commission, State Fire Commissioner, Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives. The Speaker of the House of Representatives, President pro tempore of the Senate, Minority Leader of the Senate and Minority Leader of the House of Representatives may authorize a member of their respective Houses of the General Assembly to serve in their stead. The Governor may authorize up to two representatives of business and industry, up to two representatives of labor, up to two public members at large and one representative respectively of the Pennsylvania State Association of County Commissioners, the Pennsylvania State Association of Township Commissioners, the Pennsylvania State Association of Township Supervisors, the Pennsylvania League of Cities and the Pennsylvania State Association of Boroughs to be nonvoting members of the council. The Governor may designate a member to serve as chairman. Five members shall constitute a quorum.

(b) Compensation and expenses.--The members shall serve without compensation, but may be reimbursed for their actual and necessary traveling and other expenses incurred in connection with attendance at meetings.

(c) Regular meetings.--For the conduct of routine business, including particularly the consideration of matters of basic policy, the council shall meet at the call of the chairman and at least three times during each calendar year.

(d) Emergency meetings.--In the event of attack or disaster situations determined actually or likely to be of such nature, magnitude, severity or duration as to necessitate extensive or extraordinary deployment and use of Commonwealth resources for emergency purposes, the chairman shall, within not more than 72 hours immediately following such determination, call the council into emergency session, for consideration of actions taken or to be taken. In the absence of the chairman, notice of such meetings shall be disseminated to the membership by the State director.

(e) State director.--To supervise the work and activities comprising the State Civil Defense and Disaster Program, the Governor shall appoint an individual to act, on a full-time basis, as director of the agency. The director shall perform all such fiscal, planning, administrative, operational and other duties as may be assigned to him by the council and shall act as the chairman's principal assistant in civil defense and disaster matters. The director or the director's designee is also the State coordinating officer responsible to coordinate and supervise the Commonwealth and local disaster response effort following a presidential declaration of an emergency or a major disaster.

(f) Staff.--The council shall, within the limitations of appropriations made to the agency, arrange for the employment of such professional, technical, administrative and other staff personnel as may be deemed essential to the development and maintenance of a Statewide civil defense and disaster plan and program of the type hereinafter prescribed. All such personnel shall be employed and subject to pertinent provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," and the Commonwealth Compensation Plan.

(g) Office space, equipment and services.--The agency shall be furnished necessary and appropriate office space, furniture, equipment, supplies and services in the same general manner as are other Commonwealth departments and agencies.

(h) Emergency communications.--The agency shall maintain an integrated

communications capability designed to provide to all areas and counties weather advisories, river forecasts, warnings, and direction and control of all emergency preparedness functions within the Commonwealth. The agency shall coordinate the Commonwealth's emergency communication systems, sharing of information and weather emergency notification among the National Weather Service, contiguous State emergency management offices, local coordinators of emergency management, the Pennsylvania State Police, local police departments, private relief associations and other appropriate organizations. Additionally, the agency shall establish the sole Statewide telephone number that persons, including county and municipal emergency management personnel, may use to report incidences of radioactive and hazardous materials and other disaster emergencies.

(i) Administrative provisions.--Except as otherwise provided in this part [35 Pa.C.S. Pt. V (relating to emergency management services)], the agency shall be subject to the provisions of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."
(35 Pa.C.S. § 7312)

§ 7313. Powers and duties [of Pennsylvania Emergency Management Agency].

The agency shall have the following powers and duties:

(1) To prepare, maintain and keep current a Pennsylvania Emergency Management Plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery. The plan may include provisions for:

(i) Preparedness standards established by the Federal Emergency Management Agency.

(ii) Commonwealth and local disaster emergency management responsibilities.

(iii) Assistance to Commonwealth agencies, local government officials, schools and custodial child care facilities in designing emergency management plans and training programs.

(iv) Organization of manpower, chains of command, continuity of government in emergency situations and emergency operational principles.

(v) Coordination of Federal, Commonwealth and local disaster emergency management activities.

(vi) Coordination of the Commonwealth Emergency Management Plan with the disaster plans of the Federal Government and those of other states.

(vii) Assistance to the Commonwealth and local governments in obtaining, utilizing and managing Federal and Commonwealth disaster assistance.

(viii) Supply to appropriate Commonwealth and local officials State catalogs of Federal, Commonwealth and private assistance programs.

(ix) Identification of areas particularly vulnerable to disasters.

(x) Recommendations for zoning, building and other land-use controls; safety measures pertaining to nonpermanent or semipermanent structures; resource conservation and allocation; and other preventive and preparedness measures designed to eliminate or reduce disasters or their impact.

(xi) Authorization and procedures for the erection or other construction of temporary works designed to protect against or mitigate danger, damage or loss from flood, conflagration or other disaster.

(2) To establish, equip and staff a Commonwealth and area emergency operations center with a consolidated Statewide system of warning and provide a system of disaster communications integrated with those of Federal, Commonwealth and local agencies involved in disaster emergency operations.

(3) To promulgate, adopt and enforce such rules, regulations and orders as may be deemed necessary to carry out the provisions of this part [35 Pa.C.S. Pt. V (relating to emergency management services)].

(4) To provide technical advice and assistance to Commonwealth agencies, political subdivisions, schools and custodial child care facilities in the preparation of disaster

emergency management plans or components thereof and to periodically review such plans and suggest or require revisions.

(5) To establish and operate or assist political subdivisions in establishing and operating training programs and programs of public information.

(6) To supply appropriate Commonwealth and local agencies and officials and the general public with precautionary notices, watches and warnings relating to actual and potential disasters and to provide a flow of official information and instructions to the general public through all means available before, during and after an emergency. The agency shall implement a program of integrated flood warning systems among political subdivisions. The agency shall establish coordinated flood notification and early warning systems along prescribed major river basins and selected tributaries thereof in this Commonwealth.

(7) To provide emergency direction and control of Commonwealth and local emergency operations.

(8) To determine the need for, maintain information regarding and procure materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.

(9) To make or request of Commonwealth or local agencies and officials, studies, surveys and reports as are necessary to carry out the purposes of this part.

(10) To plan and make arrangements for the availability and use of any private facilities, services and property and, if necessary and if in fact used, provide for payment for use under terms and conditions agreed upon.

(11) To prepare, for issuance by the Governor, executive orders, proclamations and regulations as necessary or appropriate in coping with disasters.

(12) To cooperate with the Federal Government and any public or private agency or entity in achieving any purpose of this part and in implementing programs for disaster prevention, preparation, response and recovery.

(13) To administer grant programs to political subdivisions for disaster management.

(14) To accept and coordinate assistance provided by Federal agencies in major disasters or emergencies in accordance with the provisions of The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.), or any amendment or reenactment thereof.

(15) To respond to disaster relating to atomic energy operations or radioactive objects or materials. Any such action taken and any regulations adopted by the office shall be inapplicable to any objects or materials possessing a radiation-producing capacity less than that set forth as the maximum safety limit by the standards endorsed and as may be subsequently endorsed by the United States Nuclear Regulatory Commission for the protection of life and property and the maintenance of health and safety.

(16) To take other action necessary, incidental or appropriate for the implementation of this part.

(17) To report annually to the General Assembly the state of preparedness of the Commonwealth to deal with attack or disaster and those significant events occurring within the past year.

(18) To recommend to the Governor legislation or other actions as deemed necessary in connection with the purposes of this part.

(19) To provide, from its own stockpiles or other sources, emergency operational equipment, materials and supplies required and available for essential supplementation of those owned, acquired and used by Commonwealth, county and local departments and agencies for attack and disaster operations. The agency shall establish two regional emergency supply warehouses. One shall be located in the western part of this Commonwealth, and one shall be located in the eastern part of this Commonwealth.

(20) For the period during which an emergency is declared by the Governor, to incur obligations for or purchase such materials and supplies as may be necessary to combat a disaster, protect the health and safety of persons and property and provide emergency assistance to victims of a disaster without complying with formal bidding or other time-

consuming contract procedures.

(21) To require hydroelectric generating facilities and dam operators to do all of the following:

(i) Provide minimum competency testing for their operators.

(ii) Submit plans for flood notification and warning.

(35 Pa.C.S. § 7313)

§ 7314. Utilization of existing services and facilities.

In order to avoid duplication of services and facilities, the [Pennsylvania Emergency Management] agency shall utilize the services and facilities of existing officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the Commonwealth and of the political subdivisions thereof. These officers and agencies shall cooperate with and extend their services and facilities to the agency as requested.
(35 Pa.C.S. § 7314)

§ 7320. Radiological emergency response preparedness, planning and recovery program.

(a) Establishment of program.--In addition to the powers and duties of the [Pennsylvania Emergency Management] agency set forth in section 7313 (relating to powers and duties), the agency shall develop, establish and maintain a radiological emergency response preparedness, planning and recovery program consistent with the Commonwealth's Emergency Management Plan and in accordance with other applicable Federal regulations and State laws for each nuclear generating facility that has received an operating license from the Nuclear Regulatory Commission.

(b) Agency functions.--The specific functions of the agency under the radiological emergency response preparedness, planning and recovery program shall include, but not be limited to:

(1) Serving as the point of contact for interface between the affected facilities and other Commonwealth agencies and departments, counties, municipalities and school districts.

(2) Annual review and revision, as necessary, of the risk and support county radiological emergency response plans to ensure that they are consistent with the Commonwealth's Emergency Management Plan.

(3) Participation in required exercises, including emergency communication drills and tests, as based upon mutually agreed schedules and parameters.

(4) Participation in the Federal full participation exercises scheduled for nuclear generation stations.

(5) Review and revision, as necessary, of Annex E, "Radiological Emergency Response to Nuclear Power Plant Incidents," of the Commonwealth's Emergency Management Plan and annual review of the onsite emergency response plan of each utility to ensure that it is consistent with the annex.

(6) Seeking formal Federal review and approval of the Commonwealth's Annex E to its Emergency Management Plan and the county, municipal and other plans in accordance with 44 CFR Part 350 (relating to review and approval of state and local radiological emergency plans and preparedness). Once Federal approval is obtained for the plans, the agency shall seek to maintain that approval status.

(7) Annual review of municipal and school district radiological emergency response plans in conjunction with the respective county emergency management agencies to ensure that they are consistent with the applicable county radiological emergency response plans.

(8) Assisting in the update of lesson plans used by each utility for county, municipal, school and volunteer agency offsite training purposes and, to the extent necessary to obtain Federal approval, participation in this training effort.

(9) Annual review of the Alert Notification System Report for each nuclear generating station to ensure that current information from the State and county plans are

included in the report and assist in the coordination of siren or other emergency communication tests with each utility, the appropriate counties and adjacent states.

(10) Coordinating the review and update of emergency information brochures with the respective counties and utilities.

(11) Participation with each utility in planning and program meetings scheduled with counties, municipalities and school districts.

(12) Developing planning and preparedness procedures for emergency response within the ingestion exposure pathway zone.

(13) Providing a qualified press secretary or designee to participate in the operation of a joint information center upon its activation by a utility.

(14) Performing actions necessary to satisfy the Commonwealth's responsibilities relative to Federal guidance memoranda.

(15) Providing reasonable assistance and support requested by a utility from time to time in connection with the utility obtaining or maintaining, or both, an emergency plan acceptable to Federal regulatory entities having jurisdiction over the utility.

(16) Providing other reasonable assistance and support requested by utilities from time to time.

(17) Providing guidance to State, county and municipal elected officials, departments and agencies and school districts in order to ensure compliance with this section and all other applicable Federal and State radiation protection safety laws.

(18) Providing redundant communications' capability between the agency's headquarters and each nuclear generating station in this Commonwealth sufficient to meet Federal and State regulatory requirements.

(c) Establishment of fund.--There is hereby created in the General Fund a nonlapsing restricted receipt account to be known as the Radiological Emergency Response Planning and Preparedness Program Fund. Fees received under subsection (d) shall be deposited in this fund. Moneys in the fund are hereby appropriated to the agency to carry out its responsibilities under subsections (a) and (b).

* * *

(35 Pa.C.S. § 7320)

§ 7321. Unconventional well 911 emergency response information.

(a) Emergency regulations.--The [Pennsylvania Emergency Management] agency and the Department of Environmental Protection shall adopt emergency regulations directing the operators of all unconventional wells within this Commonwealth to do all of the following:

(1) Adopt a unique GPS coordinate address for each unconventional well at both the access road entrance and well pad site.

(2) Register that address with the agency, the Department of Environmental Protection and the county emergency management organization within the county where the unconventional well is located.

(3) Require the development of an emergency response plan and file that plan with the agency, the Department of Environmental Protection and the county emergency management organization with jurisdiction over the unconventional well. The county shall disseminate the GPS address and emergency response plan to the local emergency management organization in which the unconventional well is located.

(4) Post a reflective sign at the entrance to each unconventional well site with the specific address of that site, the coordinates for the site, the emergency contact number for the operator and such other information as the agency or the Department of Environmental Protection deems necessary.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Unconventional formation." A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by:

(1) hydraulic fracture treatments;
(2) using multilateral well bores; or
(3) other techniques to expose more of the formation of the well bore.

"Unconventional well." A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.
(35 Pa.C.S. § 7321)

§ 7331. Purpose of subchapter [35 Pa.C.S. Ch. 73 Subch. C (relating to intrastate mutual aid)].

The purpose of this subchapter is to create a system of intrastate mutual aid between participating political subdivisions within this Commonwealth, whereby each participating political subdivision recognizes that emergencies transcend the boundaries of a political subdivision and that intergovernmental coordination is essential for the protection of lives and property and for the best use of available public and private assets. The system shall provide for mutual assistance among the participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond. The system shall provide for mutual cooperation among the participating subdivisions in conducting exercises, testing or other training activities.
(35 Pa.C.S. § 7331)

§ 7332. Definitions [relating to intrastate mutual aid].

The following words and phrases when used in this subchapter [35 Pa.C.S. Ch. 73 Subch. C (relating to intrastate mutual aid)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Emergency Management Agency.

"Committee." The Intrastate Mutual Aid Committee.

"Dedicated emergency response organization." Any entity organized, chartered or incorporated in this Commonwealth or chartered by the Congress of the United States for the primary purpose of providing emergency services. The term shall include volunteer, career and combination organizations.

"Emergency responder." An individual in the public or private sector who has special skills, qualifications, training, knowledge or experience, whether or not the person possesses a license, certificate, permit or other official recognition for the skills, qualifications, training, knowledge or experience, that would benefit a participating political subdivision in responding to an authorized mutual aid request or participating in an authorized drill or exercise. The term shall include a law enforcement officer, a firefighter, an emergency medical services worker, a physician, nurse or other public health worker, an emergency management official, a coroner or medical examiner, a State-certified hazardous materials team member, a public works worker, a building inspector, an architect, an engineer or other design professional or a person with specialized equipment operations skills or training or with any other skills needed to provide aid in a declared emergency.

"Incident." Any event or condition which constitutes an actual or imminent threat to public health and safety, public or private property or the economic well-being of the community.

"Incident commander." The individual responsible for all incident-related activities, including the development of strategies and tactics and the ordering and releasing of resources as provided under the National Incident Management System.

"Mutual aid." Mutual assistance and sharing of resources among participating political subdivisions in the prevention of, response to and recovery from threats to public health and safety that are beyond the capability of an affected community to respond.

"National Incident Management System." The National Incident Management System established by the United States Department of Homeland Security.

"Participating political subdivision." A political subdivision that has not opted out of the intrastate mutual aid system.

"Political subdivision." Any county, city, borough, incorporated town or township. The term shall include any council of governments established among any of the above.

"Requesting political subdivision." A participating political subdivision that requests assistance under this subchapter.

"Responding political subdivision." A participating political subdivision that responds to a request for assistance under this subchapter.

"System." The intrastate mutual aid system.

(35 Pa.C.S. § 7332)

§ 7333. Intrastate Mutual Aid Committee.

(a) Establishment.--There is established the Intrastate Mutual Aid Committee.

(b) Membership.--The committee shall be comprised of the following members:

(1) The director of the agency or a designee, who shall serve as the chairman of the committee.

(2) The State Fire Commissioner and the Director of the Bureau of Emergency Medical Services of the Department of Health or any successor bureau or administrative unit having similar responsibilities.

(3) Three representatives each from the career fire services, the volunteer fire services and the emergency medical services.

(4) Three county emergency management agency directors, one from each agency area, who shall be recommended by the respective agency area directors.

(5) One representative each from the State Chiefs of Police Association, the State Fraternal Order of Police and the Pennsylvania State Police.

(6) One representative each from the Statewide county and municipal government associations' representative elected officials.

(7) Three representatives from county-based 911 programs.

(8) One representative from the Pennsylvania State Coroners Association.

(c) Appointments.--Each member under subsection (b) shall be appointed by the director of the agency, and the appointment shall be based on recommendations from the organizations and associations represented. The county-based 911 members shall be selected from recommendations made by the three agency area directors.

(d) Terms of office.--Members shall serve a term of two years and may be appointed for subsequent terms.

(e) Duties of committee.--The committee shall do all of the following:

(1) Hold at least one meeting each year to review the progress and status of the intrastate mutual aid system.

(2) Provide participating political subdivisions with a method to track and evaluate the system.

(3) Examine issues facing participating political subdivisions and emergency responders regarding the implementation of this subchapter [35 Pa.C.S. Ch. 73 Subch. C (relating to intrastate mutual aid)].

(4) Prepare an annual report on the condition and effectiveness of mutual aid in this Commonwealth, which shall be submitted to the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives. This report may contain recommendations for correcting any deficiencies within the system.

(5) Develop all of the following:

(i) Comprehensive guidelines and procedures that address all of the following:

(A) Projected or anticipated costs potentially incurred by a participating political subdivision.

(B) Recordkeeping for participating political subdivisions.

(C) Reimbursement procedures and other necessary implementation elements.

(D) Any other procedures that the committee deems necessary.

(ii) Checklists for requesting and providing assistance.

(iii) Forms for requests and other records to document the deployment and

return of assets.
(35 Pa.C.S. § 7333)

§ 7334. [Intrastate mutual aid] System.

(a) Establishment.--An intrastate mutual aid system is established for the purpose of providing mutual aid within this Commonwealth.

(b) Participation.--

(1) All political subdivisions within this Commonwealth shall be a part of the system unless the political subdivision elects not to participate by enacting a resolution declaring their desire not to participate and by submitting a copy of the resolution to the agency and to its county emergency management agency.

(2) All political subdivisions within this Commonwealth shall consult with fire and emergency medical services providers to discuss the emergency services needs of the political subdivision.

(3) Any political subdivision that elects not to participate in the system, as provided under subsection (a), may at a later date elect to participate in the system by enacting a resolution declaring its desire to participate and by submitting a copy of the resolution to the agency and to its county emergency management agency.

(4) Participation by a political subdivision in the system of intrastate mutual aid established by this subchapter [35 Pa.C.S. Ch. 73 Subch. C (relating to intrastate mutual aid)] shall not be subject to the requirements of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation).

(c) Responsibilities.--It shall be the responsibility of each participating political subdivision with jurisdiction over and responsibility for emergency management within that political subdivision to do all of the following:

(1) Identify potential hazards that could affect the participating political subdivision using an identification system as developed by the committee common to all participating political subdivisions.

(2) Conduct joint planning, intelligence sharing and threat assessment development with contiguous participating political subdivisions.

(3) Conduct joint training with contiguous participating political subdivisions at least biennially.

(4) Identify and inventory the current services, equipment, supplies, personnel and other resources related to planning, prevention, mitigation, response and recovery activities of the participating political subdivisions in accordance with the National Incident Management System Integration Center resource management guidance.

(5) Adopt and implement the standardized incident management system approved by the agency.

(6) Adopt and implement the National Incident Management System requirements established by the United States Department of Homeland Security.
(35 Pa.C.S. § 7334)

§ 7335. Assistance.

(a) Requests.--A participating political subdivision may request assistance of other participating political subdivisions or their designated emergency response organizations. All requests for assistance shall be initiated from the incident commander or authorized designee at an incident location, the county 911 center or the county emergency manager where the incident occurs. All intrastate mutual aid requests for assistance shall be made to the county 911 center or county emergency management coordinator or authorized designee in the responding county. Intrastate mutual aid requests for assistance may also be made through the agency. A written request shall be submitted after a verbal request is made as soon as practicable or within the number of days that the agency, in its discretion, may determine.

(b) Response to requests.--A participating political subdivision's obligation to provide assistance in the prevention of, response to and recovery from an incident or in authorized drills or exercises shall be subject to all of the following conditions:

(1) A responding political subdivision may withhold resources to the extent necessary to provide reasonable protection and services for its own jurisdiction.

(2) Emergency response personnel of a responding political subdivision shall remain under the administrative and policy procedures and control of their respective jurisdiction, including medical protocols, standard operating procedures and other protocols, but shall be under the operational control of the appropriate officials within the incident management system of the requesting political subdivision.

(3) Assets and equipment of a responding political subdivision shall remain under the administrative and policy procedures and control of their respective jurisdiction but shall be under the control of the appropriate officials within the incident management system of the requesting political subdivision.

(4) The incident commander shall have overall authority and responsibility for conducting incident operations and shall be responsible for the management of all incident operations at the incident site.

(c) Reimbursement.--A requesting political subdivision shall reimburse the responding political subdivision in accordance with procedures established by the committee. A responding political subdivision may donate assets of any kind to a participating political subdivision. If a dispute arises regarding reimbursement, involved parties shall make every effort to resolve the dispute within 30 days of written notice of the dispute by the party asserting noncompliance. In the event that the dispute is not resolved within 90 days of the notice of the claim, either party may request the dispute be resolved through arbitration. Any arbitration requested under this subsection shall be conducted under the commercial arbitration rules of the American Arbitration Association.

(d) Exceptions.--The provisions of this section shall not apply to specific mutual aid agreements which exist on the effective date of this section and which were made between political subdivisions and emergency response organizations to cover response to routine incidents.

(35 Pa.C.S. § 7335)

§ 7336. License, certificate and permit portability.

If a person holds a license, certificate or other permit issued by a participating political subdivision or the Commonwealth evidencing qualification in a professional, mechanical or other skill and the assistance of that person or entity is requested by a participating political subdivision, the person shall be deemed to be licensed, certified or permitted in the political subdivision requesting assistance for the duration of the incident response or authorized drills or exercises and subject to any limitations and conditions the chief executive of the participating political subdivision receiving the assistance may prescribe by executive order or otherwise.

(35 Pa.C.S. § 7336)

§ 7337. Insurance.

A responding political subdivision shall ensure that adequate insurance protection is in effect covering all vehicles and equipment used in response to an intrastate mutual aid request. Personnel of the responding political subdivision shall maintain direct and overall control of all vehicles and equipment utilized in an intrastate mutual aid response and shall ensure that vehicles and equipment are used within intended design specifications.

(35 Pa.C.S. § 7337)

§ 7338. Workers' compensation.

Notwithstanding any other provision of law, a responding political subdivision shall provide appropriate workers' compensation insurance protection for municipal employees and volunteers representing the responding political subdivision when responding to a request under this system. Personnel of a responding political subdivision who sustain injury or death in the course of and arising out of their employment shall be entitled to all applicable benefits normally available to personnel while performing their duties for their employer. Responders

shall receive any additional Federal and State benefits that may be available to them for line-of-duty deaths.
(35 Pa.C.S. § 7338)

§ 7339. Immunity.

All activities performed under the intrastate mutual aid system are deemed to be governmental functions. For the purposes of liability, all persons responding under the operational control of the requesting political subdivision shall be deemed to be employees of the requesting participating political subdivision. Except in cases of willful misconduct, gross negligence or bad faith, neither the participating political subdivisions nor their employees shall be liable for the death of or injury to persons or for damage to property when complying or attempting to comply with the system. This subchapter [35 Pa.C.S. Ch. 73 Subch. C (relating to intrastate mutual aid)] shall provide no immunity, rights or privileges for any individual responding to an incident where the response has not been requested by a participating political subdivision.
(35 Pa.C.S. § 7339)

§ 7340. Effect on other agreements.

Nothing in this subchapter [35 Pa.C.S. Ch. 73 Subch. C (relating to instrastate mutual aid)] shall preclude participating political subdivisions from entering into supplementary agreements with another political subdivision. Nothing in this subchapter shall affect any other agreement to which a political subdivision may, on the effective date of this section, be a party.
(35 Pa.C.S. § 7340)

§ 2314. Distribution of [unconventional gas well] fee.

* * *

(c.1) Additional distributions.--From fees collected under this chapter and deposited in the fund for 2011 and each year thereafter:

* * *

(4) Seven hundred fifty thousand dollars to the Pennsylvania Emergency Management Agency for emergency response planning, training and coordination related to natural gas production from unconventional gas wells.

* * *

(58 Pa.C.S. § 2314)

Subchapter B. Radiation Protection

Section 402. Nuclear facility and transport fees.

* * *

(c) Agency fees.--

* * *

(1.1) (i) By July 1, 2007, and July 1 of each year thereafter through July 1, 2014, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the agency the following fees, regardless of the number of individual nuclear power reactors located at the site:

(A) $200,000 to be collected and used by the agency in accordance with the provisions of 35 Pa.C.S. § 7320 (relating to radiological emergency response preparedness, planning and recovery program).

(B) $150,000 to be collected and used by the agency for radiological emergency response equipment, planning, training and exercise costs involving nonagency personnel.

(i.1) By July 1, 2015, and July 1 of each year thereafter, each person who has a current nuclear power reactor construction permit or operating license from the NRC for a site within this Commonwealth shall pay the agency the following fees,

regardless of the number of individual nuclear power reactors located at the site:

(A) $275,000 to be collected and used by the agency in accordance with the provisions of 35 Pa.C.S. § 7320.

(B) $150,000 to be collected and used by the agency for radiological emergency response equipment, planning, training and exercise costs involving nonagency personnel.

(ii) Payments collected under subparagraphs (i)(A) and (i.1)(A) shall be deposited into the Radiological Emergency Response Planning and Preparedness Program Fund established pursuant to 35 Pa.C.S. § 7320(c). Payments collected under subparagraphs (i)(B) and (i.1)(B) shall be deposited into the Radiation Emergency Response Fund. For the purposes of this subsection only, a nuclear power reactor site shall be deemed to be the location of one or more individual nuclear power reactors which still has spent nuclear fuel stored onsite, has not been fully dismantled and decommissioned pursuant to applicable Federal law and regulations and has not been granted license termination by the NRC.

(2) By July 1 of each year, each person who has applied for or holds a current license from the NRC to operate an away-from-reactor spent nuclear fuel storage facility within this Commonwealth shall pay to the agency an annual fee of $75,000 per site.

(3) By July 1 of each year, each person who has approval from the Department of Energy or has applied for or holds a current license from the NRC to operate a reactor fuel fabrication facility within this Commonwealth shall pay to the agency an annual fee of $75,000 per site.

(4) Prior to the proposed date of a shipment that requires an escort, each shipper of spent nuclear fuel, high-level waste, transuranic waste or a large quantity of radioactive material who ships to, within, through or across the boundaries of this Commonwealth shall pay to the agency a fee of $2,500 per individual vehicle shipment or $4,500 per railroad car or river barge shipment.

(5) Every three years beginning in 2009, the agency shall convene a working group consisting of personnel from the agency selected by the director and an equal number of representatives from the nuclear facilities selected by the owners of those facilities to review the nuclear facility fees paid to the agency, related issues that may have an impact on those fees and the expenditures made by the agency in administering its radiation protection programs. This working group shall issue a report to the General Assembly outlining its findings of fact and its recommendations relative to the fees imposed by the agency pursuant to this section, including any individual or minority recommendations from members of the working group.

* * *

(1984, P.L.688, No.147, § 402)

Section 403. Creation of special funds.

* * *

(b) Radiation Emergency Response Fund.--There is hereby created in the General Fund a restricted account to be known as the Radiation Emergency Response Fund. Fees received under section 402(c)(1.1)(i)(B), (2) and (3) shall be deposited in this fund as provided and are hereby appropriated to the [Pennsylvania Emergency Management] agency for the purpose of carrying out its responsibilities under Chapter 5.

(c) Radiation Transportation Emergency Response Fund.--There is hereby created in the General Fund a restricted account to be known as the Radiation Transportation Emergency Response Fund. Fees received under section 402(c)(4) shall be deposited in this fund and are hereby appropriated to the agency for the purpose of carrying out its responsibilities under Chapter 6.

(1984, P.L.688, No.147, § 403)

Section 502. Response program.

In conjunction with the department [of Environmental Protection], the [Pennsylvania

Emergency Management] agency shall develop a Radiation Emergency Response Program for incorporation into the Pennsylvania Emergency Management Plan developed by the agency pursuant to Title 35 of the Pennsylvania Consolidated Statutes (relating to health and safety). Any volunteer organizations which are incorporated into the Radiation Emergency Response Program developed under the authority of this act [the Radiation Protection Act] shall be consulted prior to such incorporation. The Radiation Emergency Response Program shall include an assessment of potential nuclear accidents or incidents, the radiological consequences and necessary protective measures required to mitigate the effects of such accidents or incidents. The program shall include, but not be limited to:

(1) Development of a detailed fixed nuclear emergency response plan for areas surrounding each nuclear electrical generation facility, nuclear fuel fabricator and away-from-reactor storage facility. The term "areas" shall be deemed to mean the emergency response zone designated by the NRC Emergency Response Plan applicable to each such fixed nuclear facility.

(2) Notification by nuclear power facility operating licensees of municipalities within the areas set forth in paragraph (1) of unusual radioactivity as defined in section 301(d).

(3) Training and equipping of State and local emergency response personnel.

(4) Periodical exercise of the accident scenarios designated in the NRC Emergency Response Plan applicable to each fixed nuclear facility.

(5) Procurement of specialized supplies and equipment.

(6) Provisions for financial assistance to municipalities, school districts, volunteer and State agencies as provided for in section 503.

(7) At a minimum, each nuclear power reactor owner shall provide to the department existing plant and radiological monitoring data collected by that owner, derived from equipment and monitoring methods installed by each owner in accordance with the requirements of its license by the NRC. By July 1, 2008, each plant owner shall enter into an agreement with the department establishing the protocols for providing such data to the department through an expedited, secure process.

Nothing in this section shall be construed to diminish or abrogate any existing agreement between the department and a plant owner to provide data for the purpose of monitoring plant and radiological conditions important to the protection of the general public.
(1984, P.L.688, No.147, § 502)

Section 604. Radiation Transportation Emergency Response Plan.

(a) Planning.--The [Pennsylvania Emergency Management] agency shall develop the Transportation Emergency Response Plan to respond to accidents involving the shipment of spent nuclear fuel, high-level waste, transuranic waste or a large quantity of radioactive material. The plan shall:

(1) Incorporate local agencies and volunteer organizations along the preprescribed routes of transport.

(2) Incorporate any Commonwealth agency responsible for protection of the health and safety of the public as necessary and approved by the specific agency.

(b) Funding of State and local agencies.--Funds received under section 402(c)(4) shall be used to train and equip State and local agencies and volunteer organizations in accordance with regulations adopted by the council to implement the plan.
(1984, P.L.688, No.147, § 604)

Subchapter C. Hazardous Materials

Section 101. Short title [of Hazardous Material Emergency Planning and Response Act].

This act shall be known and may be cited as the Hazardous Material Emergency Planning and Response Act.
(1990, P.L.639, No.165, § 101)

Section 102. Legislative findings and purpose.

(a) Findings.--The General Assembly hereby determines, declares and finds that exposure to hazardous materials has the potential for causing undesirable health and environmental effects and poses a threat to the health, safety and welfare of the citizens of this Commonwealth, and that the citizens of this Commonwealth and emergency service personnel who respond to emergency situations should be protected from health hazards and harmful exposures resulting from hazardous material releases at facilities and from transportation-related accidents.

(b) Purpose.--It is the purpose of this act [the Hazardous Material Emergency Planning and Response Act] to:

(1) Create a strong working relationship and partnership between business and industry and the Commonwealth and its municipalities in order to protect and safeguard the citizens of this Commonwealth from the health hazards and other risks of harm resulting from or incident to the use, storage, distribution and transportation of hazardous materials.

(2) Designate the Pennsylvania Emergency Management Council as the Commonwealth's emergency response commission and establish an emergency planning district and a local emergency planning committee in each county of this Commonwealth to act in accordance with the provisions of the Emergency Planning and Community Right-To-Know Act of 1986 (Title III of Public Law 99-499, 42 U.S.C. § 11001, et seq.), also referred to in this act as SARA, Title III.

(3) Establish and maintain a comprehensive hazardous material safety program for the Commonwealth and its counties.

(4) Create the Hazardous Material Response Fund to provide financial assistance to Commonwealth agencies and counties to develop an effective and integrated response capability to the health hazards, dangers and risks which hazardous material releases pose to the general public.

(5) Establish an emergency notification system whereby the release of hazardous materials occurring at a facility or resulting from a transportation accident will be promptly reported to the Pennsylvania Emergency Management Agency and county emergency management agency.

(6) Assign responsibilities to various Commonwealth agencies and local agencies to ensure the development and furtherance of a comprehensive hazardous material safety program.

(7) Provide civil liability protection to officials and emergency response personnel of the Commonwealth and municipalities who are properly carrying out their duties and responsibilities under the Commonwealth's hazardous material safety program.

(8) Require persons responsible for the release of hazardous materials to pay the costs incurred by certified hazardous material response teams and supporting paid and volunteer emergency service organizations for emergency response activities caused by the hazardous material release.

(1990, P.L.639, No.165, § 102)

Section 103. Definitions [relating to hazardous material emergency planning and response].

The following words and phrases when used in this act [the Hazardous Material Emergency Planning and Response Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certified hazardous material response team." A team of individuals who are certified and organized by a Commonwealth agency, a local agency, a regional hazardous material organization, a transporter, a manufacturer, supplier or user of hazardous materials, or a volunteer service organization, or a private contractor, for the primary purpose of providing emergency response services to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material, which is certified, trained and equipped in accordance with this act. Hazardous material response teams may also be certified to perform stabilization actions needed to remove threats

to public health and the environment from hazardous material releases.

"Commonwealth agency." An executive agency or independent agency.

"Council." The Pennsylvania Emergency Management Council.

* * *

"County emergency management coordinator." The person designated to perform emergency management functions by the county under 35 Pa.C.S. Part V (relating to emergency management services).

"Emergency management." The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response and recovery for emergencies of any kind, whether from attack, manmade or natural sources.

"Emergency Service Organization." A team of individuals organized by a Commonwealth agency, a local agency or any other entity for the primary purpose of providing emergency services as defined in 35 Pa.C.S. § 7102 (relating to definitions).

* * *

"Local emergency planning committee" or "local committee." The local committee within each emergency planning district responsible for preparing hazardous material plans and performing other functions under the Emergency Planning and Community Right-To-Know Act of 1986 (Title III, Public Law 99-499, 42 U.S.C. § 11001 et seq.).

"Mentoring council." A voluntary organization of companies which handle, manufacture, use or distribute chemicals and other interested groups, formed in conjunction with a local emergency planning committee with the primary purpose of improving safe work practices.

"PEMA." The Pennsylvania Emergency Management Agency.

* * *

"Regional hazardous material organization." A nonprofit corporation, joint venture or authority formed under the laws of this Commonwealth which either contracts with or is organized by one or more Commonwealth agencies, local agencies or volunteer service organizations for the purpose of creating, training, equipping, maintaining and providing one or more hazardous material response teams to serve any specific geographic area as approved by the Pennsylvania Emergency Management Council within, but not limited to, the Commonwealth under this act.

* * *

"SARA, Title III." The Emergency Planning and Community Right-to-Know Act of 1986 (Title III, Public Law 99-499, 42 U.S.C. § 11001 et seq.).

* * *

(1990, P.L.639, No.165, § 103)

Section 201. Designation and functions of Pennsylvania Emergency Management Council.

(a) Council.--The Pennsylvania Emergency Management Council, established and organized under the act of November 26, 1978 (P.L.1332, No.323), known as the Emergency Management Services Code, is designated and shall constitute the Commonwealth's emergency response commission to carry out the responsibilities assigned to the Commonwealth by SARA, Title III, to develop overall policy and direction for a Statewide hazardous material safety program and to supervise and coordinate the responsibilities of the local emergency planning committees.

(b) Membership.--The council shall be composed of the current members of the Pennsylvania Emergency Management Council as now provided by law and the Secretary of Labor and Industry.

(c) Chairperson.--The Governor shall designate a member of the council to serve as chairperson of the council. In the absence of the chairperson, the director of PEMA shall serve as chairperson. The chairperson shall have the authority to assign, delegate or transfer tasks, duties and responsibilities to members of the council. The chairperson shall approve the appointment of members to the council who are designated by their respective department or office and authorized to fulfill the duties and responsibilities of the appointed member of the council.

(d) Compensation and expenses.--Members shall serve without compensation but shall be reimbursed for necessary and reasonable actual expenses, such as travel expenses, incurred in connection with attendance at council meetings.

(e) Meetings.--For the conduct of routine or emergency business, the council shall meet at the call of the chairperson. Five members of the council shall constitute a quorum for the purpose of conducting the business of the council and for all other purposes. All actions of the council shall be taken by a majority of the council members present. The council shall be subject to 65 Pa.C.S. Ch. 7 (relating to open meetings).

(f) Staff.--The council shall supervise PEMA as its primary agent responsible for performing the functions and duties of the council established under this act. For this purpose, PEMA shall employ such professional, technical, administrative and other staff personnel as may be deemed essential to carry out the purposes of this act and the development and maintenance of a comprehensive Commonwealth hazardous material safety program and report directly to the council.

(g) Powers and duties.--The council shall have the duty and power to:

(1) Carry out all of the duties and responsibilities of a State emergency response commission as specified in SARA, Title III.

(2) Promulgate as provided by law any rules and regulations necessary to carry out and implement this act and SARA, Title III.

(3) Develop Commonwealth agency contingency plans relating to the implementation of this act and SARA, Title III.

(4) Provide guidance and direction to counties for the implementation of this act and SARA, Title III.

(5) Supervise the operation of local committees and ensure that local committees meet all Federal and Commonwealth standards and requirements as provided by law.

(6) Develop a Commonwealth comprehensive hazardous material safety program.

(7) Delegate authority and assign primary responsibility to the Department of Labor and Industry for receiving, processing and managing hazardous chemical information forms and data, trade secrets and public information requests under this act and in coordination with the act of October 5, 1984 (P.L.734, No.159), known as the Worker and Community Right-to-Know Act. Emphasis should be given to electronically processing the information reported under this act to maximize its use in emergency response and to enhance its availability to the public.

(8) Delegate authority and assign responsibility to the Department of Environmental Protection and the Department of Health for providing technical advice and assistance consistent with established departmental responsibilities in the alleviation of public health and environmental hazards associated with hazardous material releases or threatened releases of hazardous materials, including, but not limited to, dispatching emergency response personnel to accident sites during emergency situations when requested by PEMA. This act shall not affect any existing authority these agencies have to respond to hazardous material releases.

(9) Prescribe duties and responsibilities for Commonwealth agencies, counties and local emergency planning committees to conduct comprehensive emergency management activities consistent with this act.

(10) Prescribe standards for hazardous material response team training or certification, the equipping of hazardous material response team units and other matters involving hazardous material response activities.

(11) Develop a public information, education and participation program for the public and facility owners covering the requirements of this act and the Worker and Community Right-to-Know Act and interpretation of the chemical information collected under this act and the risks those chemicals pose to the public health and environment.

(12) Develop a mechanism or guidelines for the use of local emergency planning committees to act as boards of arbitration for resolving cost recovery disputes concerning those costs defined in section 210(c) that arise between a person who causes a release of a hazardous material and the organizers of any certified hazardous material response

teams or emergency service organizations that responded to the hazardous material release.

(13) Do all other acts and things necessary for the exercise of the powers and duties of the council and for the implementation of this act and SARA, Title III.

(h) Council expenses.--The council shall develop a specific operating budget to implement the provisions of this act which shall be submitted separately by PEMA with its regular budget each year, subject to the requirements of section 207.

* * *

(1990, P.L.639, No.165, § 201)

Section 202. Establishment of emergency planning districts.

Each county is designated and constituted an emergency planning district for the purposes of SARA, Title III.

(1990, P.L.639, No.165, § 202)

Section 203. Establishment and functions of local emergency planning committees.

(a) Local emergency planning committees.--In order to carry out the provisions of Federal and Commonwealth law, a minimum of one local emergency planning committee shall be established in each county. The local committee shall elect a chairman from among its members. The local committee shall be subject to the supervision of the council and shall cooperate with the county emergency management agency and SARA facilities to prepare the emergency response plans required by section 303 of SARA, Title III, for facilities where extremely hazardous chemicals are present.

(b) Membership.--A local committee shall be composed of the county emergency management coordinator, one county commissioner and at least one person selected from each of the following groups:

(1) Elected officials representing local governments within the county.

(2) Law enforcement, first aid, health, local environmental, hospital and transportation personnel.

(3) Firefighting personnel.

(4) Civil defense and emergency management personnel.

(5) Broadcast and print media.

(6) Community groups not affiliated with emergency service groups.

(7) Owners and operators of facilities subject to the requirements of SARA, Title III.

(c) Coordinator.--The county emergency management coordinator, as supervised by the county commissioners, shall have the lead responsibility for ensuring that the plans and activities of the local committee comply with SARA, Title III, this act [the Hazardous Material Emergency Planning and Response Act], and other applicable statutes and laws.

(d) Appointment.--The members of a local committee shall be appointed by the council from a list of nominees submitted by the governing body of the county. The list of nominees shall contain the names of at least one person from each of the groups enumerated in subsection (b). Upon the failure of the governing body of a county to submit a list of nominees to the council within a time fixed by the council, the council may appoint members at its pleasure.

(e) Vacancies.--As soon as practicable after the occurrence of a vacancy, the council shall appoint, in the manner provided in subsection (d), a successor member to a local committee for the remainder of the unexpired term of the member for which the vacancy exits. A vacancy shall occur upon the death, resignation, disqualification or removal of a member of a local committee.

(f) Meetings.--For the conduct of routine or emergency business, the local committee shall meet at the call of the chairperson. A majority of the members of the local committee, or such other number of members of the local committee as set by the local committee, shall constitute a quorum for the purpose of conducting the business of the local committee and for all other purposes. All actions of the local committee shall be taken by a majority of the local committee members present. The local committee shall be subject to 65 Pa.C.S. Ch. 7 (relating to open

meetings).

(g) Duties.--A local committee shall have the duty and authority to:

(1) Make, amend and repeal bylaws and other procedures in order to carry out the duties, requirements and responsibilities of a local committee as set forth in SARA, Title III, and as required by the council.

(2) Take appropriate actions to ensure the implementation and updating of the local emergency response plans required by this act.

(3) Report to the council on alleged violations of this act.

(4) Prepare reports, recommendations or other information related to the implementation of this act, as requested by the council.

(5) Meet, when appropriate, with any Commonwealth agency or local or regional agency which is empowered to exercise the governmental functions of planning and zoning, to regulate land use and land use development, or to authorize the siting of a facility within the county to discuss and review with the Commonwealth agency and local agency all mitigation factors necessary to protect the health, safety and welfare of the general public from a potential release of hazardous materials from a proposed facility. Mitigation factors include, but are not limited to, environmental impacts, shelter and evacuation feasibility, emergency warning and communications, availability of response equipment and future population and economic growth in the area of the proposed facility.

(6) Accept and deposit into its county Hazardous Material Emergency Response Account any grants, gifts or other funds received which are intended for the purpose of carrying out this act.

(h) Expenses.--The administrative and operational expenses of a local committee may be paid through a combination of sources by the county from the fees collected by the county, from grants received from the council in accordance with the provisions of sections 207 and 208, respectively, or by accepting private donations.

(i) Agency and compensation for injury.--A member of a local committee shall be an agent of the council and shall be deemed a duly enrolled emergency management volunteer for the purposes of 35 Pa.C.S. § 7706 (relating to compensation for accidental injury).

(j) Advisory capacity.--The local committee may perform other emergency management advisory duties as requested by county elected officials.

(k) Plan provisions.--Each emergency plan shall include, but not be limited to, each of the following:

(1) Identification of the facility subject to the requirements of section 303 of SARA, Title III, within the county, identification of routes likely to be used for the transportation of substances on the list of extremely hazardous substances and identification of additional facilities contributing or subjected to additional risk due to their proximity to the facility subject to the requirements of this section, such as hospitals or natural gas facilities.

(2) Methods and procedures to be followed by facility owners and operators and local emergency and medical personnel to respond to any release of such substances.

(3) Designation of a county emergency management coordinator and facility emergency coordinators, who shall make determinations necessary to implement the plan.

(4) Procedures providing reliable, effective and timely notification by the facility emergency coordinators and the county emergency management coordinator to persons designated in the emergency plan, and to the public, that a release has occurred, consistent with the notification requirements of section 304 of SARA, Title III.

(5) Methods for determining the occurrence of a release, and the area or population likely to be affected by such release.

(6) A description of emergency equipment at each facility in the county subject to the requirements of this section, and an identification of the persons responsible for such equipment and facilities. The facility's equipment list shall be included in the plan. Community equipment lists may be maintained in the county/municipal emergency operations centers.

(7) Evacuation plans, including provisions for a precautionary evacuation and alternative traffic routes.

(8) Refer to the location of training programs, including schedules for training of local emergency response and medical personnel.

(9) Refer to the location of schedules for exercising the emergency plan.

(10) The latitude and longitude of the facility.

(11) The vulnerability radius for each extremely hazardous substance that meets threshold planning quantity requirements.

(12) All appropriate response organizations that would likely be called to the facility in the event of an emergency.

(13) The location, quantity and type of any extremely hazardous substance that meets the threshold planning quantity at the facility.

(14) A standard list of information to be collected for each emergency in the initial notification system.

(15) A statement the local emergency planning committee will review the results of emergency response activities and hazardous material exercises to incorporate relevant adjustments to the plan.

(l) Mentoring council.--Nothing in this act shall prohibit the creation of an additional voluntary council formed for the purpose of furthering education and outreach to facilities to ensure awareness of and have access to safety tools and resources necessary to effectively implement and comply with the requirements of this act.

(1990, P.L.639, No.165, § 203)

Section 204. Hazardous material safety program.

(a) Program components.--In conjunction with the Departments of Environmental Protection, Health, Transportation, Agriculture, Labor and Industry and Community and Economic Development, Pennsylvania Public Utility Commission, Fish and Boat Commission, Pennsylvania Turnpike Commission and the Pennsylvania State Police, or any other Commonwealth agencies as determined by the council, PEMA shall develop a hazardous material safety program for incorporation into the Commonwealth Emergency Operations Plan developed by PEMA under 35 Pa.C.S. Pt. V (relating to emergency management services). The hazardous material safety program shall include an assessment of the potential dangers and risks that hazardous material releases occurring at facilities and from transportation-related accidents pose to the general public and the environment. The Pennsylvania State Fire Academy shall be utilized as the Commonwealth's center for hazardous materials training pursuant to its duties under the act of November 13, 1995 (P.L.604, No.61), known as the State Fire Commissioner Act. The program shall also consider the impacts, consequences and necessary protective measures required to respond to and mitigate the effects of such releases and accidents. The program shall include, but not be limited to:

(1) Development of comprehensive emergency management guidance for hazardous materials for the Commonwealth and Commonwealth agencies which sets forth the specific duties, responsibilities, roles and missions of Commonwealth agencies.

(2) Development of comprehensive emergency management guidance consistent with the Emergency Management Services Code for hazardous materials that can be used by the local committees to meet the requirements of Federal and Commonwealth statutes and laws.

(3) Development of specific procedures for counties to complete periodic reports conforming to the requirements of subsection (b.1) as required by PEMA on the status and capabilities of each county's hazardous materials safety program.

(4) Development of a notification system whereby the owners and operators of a facility will report the occurrence of any hazardous substance or extremely hazardous substance release to the appropriate Commonwealth agencies, local agencies and Commonwealth and local officials designated in the Commonwealth and local emergency plans. The reporting requirements for this notification system are set forth in section 206.

(5) Development of a notification system whereby the transporters of any hazardous substance or extremely hazardous substance will report the occurrence of any hazardous material release to the Commonwealth agencies, local agencies and Commonwealth and

local officials designated in the Commonwealth and local plans. The reporting requirements for this notification system are set forth in section 206.

(6) Training and equipping local agency public safety and emergency response personnel.

(7) Establishing training standards and a certification program for the formation of Commonwealth agency, local agency or regional hazardous material response teams. All Commonwealth agency, supporting paid and volunteer emergency service organizations, local agency or other agencies and committees that establish training standards for emergency service, law enforcement, firefighting or other personnel shall cooperate with the council in the implementation of these training standards and certification program.

(8) Periodic exercise of hazardous material release scenarios at facilities and transportation sites that are designed to test the response capabilities of Commonwealth agency, local agency and regional public safety and emergency response personnel and certified hazardous materials response teams.

(9) Assistance in procuring of specialized hazardous material response supplies and equipment to be used by local and regional public safety and emergency response personnel.

(10) PEMA's staffing and operation of a 24-hour State emergency operations center to provide effective emergency response coordination for all types of natural and manmade disaster emergencies, including the ability to receive and monitor the emergency notification reports required under sections 205 and 206 from all facilities and transporters involved with hazardous material incidents.

(11) Provisions for financial assistance to counties as provided in sections 207 and 208 and for the payment of compensation benefits awarded to duly enrolled emergency management volunteers under 35 Pa.C.S. § 7706 (relating to compensation for accidental injury).

* * *

(b.1) Requirements for periodic reports.--The periodic reports required by subsection (a)(3) shall include the following:

(1) Potential threats posed by facilities requiring emergency response plans under section 303 of SARA, Title III, and other concentrations of hazardous materials in the county or in areas immediately adjacent to the county that may pose a threat.

(2) Potential threats posed by hazardous material transported by highway and railroad in the county.

(3) Identification of existing capabilities to respond to hazardous material releases, including personnel, equipment, training, planning and identification of existing hazardous material response zones.

(4) Selection of an option to comply with this act under section 209(e) and identification of the need for personnel, equipment, training and planning needed to respond to the potential threats, including the designation of proposed levels of preparedness for local or regional response teams and proposed local or regional response zones.

(5) Identification of other resources needed to implement the provisions of this act and to support the local emergency planning committee.

(6) An audit of the Hazardous Material Emergency Response Account.

(7) Such other information as PEMA may deem necessary.

(1990, P.L.639, No.165, § 204)

Section 205. Emergency reporting requirements.

(a) Requirements.--The owner or operator of a facility in this Commonwealth shall comply with the following requirements:

(1) The owner or operator of a facility in this Commonwealth covered under section 302 of SARA, Title III, shall comply with the emergency planning and notification requirements under sections 302 and 303 of SARA, Title III.

(2) The owner or operator of a facility in this Commonwealth covered under section

311 of SARA, Title III, shall comply with the reporting requirements under sections 311 and 312 of SARA, Title III.

(3) The owner or operator of a facility in this Commonwealth subject to section 313 of SARA, Title III, shall comply with the toxic chemical release form requirements under section 313 of SARA, Title III.

(4) The owner of a facility in this Commonwealth subject to the requirements of paragraphs (2) and (3) shall comply with the procedures for providing information under section 323 of SARA, Title III.

(5) The owner or operator of a facility in this Commonwealth covered under section 304 of SARA, Title III, shall comply with the notification requirements of section 304 of SARA, Title III, and section 206 of this act [the Hazardous Material Emergency Planning and Response Act].

(a.1) Report to health care provider.--When an employee of a facility is exposed to a substance covered by SARA, Title III, the owner or operator of the facility shall provide to the health care provider the appropriate material safety data sheet necessary for appropriate medical treatment.

(b) Document repository.--For the purposes of complying with the reporting requirements set forth in sections 311, 312 and 313 of SARA, Title III, the owner or operator of any facility shall submit its material safety data sheets or chemical lists, emergency and hazardous chemical inventory forms and toxic chemical release forms to the Department of Labor and Industry, which is the council's repository for those documents at the State level.

(c) Rolling stock.--The owner or operator of a property that has one or more rolling stock, whether owned or leased, located within its property boundaries for any period of time in excess of five continuous days and containing an extremely hazardous substance in excess of the threshold planning quantity shall notify the council and the appropriate local committee of that fact and shall assist the local committee in preparing an emergency response plan, which contains those provisions that either the council or the appropriate local committee directs, in order to deal with any potential release of an extremely hazardous substance from that rolling stock.

(d) Facility duties.--The owner or operator of any facility that manufactures, produces, uses, transfers, stores, supplies or distributes any hazardous material after the effective date of this subsection shall:

(1) Provide the emergency planning notification and information required by sections 302(c) and 303(d) of SARA, Title III, to the council and the appropriate local emergency planning committee within five business days after an extremely hazardous substance is first present at such facility.

(2) Submit its material safety data sheets or chemical lists and emergency hazardous chemical inventory forms to the Department of Labor and Industry, the appropriate local emergency planning committee and the fire department with jurisdiction over the facility within five business days after the hazardous chemical is first present at the facility. The owner or operator shall also comply with the requirements of section 311(d)

(2) of SARA, Title III, within five business days.

(1990, P.L.639, No.165, § 205)

Section 206. Emergency notification requirements.

(a) Facility or transportation accident or incident.--Except as provided in subsection (e), the owner or operator of a facility that manufactures, produces, uses, imports, exports, stores, supplies or distributes any hazardous substance or extremely hazardous substance and the owner or operator of a vehicle that ships, transports or carries any hazardous substance or extremely hazardous substance to, within, through or across this Commonwealth shall immediately report the release of the substance which exceeds the reportable quantity and which extends beyond the property boundaries of the facility or which results from a transportation accident or incident to the appropriate Commonwealth and county emergency response office as follows:

(1) Two notifications shall be made by the owner or operator of a facility. The first

call shall be to the 24-hour response telephone number of the county office designated and acting as the emergency response coordinator for the local committee, which may be known as the county emergency management office 24-hour response number. The second call shall be made to the PEMA 24-hour response number.

(2) Notification shall be made by the owner or operator of a vehicle by dialing 911 or, in the absence of a 911 emergency telephone number, calling the operator in order to notify the county emergency management office 24-hour response number within whose jurisdiction the transportation accident or incident has occurred, and reporting that a hazardous substance or an extremely hazardous substance release has occurred. The county emergency management office shall report any notification made under this subsection to the PEMA 24-hour response number within one hour of its receipt.

(a.1) Additional notice.--A county emergency management agency which receives notification under subsection (a) must immediately provide information to the fire chief in the appropriate jurisdiction relating to the details of the release, including, but not limited to, the substance involved.

(b) Contents.--The notification required by this section shall include each of the following to the extent known at the time of the notice and so long as no delay in responding to the emergency results:

(1) The name and telephone number of the person making the notification.

(2) The name of the person employed by the owner or operator of the facility or vehicle who has the authority or responsibility to supervise, conduct or perform any cleanup activities required at the facility or transportation accident site or to contract for the performance of any cleanup activities at the facility or transportation accident site.

(3) The chemical name or identity of any substance involved in the release.

(4) An indication of whether the substance is an extremely hazardous substance or other hazardous material or appears on a Federal or Commonwealth list of hazardous materials as periodically amended.

(5) An estimate of the quantity of the substance that was released into the environment.

(6) The time, location and duration of the release.

(7) The medium or media into which the release occurred.

(8) Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medical attention necessary for exposed individuals.

(9) Proper precautions to take as a result of the release, including evacuation, unless the information is readily available to the community emergency coordinator under an emergency plan, and any other relevant information which may be requested.

(10) The name and telephone number of the person or persons to be contacted for further information.

(11) Additional information required by Federal or Commonwealth law or regulation.

(c) PEMA notice.--The notification to PEMA shall be made to the PEMA 24-hour response number. This notification shall contain the information required by subsection (b). The notice to PEMA shall fulfill the requirements in SARA, Title III, to notify the council and shall fulfill any requirements in other State laws to notify the Department of Environmental Protection about the same hazardous chemical spill or release. PEMA shall provide notice of the spill or release to the Department of Environmental Protection.

(d) Written report.--Within 14 calendar days after a release which required notice under this section, the owner or operator of a facility and the owner or operator of a vehicle shall provide a written follow-up report or reports if more information becomes available, to PEMA and the county emergency management office setting forth and updating the information required under subsection (b), and including additional information with respect to:

(1) Actions taken to respond to and contain the release.

(2) Any known or anticipated acute or chronic health risks associated with the release.

(3) Advice regarding medical attention necessary for exposed individuals, where

appropriate.

(4) Actions to be taken to mitigate potential future incidents.

(e) Exception.--The provisions of this section shall not apply to a release of a hazardous substance or an extremely hazardous substance if the release of such substance is exempted, excluded or permitted by Federal or Commonwealth statute, law, rule or regulation.

(f) Coordinated notification system.--

(1) The [Pennsylvania Emergency Management] council shall, within one year of the effective date of this act [the Hazardous Material Emergency Planning and Response Act], complete a study of current notification procedures to determine the feasibility of establishing a single notification center and simplified alternative notification processes for State agencies to receive notification of all emergencies involving hazardous or potentially hazardous substances or releases into the air or water or on the land. The council shall study the feasibility of replacing notification of individual State agencies with a single point of contact and simplified alternative notification procedures covering substances regulated by this act [the Hazardous Material Emergency Planning and Response Act], by the act of June 22, 1937 (P.L.1987, No.394), known as The Clean Streams Law, the act of January 8, 1960 (1959 P.L.2119, No.787), known as the Air Pollution Control Act, the act of July 7, 1980 (P.L.380, No.97), known as the Solid Waste Management Act, the act of October 18, 1988 (P.L.756, No.108), known as the Hazardous Sites Cleanup Act, the act of July 6, 1989 (P.L.169, No.32), known as the Storage Tank and Spill Prevention Act, or by any other State statute requiring notification of any State agency of spills and releases into the environment. The study shall consider any impact a single point of contact and alternative notification procedures may have on the regulated community, any enforcement programs within the Department of Environmental Protection or other agencies and notification requirements established in Federal law and make specific recommendations for implementing its findings, including recommended changes to State law. The Hazardous Material Emergency Planning and Response Advisory Committee shall be involved in the development of the study.

(2) The council shall forward a copy of the final study, including a recommended timetable for implementing any recommendations, to the House Conservation Committee and the Senate Environmental Resources and Energy Committee.

(1990, P.L.639, No.165, § 206)

Section 207. Establishment of funds.

(a) Hazardous Material Response Fund.--

(1) There is hereby created in the State Treasury a nonlapsing restricted account to be known as the Hazardous Material Response Fund. The fund shall consist of the fees collected under subsections (c), (d) and (e), civil penalties and fines and funds appropriated by the General Assembly. Moneys in the fund and the interest which accrues shall be appropriated annually to PEMA for disbursement and shall be used to carry out the purposes, goals and objectives of SARA, Title III, and the Commonwealth's hazardous material safety program.

(2) PEMA shall administer and allocate moneys in the fund, including all interest generated therein, in the following manner:

(i) Up to 10% may be expended on training programs.

(ii) Up to 10% may be expended for public and facility owner education, information and participation programs.

(iii) Up to 10% may be used for the general administrative and operational expenses of this act.

(iv) The remaining revenue in the fund shall be used as grants to support the activities of counties under this act, as described in section 208.

(b) County emergency response financing.--

(1) The treasurer of each county shall establish a nonlapsing restricted account to be known as the Hazardous Material Emergency Response Account. The account shall consist of revenue from fees authorized by this section, county, Federal or State funds,

grants, loans or penalties and any private donations provided to finance the hazardous material safety program. Expenditures from the account shall be authorized by the county consistent with the needs identified in the periodic report prepared in accordance with guidelines established by PEMA. The Hazardous Material Emergency Response Account shall also be utilized by the local emergency planning committee to resolve cost recovery disputes that arise between a person who causes a release of a hazardous material and a volunteer emergency services organization when acting in support of a certified hazardous material response team in accordance with this act. Each volunteer services organization is eligible to receive from the Hazardous Material Emergency Response Account up to $1,000 per response to cover expenses related to a response if the person who causes a release of a hazardous material cannot be identified or is financially unable to pay costs as defined in section 210(b).

(2) By March 1 of each year, each owner or operator of a facility shall pay to the county treasurer where the facility is located a local hazardous chemical fee of from $35 to $75, as established by the county by ordinance, for each hazardous chemical within the meaning of 29 CFR 1910.1200(c) or its successor which is required by section 312 of SARA, Title III, to be listed on the hazardous chemical inventory form (Tier II) which the owner or operator of the facility submits to the local emergency planning committee. Counties shall grant facility owners up to 100% credit toward their chemical fee obligation under this section for training, equipment or other in-kind services donated to the county to support the hazardous material safety program if such training, equipment or in-kind services are accepted by the county. The credit shall be based on the fair market value of equipment donated and the agreed-upon value of training or in-kind services donated.

(3) Counties may establish a program to provide funding through the Hazardous Material Emergency Response Account for certified hazardous material response teams serving the county. This grant program shall not be bound by any dollar limits on assistance to local fire protection services imposed by other statutes.

(c) Hazardous chemical fee.--Each owner or operator of a facility shall pay a fee, to be known as a hazardous chemical fee, of $10 by March 1 of each year to the council for each hazardous chemical within the meaning of 29 CFR 1910.1200(c) or its successor which is required by section 312 of SARA, Title III, to be listed on the hazardous chemical inventory form (Tier II) which the owner or operator of the facility submits to the council. The fees collected under this subsection shall be deposited by the council into the Hazardous Material Response Fund.

(d) Toxic chemical registration fee.--Each owner or operator of a facility that submits a toxic chemical release form to the Department of Labor and Industry on or before July 1, 1990, as required by section 313 of SARA, Title III, shall pay a $1,000 registration fee to the Department of Labor and Industry. The registration fees collected under this subsection shall be deposited by the Department of Labor and Industry into the Hazardous Material Response Fund. The Department of Labor and Industry may retain up to 10% of the fees collected for administration of the program and management of the data collected.

(e) Toxic chemical release form fee.--Each owner or operator of a facility shall pay a fee of $250 on or before July 1, 1991, and the first day of July of every year thereafter, to the Department of Labor and Industry for each toxic chemical which is required by section 313 of SARA, Title III, to be listed on the toxic chemical release form which the owner or operator of the facility submits to the Department of Labor and Industry. The cumulative amount of this fee shall not exceed $5,000 per facility. The fees collected under this subsection shall be deposited by the Department of Labor and Industry into the Hazardous Material Response Fund. The Department of Labor and Industry may retain up to 10% of the fees collected for administration of the program and management of the data collected.

(f) Emergency planning fee.--By March 1 of each year, each owner or operator of a facility that manufactures, produces, uses, stores, supplies or distributes any extremely hazardous substance in quantities larger than the threshold planning quantities shall be required to pay to the county treasurer where the facility is located an emergency planning fee of up to $100 as established by the county by ordinance. Counties shall grant facility owners up to 100% credit

toward any emergency planning fee obligation under this section for training, equipment or other in-kind services donated to the county to support the hazardous material safety program if such training, equipment or in-kind services are accepted by the county, in addition to those for which a credit is claimed under subsection (b)(2). The credit shall be based on the fair market value of equipment donated and the agreed-upon value of training or in-kind services donated.

* * *

(h) Federal funds, grants or other gifts.--The council is authorized to accept and may deposit into the Hazardous Material Response Fund grants, gifts and Federal funds for the purpose of carrying out the provisions of this act.

* * *

(k) Transportation fee study.--Within one year of the effective date of this act, the council shall report to the General Assembly on the feasibility of establishing a fee on the transporters of hazardous materials regulated under this act. The purpose of this fee would be to supplement the funds provided by fixed facility owners or operators to the Hazardous Material Response Fund.

(l) Status of fund.--The Hazardous Material Response Fund shall not be subject to 42 Pa.C.S. Ch. 37 Subch. C (relating to judicial computer system).

(1990, P.L.639, No.165, § 207)

Section 208. Emergency management grants.

(a) General.--Each county shall participate in the hazardous material safety program and may be eligible to receive an emergency management grant from the Hazardous Material Response Fund in order to comply with the requirements of SARA, Title III, and the Commonwealth's hazardous material safety program.

(b) Applications.--A county may apply annually to PEMA for an emergency management grant. Applications shall be made in accordance with the guidelines established by PEMA.

(c) Eligible costs.--Eligible costs for emergency management grants are limited to the cost of:

(1) Developing periodic reports conforming to the requirements of section 204(b.1).

(2) Developing, updating and exercising emergency response plans required under section 303 of SARA, Title III.

(3) Performing public information functions as required by section 324 of SARA, Title III.

(4) Collecting, documenting and processing chemical inventory forms and other documents required by SARA, Title III.

(5) Developing an emergency planning and response capability for responding to hazardous material releases and meeting the requirements of the Commonwealth's hazardous material safety program, including training, equipment, material and other supplies needed to respond to a release.

(6) Supporting the operation and administration of local committees.

(7) Reimbursing certain response costs of supporting volunteer emergency service organizations in accordance with section 207(b)(1).

(d) Grant amount.--The amount of the annual grant from the Hazardous Material Response Fund shall not exceed the sum of:

(1) the funds of local revenues made available by the county for the purpose of complying with the requirements and provisions of SARA, Title III, and the Emergency Management Services Code with respect to hazardous material releases, retroactive to November 1986; and

(2) the revenues collected under section 207(b)(2) and (f);

except that any county emergency management coordinator whose Hazardous Material Emergency Response Account receives less than $10,000 annually in fees established in this section or meets the requirements of subsection (e)(3) shall be eligible for additional grants equal to county funds specifically appropriated for compliance with this act [the Hazardous Material Emergency Planning and Response Act], not to exceed $5,000.

(e) Payment of grants.--PEMA shall review annually all applications received under this section and may make grants to the counties from the Hazardous Material Response Fund. PEMA shall prioritize the available funds among the eligible applicants based upon the following criteria:

* * *

(2) Compliance with the requirements of SARA, Title III, and the Commonwealth's hazardous material safety program and Emergency Management Services Code with respect to hazardous material releases.

(3) The number of facilities located within the county, or the existence of unique or special circumstances that pose a threat to the health and safety of the general public or the environment, or both. The existence of unique or special circumstances under this section as determined by PEMA shall include an interstate highway, the Pennsylvania Turnpike or any secondary route used by a transporter because of load restrictions on primary routes.

(4) Availability of financial, technical or other assistance to the applicant from other governmental, business or private sources.

(5) No more than 10% of the grant funds shall be allocated to any one county in any year.

* * *

(1990, P.L.639, No.165, § 208)

Section 210. Recovery of response costs.

(a) General rule.--A person who causes a release of a hazardous material shall be liable for the response costs incurred by a certified hazardous material response team or a supporting paid or volunteer emergency service organization, or both. The Commonwealth agency, local agency, regional hazardous material organization, volunteer emergency service organization, or hazardous material transporter, manufacturer, supplier or user that organized the certified hazardous material response team, as identified on the team certification, or supporting paid or volunteer emergency service organizations, that undertakes a response action may recover those response costs in law or an action in equity brought before a court of competent jurisdiction or may proceed under the provisions of subsection (d). Should more than one certified hazardous material response team incur response costs for the same hazardous material release or incident, the organizing entities of those certified hazardous material response teams may file a joint action in law or equity and may designate one entity to represent the others in the law suit.

(b) Amount.--In an action to recover response costs, a Commonwealth agency, local agency, regional hazardous material organization, supporting paid or volunteer emergency service organization, or a hazardous material transporter, manufacturer, supplier or user may include operational, administrative personnel and legal costs incurred from its initial response action up to the time that it recovers its costs. Only those certified hazardous material response teams and supporting paid or volunteer emergency service organizations that are properly trained in accordance with the standards developed under this act [the Hazardous Material Emergency Planning and Response Act] and that are properly requested and dispatched by a legally constituted authority shall be eligible to recover their response costs under this act.

(c) Definitions.--When used in this section, the term "response cost" includes, but is not limited to, the following:

(1) Disposable materials and supplies acquired, consumed and expended specifically for the purpose of the response to the hazardous material release.

(2) Rental or leasing of equipment used specifically for the response, for example, protective equipment or clothing and scientific and technical equipment.

(3) Replacement costs for equipment that is contaminated beyond reuse or repair during the response, for example, self-contained breathing apparatus irretrievably contaminated during the response.

(4) Decontamination of equipment contaminated during the response.

(5) Compensation of paid employees or members of the hazardous material

response team and supporting paid or volunteer emergency service organization, to include regular and overtime pay for permanent full-time and other than full-time compensated employees or members.

(6) Special technical services specifically required for the response, for example, costs associated with the time and efforts of technical experts or specialists.

(7) Laboratory and testing costs for purposes of analyzing samples or specimens taken during the response.

(8) Other special services specifically required for the response, for example, utility costs.

(9) Costs associated with the services, supplies and equipment used to conduct an evacuation during the response.

(10) Costs associated with the removal and disposal of hazardous materials.

(d) Arbitration.--

(1) In lieu of bringing an action at law or in equity in a court of competent jurisdiction in the matter of a response cost dispute under subsection (a), the party who is the person who caused a release of a hazardous material and the party who is the certified hazardous material response team, including any volunteer emergency service organizations requested and dispatched by a legally constituted authority, may agree to submit the response cost dispute to binding arbitration as provided in this subsection. By submitting the response cost dispute to arbitration, the parties shall have waived all rights to remedies available under subsection (a) or to any other remedies available at law.

(2) Once the parties agree to submit the response cost dispute to binding arbitration, the local committee shall notify the council and the parties of the request for a board of arbitration and shall request the recommendation of the parties for persons to be appointed to the board. The board of arbitration shall consist of three persons, one to be selected by each of the parties and a third person to be agreed upon by the arbitrators as specified in paragraph (3). Within five days of the request for arbitration, the parties shall submit the names of the arbitrators that they have chosen and the local committee shall appoint those persons to the board of arbitration.

(3) Within five days after their appointment, the two arbitrators shall meet and select a third arbitrator who shall be appointed to the board by the local committee, and who will be chairman of the board of arbitration.

(4) If the two arbitrators fail to select a third arbitrator as provided in paragraph (3), the council shall, within five days, select a third arbitrator who shall be appointed to the board. The person so selected shall not be a member of the council, a member of any local committee or a person or a relative of a person employed by the party or a subsidiary of the party who caused the hazardous material release or who has an ownership or equity interest in the party or subsidiary of the party who caused the hazardous material release.

(5) Upon appointment of the third member, the board shall commence its proceedings and within 30 days shall make its determination, which shall be binding on all parties.

(6) Unless otherwise prescribed in the agreement to arbitrate, the expenses and fees of the arbitrators and other expenses, but not including counsel fees, incurred in the conduct of the arbitration shall be paid as prescribed in the award.

(1990, P.L.639, No.165, § 210)

Section 211. Facility and vehicle inspection and testing.

* * *

(c) Emergency situations.--Should a release or threatened release of a known or unknown substance, liquid, mixture, compound, material or product occur or appear to be imminent at a facility or vehicle site which endangers or has the potential to endanger the health, safety and welfare of the public, employees of the facility or the vehicle's owner or operator, or the employees of the owner or operator of the vehicle, the council or the local committee may send qualified representatives or the certified hazardous material response team, or both, to the facility or vehicle site at any time in order to inspect the facility or vehicle and to assess the

danger posed by the release or threatened release and to obtain samples or specimens of the substance, liquid, mixture, compound, material or product involved in the release or threatened release and to perform any other incident response activities deemed necessary by the representatives of the council or the local committee or the certified hazardous material response team.

* * *

(e) Qualified person.--For purposes of this section, the council shall develop qualification standards for members of the council, local committees or their representatives who exercise the reporting, inspection and testing authority contained in this section. At a minimum, those qualifications shall include:

(1) Training in inspection and enforcement activities related to enforcing environmental or fire incident investigations.

(2) Training in the handling and recognition of hazardous materials.

(3) Conflict of interest standards and procedures designed to prevent a local committee member or representative from using the authority of this section to gather information on a business competitor or other trade secret information.

(4) Procedures for decertifying a member or representative who was determined to be a qualified representative of the council or local committee.

(1990, P.L.639, No.165, § 211)

Section 212. Annual report.

PEMA shall submit an annual report to the General Assembly by October 1 of each year on the activities it has undertaken to implement this act [the Hazardous Material Emergency Planning and Response Act]. The report shall include, but not be limited to:

(1) An accounting of revenues and expenditures from the Hazardous Material Response Fund and the county Hazardous Material Emergency Response Accounts along with a description of the projects undertaken with these funds and a projection of future activities.

(2) The status of local emergency planning committee activities.

(3) The status of facilities required to comply with this act, including their number, location and the number and amount of chemicals reported.

(4) The number and nature of emergency notifications handled by PEMA.

(1990, P.L.639, No.165, § 212)

Subchapter D. Interstate Civil Defense Disaster Compact

§ 7111. Interstate civil defense and disaster compact enacted.

The Interstate Civil Defense and Disaster Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

Article 1

The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise), including sabotage and subversive acts and direct attacks by bombs, shellfire and atomic, radiological, chemical, bacteriological means and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The directors of civil defense of all party States shall constitute a committee to formulate plans and to take all necessary steps for the implementation of this compact.

Article 2

It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs, the party States shall, so far as possible, provide and follow uniform standards, practices and rules and regulations including:

(a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services.

(b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises.

(c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith.

(d) The effective screening or extinguishing of all lights and lighting devices and appliances.

(e) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services.

(f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State.

(g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic prior, during and subsequent to drills or attacks.

(h) The safety of public meetings or gatherings.

(i) Mobile support units.

Article 3

Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof: Provided, That it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest, unless specifically authorized by the receiving State), duties, rights, privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

Article 4

Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

Article 5

No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

Article 6

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend but shall not be limited to provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

Article 7

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact in the same manner and on the same terms as if the injury or death were sustained within such State.

Article 8

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with such requests: Provided, That any aiding party State may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost: And, provided further, That any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

Article 9

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas, or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

Article 10

This compact shall be available to any State, territory or possession of the United States

and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

Article 11

The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact and representatives of such agency of the United States Government may attend meetings of such committee.

Article 12

This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying, and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

Article 13

This compact shall continue in force and remain binding on each party State until the Legislature or the Governor of such party State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

Article 14

This compact shall be construed to effectuate the purposes stated in Article 1. If any provision of this compact is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.
(35 Pa.C.S. § 7111)

Subchapter E. Local Emergency Management Organizations

§ 7501. General authority of political subdivisions.

(a) Establishing emergency management organization.--Each political subdivision of this Commonwealth is directed and authorized to establish a local emergency management organization in accordance with the plan and program of the Pennsylvania Emergency Management Agency. Each local organization shall have responsibility for emergency management, response and recovery within the territorial limits of the political subdivision within which it is organized and, in addition, shall conduct such services outside of its jurisdictional limits as may be required under this part [35 Pa.C.S. Pt. V (relating to emergency management services)].

(b) Declaration of disaster emergency.--A local disaster emergency may be declared by the governing body of a political subdivision upon finding a disaster has occurred or is imminent. The governing body of a political subdivision may authorize the mayor or other chief executive officer to declare a local disaster emergency subject to ratification by the governing body. The declaration shall not be continued or renewed for a period in excess of seven days except by or with the consent of the governing body of the political subdivision. Any order or proclamation declaring, continuing or terminating a local disaster emergency shall be given prompt and general publicity and shall be filed promptly with the agency. The effect of a declaration of a local disaster emergency is to activate the response and recovery aspects of any and all applicable local emergency management plans and to authorize the furnishing of

aid and assistance thereunder.

(c) Contracts and obligations.--In carrying out the provisions of this part, each political subdivision shall have the power to enter into contracts and incur obligations necessary to disaster emergency management, response and recovery.

(d) Temporary suspension of formal requirements.--Each political subdivision included in a declaration of disaster emergency declared by either the Governor or the governing body of the political subdivision affected by the disaster emergency is authorized to exercise the powers vested under this section in the light of the exigencies of the emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes and the appropriation and expenditure of public funds.

(e) Employment of personnel.--In order to meet prescribed requirements for eligibility to receive Federal contributions authorized under the provisions of the Federal Civil Defense Act of 1950 (64 Stat. 1245, 50 U.S.C. App. § 2251 et seq.) or any amendment or reenactment thereof, political subdivisions are authorized to avail themselves of services offered by the State Civil Service Commission under the provisions of the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act," in connection with the employment of personnel in local organizations established pursuant to the provisions of this part.

(35 Pa.C.S. § 7501)

§ 7502. Local coordinator of emergency management.

(a) General rule.--Each local organization of emergency management shall have a coordinator who shall be responsible for the planning, administration and operation of the local organization subject to the direction and control of the executive officer or governing body.

(b) County coordinator.--A coordinator shall be appointed in all counties with approval of the director of the [Pennsylvania Emergency Management] agency. The executive officer or governing body of the county shall recommend a coordinator whose recommendation must be endorsed by the director of the agency prior to appointment by the Governor. Upon failure of the executive officer or governing body of the county to make a recommendation of a person for coordinator within the time fixed by the agency, the Governor is authorized to appoint a coordinator based upon the recommendation of the director of the agency. The coordinator of the county organization shall not be assigned any duties that will conflict with his duty as coordinator.

(c) Local level.--At the local level, the coordinator shall be appointed by the Governor upon the recommendation of the executive officer or governing body of the political subdivision. Upon the failure of the executive officer or governing body of a political subdivision to make a recommendation to the Governor of a candidate for coordinator within the time fixed by the agency, the Governor is authorized to appoint a coordinator without any recommendation. A candidate for coordinator for two or more political subdivisions may be recommended to the Governor for appointment upon agreement by resolution of the governing bodies of such political subdivisions. Any other law notwithstanding, a local government official may be recommended for appointment.

(d) Qualifications.--The coordinator shall be professionally competent and capable of planning, effecting coordination among operating agencies of government and controlling coordinated operations by local emergency preparedness forces.

(e) In-service training.--Each appointed coordinator shall:

(1) Attend and successfully complete the first phase of the career development program as prescribed by the agency within one year after appointment.

(2) Attend and successfully complete the second phase of the career development program as prescribed by the agency within three years after appointment.

(3) Attend basic and advanced seminars, workshops and training conferences called by the State director and/or official having responsibility for providing the coordinator with in-service training.

Failure to attend the instruction described in this subsection or failure to attend a prescribed training conference for a period of two consecutive years shall be cause for replacement. The State Director of Emergency Management may grant credit toward meeting the requirements of this subsection to appointed local coordinators on the basis of prior experience and training.

(f) Responsibility for training.--Responsibility for the professional in-service training of each coordinator rests with each successive higher political subdivision than the one in which the coordinator is functioning.

(g) Expenses.--Each appointed coordinator shall be reimbursed for actual expenses incurred in the performance of his duties and attendance at scheduled meetings.

(35 Pa.C.S. § 7502)

§ 7503. Powers and duties of political subdivisions.

Each political subdivision shall, either individually or pursuant to the provisions of the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, adopt an Intergovernmental Cooperation agreement with other political subdivisions to:

(1) Prepare, maintain and keep current a disaster emergency management plan for the prevention and minimization of injury and damage caused by disaster, prompt and effective response to disaster and disaster emergency relief and recovery in consonance with the Pennsylvania Emergency Management Plan.

(2) Establish, equip and staff an emergency operations center, consolidated with warning and communication systems to support government operations in emergencies and provide other essential facilities and equipment for agencies and activities assigned emergency functions.

(3) Provide individual and organizational training programs to insure prompt, efficient and effective disaster emergency services.

(4) Organize, prepare and coordinate all locally available manpower, materials, supplies, equipment, facilities and services necessary for disaster emergency readiness, response and recovery.

(5) Adopt and implement precautionary measures to mitigate the anticipated effects of disaster.

(6) Execute and enforce such rules and orders as the [Pennsylvania Emergency Management] agency shall adopt and promulgate under the authority of this part [35 Pa.C.S. Pt. V (relating to emergency management services)].

(7) Cooperate and coordinate with any public and private agency or entity in achieving any purpose of this part.

(8) Have available for inspection at its emergency operations center all emergency management plans, rules and orders of the Governor and the agency.

(9) Provide prompt and accurate information regarding local disaster emergencies to appropriate Commonwealth and local officials and agencies and the general public.

(10) Participate in all tests, drills and exercises, including remedial drills and exercises, scheduled by the agency or by the Federal Government.

(11) Participate in the program of integrated flood warning systems under section 7313(6) (relating to powers and duties).

(35 Pa.C.S. § 7503)

§ 7504. Coordination, assistance and mutual aid.

(a) Responsibility for direction and coordination.--Direction of disaster emergency management services is the responsibility of the lowest level of government affected. When two or more political subdivisions within a county are affected, the county organization shall exercise responsibility for coordination and support to the area of operations. When two or more counties are involved, coordination shall be provided by the [Pennsylvania Emergency Management] agency or by area organizations established by the agency.

(b) Assistance from higher government unit.--When all appropriate locally available forces and resources are fully committed by the affected political subdivision, assistance from a higher level of government shall be provided.

(c) Municipal mutual aid agreements.--County and local coordinators of emergency management shall develop mutual aid agreements with adjacent political subdivisions for reciprocal emergency assistance. The agreements shall be consistent with the plans and programs of the agency. In disaster emergencies, requests for mutual aid assistance shall be referred to the organization having responsibility for coordination as specified in subsection (a) and in time of emergency it shall be the duty of each local organization to render assistance in accordance with the provisions of the mutual aid agreements.

(d) Interstate mutual aid arrangements.--The coordinator of each local organization may, subject to approval of the Governor, enter into mutual aid arrangements with similar agencies or organizations in other states for reciprocal disaster emergency services.

(e) Ratification of agreements.--Mutual aid agreements shall be ratified by the governing bodies of the political subdivisions involved.

(f) Control of outside support forces.--Support forces furnished political subdivisions from outside its jurisdiction shall be under the operational control of the department, agency or office furnishing the force.

(35 Pa.C.S. § 7504)

Subchapter F. Disaster Prevention

§ 7701. Duties concerning disaster prevention.

(a) Governor.--In addition to disaster prevention measures included in the Commonwealth and local plans, the Governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters. The Governor, from time to time, shall make recommendations to the General Assembly, political subdivisions and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

(b) Department of Environmental Resources.--The Department of Environmental Resources, in conjunction with the Pennsylvania Emergency Management Agency, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood or other catastrophic occurrence. The studies under this subsection shall concentrate on means of reducing or avoiding the dangers caused by this occurrence or the consequences thereof.

(c) Other Commonwealth agencies.--At the direction of the Governor, and pursuant to any other authority and competence they have, Commonwealth agencies, including but not limited to those charged with economic recovery responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, construction standards, public utilities and energy, shall make studies of disaster prevention-related matters.

(d) Schools.--Public-funded universities, colleges, and elementary and secondary schools shall be made available to local, county and State officials for emergency planning and exercise purposes and actual service as mass-care facilities in the event of an emergency evacuation.

(e) Vehicles.--School bus and transportation vehicles owned or leased by universities, colleges and school districts shall be made available to local, county and State officials for emergency planning and exercise purposes and actual service in the event of an emergency evacuation.

(f) Disaster response and emergency preparedness drills.--Annually, schools and custodial child care facilities shall conduct at least one disaster response or emergency preparedness plan drill.

(g) Plans.--Every school district and custodial child care facility, in cooperation with the local Emergency Management Agency and the Pennsylvania Emergency Management Agency, shall develop and implement a comprehensive disaster response and emergency preparedness plan consistent with the guidelines developed by the Pennsylvania Emergency Management Agency and other pertinent State requirements. The plan shall be reviewed annually and modified as necessary. A copy of the plan shall be provided to the county emergency management agency.

(35 Pa.C.S. § 7701)

§ 7706. Compensation for accidental injury [to emergency management volunteers].

(a) Benefits.--All duly enrolled emergency management volunteers, and such other volunteers as the [Pennsylvania Emergency Management] agency shall by regulation qualify, who are not eligible to receive benefits under the Workmen's Compensation Laws shall be entitled, except during a state of war or period of armed conflict within the continental limits of the United States, to the following benefits relating to injuries sustained while actually engaged in emergency management activities and services or in or en route to and from emergency management tests, drills, exercises or operations authorized by the Pennsylvania Emergency Management Agency and carried out in accordance with rules and orders promulgated and adopted by the agency:

(1) A sum of $20,000 for accidental injury directly causing or leading to death.

(2) A sum not exceeding $15,000 for reimbursement for medical and hospital expenses associated with accidental injury.

(3) Weekly payments of $200, not to exceed six months in duration, beginning on the eighth day of disability directly arising from accidental injury rendering the individual totally incapable of following his normal gainful pursuits.

(b) Source of funds.--All benefits hereby authorized shall be paid out of funds appropriated to the agency. Payments shall be made on the basis of claims submitted to the agency through the Department of Labor and Industry in accordance with rules and orders promulgated and adopted by the agency.

(35 Pa.C.S. § 7706)

§ 7901. Short title of chapter [35 Pa.C.S. Ch. 79 (relating to disaster emergency assistance)].

This chapter shall be known and may be cited as the Disaster Emergency Assistance Act.

(35 Pa.C.S. § 7901)

§ 7902. Legislative purpose.

It is the purpose of this chapter [35 Pa.C.S. Ch. 79 (relating to disaster emergency assistance)] to create a program to provide assistance to political subdivisions and municipal authorities directly affected by natural and man-made disasters. Assistance will be limited to grants for projects that do not qualify for Federal assistance to help repair damages to public facilities. Grants will be made available by the agency in a disaster emergency area only when a Presidential disaster declaration is not covering the area.

(35 Pa.C.S. § 7902)

§ 7903. Definitions [relating to disaster emergency assistance].

The following words and phrases when used in this chapter [35 Pa.C.S. Ch. 79 (relating to disaster emergency assistance)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Adjusted loss." The difference between:

(1) eligible loss; and

(2) covered loss.

"Agency." The Pennsylvania Emergency Management Agency.

"Covered loss." An amount received by or due the recipient from private insurance and Federal grants and loans, including applicable State matching funds, related to an eligible loss. The term does not include an insurance deductible paid by the recipient.

"Disaster emergency area." An area included under a declaration of disaster emergency issued by the Governor under section 7301 (relating to general authority of Governor).

"Eligible loss." Damage to a public facility caused by a natural or man-made disaster in a disaster emergency area.

"Man-made disaster." Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action,

resulting from man-made causes, including oil spills and other environmental contamination, which threatens or causes substantial damage to property, individuals, loss of life or other hardships.

"Natural disaster." Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe not resulting from a man-made cause which threatens or causes substantial damage to property or individuals, possible loss of life or other hardships.

"Program." The Public Disaster Assistance Grant Program established under Subchapter B (relating to Public Disaster Assistance Grant Program).

"Public facility." Any facility which is owned, operated or maintained by a political subdivision or municipal authority of this Commonwealth. The term shall include:

(1) buildings and equipment;
(2) bridges, roads, highways and public ways;
(3) parks and recreational facilities;
(4) power generation and distribution facilities, including natural gas systems, wind turbines, generators, substations and power lines;
(5) sanitary sewer systems and wastewater treatment facilities;
(6) drainage and flood control facilities;
(7) water treatment, water storage and water distribution facilities; and
(8) any other improvement or infrastructure.

(35 Pa.C.S. § 7903)

§ 7904. Construction.

Grants shall be made to political subdivisions or municipal authorities in a disaster emergency area for which no Presidential disaster declaration has been issued.
(35 Pa.C.S. § 7904)

§ 7921. Establishment [of Public Disaster Assistance Grant Program].

The Public Disaster Assistance Grant Program is established within the [Pennsylvania Emergency Management] agency to provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority.
(35 Pa.C.S. § 7921)

§ 7922. Eligibility [for public disaster assistance grant].

To be eligible for a grant under this subchapter [35 Pa.C.S. Ch. 79 Subch. B (relating to Public Disaster Assistance Grant Program)], a political subdivision or municipal authority must suffer eligible loss which is not covered by insurance.
(35 Pa.C.S. § 7922)

§ 7923. Application for and issuance of grant.

(a) Application.--The procedure for applying for a grant under this subchapter [35 Pa.C.S. Ch. 79 Subch. B (relating to Public Disaster Assistance Grant Program)] shall be as follows:

(1) A political subdivision or municipal authority must apply for a grant on a form furnished by the agency, setting forth the facts establishing eligibility and certifying that if approved all funds received will be used for purposes approved by the agency. An application under this paragraph is subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). The application must be submitted within 60 days following the declaration of a disaster emergency.
(2) The agency shall investigate the application to determine eligibility.
(3) Within 30 days of receipt of the application, the agency shall make an eligibility determination. An eligibility determination under this paragraph is a final order of the agency subject to review under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(b) Issuance.--For each political subdivision or municipal authority determined to be eligible under subsection (a)(3), the agency shall verify the adjusted loss. The maximum grant allowed under the [Public Disaster Assistance Grant] program is 50% of the adjusted loss.
(35 Pa.C.S. § 7923)

§ 7924. [Public Disaster Assistance] Grant funds.

Grants under this subchapter [35 Pa.C.S. Ch. 79 Subch. B (relating to Public Disaster Assistance Grant Program)] shall be made from funds appropriated by the General Assembly for the [Public Disaster Assistance Grant] program and from other Federal or State funds the agency may receive for the program. The agency may use up to 3% of available program funds for the administration of the program.
(35 Pa.C.S. § 7924)

§ 7925. Use of [Public Disaster Assistance] grant funds.

Grant funds issued under the [Public Disaster Assistance Grant] program may be used to assist in the repair or replacement of public facilities due to disaster-related damages. Funds may also be used for disaster-related debris removal or to demolish a public facility if the facility was made unsafe by the disaster.
(35 Pa.C.S. § 7925)

§ 7926. Limitations.

No grant under this subchapter [35 Pa.C.S. Ch. 79 Subch. B (relating to Public Disaster Assistance Grant Program)] shall be for an amount in excess of 25% of available program funds. If the amount of approved grant applications exceeds available program funds, grants shall be awarded on a pro rata basis.
(35 Pa.C.S. § 7926)

§ 7931. Powers and duties of [Pennsylvania Emergency Management] agency.

The agency shall have the following duties and responsibilities:

(1) Administer this chapter [35 Pa.C.S. Ch. 79 (relating to disaster emergency assistance)].

(2) Promulgate any regulations necessary to implement and administer this chapter which include:

(i) Development of additional procedures or requirements for the submission of [disaster emergency assistance] grant applications.

(ii) Development of procedures to verify adjusted loss.

(iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority.

(iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.

(35 Pa.C.S. § 7931)

§ 1902. Exemptions from other fees.

No fee shall be charged under this title [75 Pa.C.S. (relating to vehicles)] for or to any of the following:

* * *

(8) Volunteer emergency service personnel who require a certified driving record for certification under 35 Pa.C.S. Ch. 81 (relating to emergency medical services system).

* * *

(75 Pa.C.S. § 1902)

Chapter 14. Pennsylvania Higher Education Assistance Agency

Section 1. Short title [of Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act].

This act shall be known and may be cited as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act.
(1998, P.L.980, No.129, § 1)

Section 2. Definitions [relating to child beneficiary education].

The following words and phrases when used in this act [the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Child" or "children." A resident of this Commonwealth who is the child by birth or adoption of a deceased police officer, firefighter, correction employee or National Guard member killed in the performance of his or her duties.

* * *

"Firefighter." An individual employed in that capacity on a full-time basis by a municipality or a member of a volunteer fire company of this Commonwealth. The term includes members of a rescue squad or ambulance service as defined in the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act.

"Member of the National Guard." A person who is an active member in good standing in the Pennsylvania National Guard.

* * *

"Pennsylvania Higher Education Assistance Agency" or "PHEAA." The Pennsylvania Higher Education Assistance Agency created by the act of August 7, 1963 (P.L.549, No.290), referred to as the Pennsylvania Higher Education Assistance Agency Act.

"Police officer." An individual employed on a full-time or part-time basis by the Commonwealth as a member of the Pennsylvania State Police Force or an individual employed on a full-time or part-time basis as a police officer by a municipality of this Commonwealth.

"Program." The Postsecondary Educational Gratuity Program created by this act.

* * *

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services within this Commonwealth.
(1998, P.L.980, No.129, § 2)

Section 3. Postsecondary Educational Gratuity Program.

(a) Establishment.--There is hereby established the Postsecondary Educational Gratuity Program for children of police officers, firefighters, correction employees, sheriffs, deputy sheriffs and National Guard members and certain other individuals who are on Federal or State active military duty who are residents of this Commonwealth who are killed while acting in the performance of their duties. ((a) amended Nov. 30, 2004, P.L.1663, No.210)

(b) Eligibility.--

(1) Police officers shall be deemed to have been killed in the performance of their duties if death results from job-related injuries sustained or inflicted while performing any of the following:

(i) Answering an emergency call.

(ii) Conducting interrogations of crime suspects or interrogations pursuant to a response to an emergency call.

(iii) Conducting vehicle stops for traffic violations.

(iv) Actively responding to requests for assistance from the public.

(v) Maintaining order and security at the scene of an emergency.

(2) Firefighters shall be deemed to have been killed in the performance of their duties if death results from job-related injuries sustained or inflicted while performing any of the following:

(i) Being present at the scene of a fire or going to and from a fire. In the case of volunteer firefighters, going to and from a fire shall include traveling from and directly returning to the firefighter's home, place of business or other location where

the firefighter was when the fire call or alarm was received for a fire which the firefighter's volunteer fire company attended.

(ii) Answering an emergency call.

(iii) Maintaining order and security at the scene of an emergency.

(3) A member of the National Guard shall be deemed to have been killed in the performance of his or her duties if his or her death results from performance of a duty required by his or her orders or commander while in an official duty status authorized under Federal or State law.

(4) Correction employees shall be deemed to have been killed in the performance of their duties if death results from job-related injuries sustained or inflicted while maintaining order and security or otherwise carrying out their duties at a correctional facility.

(4.1) Sheriffs and deputy sheriffs shall be deemed to have been killed in the performance of their duties if death results from job-related injuries sustained or inflicted while maintaining order and security or otherwise carrying out their duties as a sheriff or deputy sheriff.

(4.2) An individual who is on Federal or State active military duty who is a resident of this Commonwealth shall be deemed to have been killed in the performance of duty if death results from performance of a duty required by his or her orders or commander while in an official duty status.

(5) Notwithstanding the provisions of this section, deaths which occur as the direct and proximate result of preexisting physical conditions, diseases or illnesses shall be excluded from eligibility under this section.

(6) Any child of a police officer, firefighter, correction employee, sheriff, deputy sheriff or National Guard member killed in the performance of his or her duties shall be eligible for an educational gratuity provided the child is 25 years of age or younger at the time of application for participation in this program, meets all admission requirements of the community college or State-owned or State-related institution to which application is made and is enrolled as a full-time student at a community college or a State-owned or State-related institution.

(7) A child who is 25 years of age or younger at the time of the child's application for participation in this program and who meets all other eligibility requirements may receive an educational gratuity for up to five years provided the child otherwise continues to be eligible for participation.

(c) Scope of benefit.--

(1) The benefit available under this section shall be provided only for full-time students who are pursuing undergraduate studies leading to an associate degree or a baccalaureate degree.

(2) A child becomes eligible for this benefit after he or she has applied for available scholarships and Federal and State grants to cover tuition and room and board costs. The child must provide a record of application for such financial aid to the community college or State-owned or State-related institution to which he or she is applying.

(3) A community college or a State-owned or State-related institution shall waive all remaining tuition and room and board charges (total tuition, room and board and fees minus awarded scholarships and Federal and State grants) for an eligible child during the time the child is enrolled as a full-time student provided the child meets all requirements for admission to the community college or State-owned or State-related institution and during the child's enrollment complies with all requirements of the institution for continued attendance and award of an associate degree or a baccalaureate degree.

(d) Administration.--

(1) Copies of all police officer and firefighter death certifications received by the Department of General Services under the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, shall be provided by the Department of General Services to PHEAA within 20 days of their receipt.

(2) Written notification of the death of any correction employee killed in the performance of his or her duties shall be submitted to PHEAA by the Secretary of

Corrections within 20 days of the death of the employee.

(2.1) Written notification of the death of any sheriff or deputy sheriff killed in the performance of his or her duties shall be submitted to PHEAA by the county commissioners of the county in which the sheriff was elected or deputy sheriff was employed within 20 days of the death of the employee.

(3) Written notification of the death of any member of the National Guard or other individual who is on Federal or State active military duty who is a resident of this Commonwealth killed in the performance of his or her duties shall be submitted to PHEAA by the Adjutant General of the Department of Military and Veterans Affairs within 20 days of the death of the National Guard member.

(4) Applications for an educational gratuity shall be submitted to PHEAA by the child or the surviving parent or guardian of the child, together with a certified copy of the child's birth certificate or adoption record or other documentation of birth or adoption acceptable to PHEAA. The application shall include a copy of the child's letter of acceptance at a community college or a State-owned or State-related institution. If no death certification has been received from the Department of General Services, Secretary of Corrections or Adjutant General of the Department of Military and Veterans Affairs, PHEAA may elect to accept other documentation certifying that the child's parent was a police officer, firefighter, correction employee or National Guard member killed during the performance of his or her duties.

(5) Within 30 days of receipt of a completed application, PHEAA shall send written notice to the child and the community college or State-owned or State-related institution of the child's eligibility or noneligibility for participation in this program. If the child is determined not to be eligible for an educational gratuity, the notice shall include the reason or reasons for such determination and an indication that an appeal of PHEAA's determination may be made pursuant to 2 Pa.C.S. (relating to administrative law and procedure).

(6) Upon receipt of notification of the child's eligibility from PHEAA, a community college or a State-owned or State-related institution is prohibited from charging the child or the child's parent or guardian any tuition fee or room and board charge. If moneys have been received by the community college or the State-owned or State-related institution for these purposes, those moneys must be refunded in full within 30 days of receipt by the community college or the State-owned or State-related institution of the notice of the child's eligibility.

(7) Each community college or State-owned or State-related institution at which an eligible child is enrolled shall notify PHEAA upon the child's graduation or when the child is no longer enrolled at the community college or State-owned or State-related institution.

(1998, P.L.980, No.129, § 3)

Section 5. Regulations.

PHEAA shall, in the manner provided by law, promulgate the rules and regulations necessary to carry out this act [the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act].

(1998, P.L.980, No.129, § 5)

Section 6. Exclusive source.

Any person who receives any benefit under this act [the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act] shall be ineligible to receive any tuition assistance or grants under 51 Pa.C.S. (relating to military affairs).

(1998, P.L.980, No.129, § 6)

Section 8. Retroactivity.

This act [the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act] shall be retroactive to January 1, 1976, and the benefit

provided shall be available to qualified children of police officers, firefighters, correction employees and National Guard members of this Commonwealth killed in the performance of their duties since that date. No community college, State-owned or State-related institution shall reimburse qualified children for tuition and fees or room and board charges paid between January 1, 1976, and the effective date of this act.
(1998, P.L.980, No.129, § 8)

Chapter 15. Pennsylvania Liquor Control Board

Section 102. Definitions [relating to Liquor Code].--The following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

* * *

"Eligible entity" shall mean a city of the third class, a hospital, a church, a synagogue, a volunteer fire company, a volunteer ambulance company, a volunteer rescue squad, a unit of a nationally chartered club which has been issued a club liquor license, a club which has been issued a club liquor license and which, as of December 31, 2002, has been in existence for at least 100 years, a library, a nationally accredited Pennsylvania nonprofit zoological institution licensed by the United States Department of Agriculture, a nonprofit agricultural association in existence for at least ten years, a bona fide sportsmen's club in existence for at least ten years, a nationally chartered veterans' organization and any affiliated lodge or subdivision of such organization, a fraternal benefit society that is licensed to do business in this Commonwealth and any affiliated lodge or subdivision of such fraternal benefit society, any nationally recognized community-based voluntary health organization committed to fighting cancer, which has been in existence for at least 100 years, a museum operated by a nonprofit corporation, a nonprofit corporation engaged in the performing arts, an arts council, a nonprofit corporation that operates an arts facility or museum, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to protect the architectural heritage of a municipality and which has been recognized as such by a resolution of the municipality, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) conducting a regatta in a city of the second class with the permit to be used on State park grounds or conducting a family-oriented celebration as part of Welcome America in a city of the first class on property leased from that city for more than fifty years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to raise funds for the research and treatment of cystic fibrosis, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) whose purpose is to educate the public on issues dealing with watershed conservation, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to provide equine assisted activities for children and adults with special needs, a nonprofit economic development agency in a city of the second class with the primary function to serve as an economic generator for the greater southwestern Pennsylvania region by attracting and supporting film, television and related media industry projects and coordinating government and business offices in support of a production, a county tourist promotion agency as defined in section 2 of the act of July 4, 2008 (P.L.621, No.50), known as the "Tourism Promotion Act," a junior league that is a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. § 501(c)(3)) that is comprised of women whose purpose is exclusively educational and charitable in promoting the volunteerism of women and developing and participating in community projects and that has been in existence for over seventy years, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 and whose purpose is the education and promotion of American history, a nonprofit organization as defined under section 501(c)(6) of the Internal Revenue Code of 1986 whose purpose is to support business and industry, a brewery which has been issued a license to manufacture malt or brewed beverages and has been in existence for at least 100 years or a

club recognized by Rotary International and whose purpose is to provide service to others, to promote high ethical standards and to advance world understanding, goodwill and peace through its fellowship of business, professional and community leaders or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) whose purpose is to promote mushrooms while supporting local and regional charities, a museum operated by a not-for-profit corporation in a city of the second class A, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in a city of the second class A and has as its purpose economic and community development, a nonprofit organization as defined under section 501(c)(3) or (6) of the Internal Revenue Code of 1986 that is located in a city of the third class in a county of the fifth class, a nonprofit social service organization defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a county of the third class whose purpose is to serve individuals and families in that county of the third class, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to temporarily foster stray and unwanted animals and match them to suitable permanent homes or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 who operates either a Main Street Program or Elm Street Program recognized by the Commonwealth, the National Trust for Historic Preservation or both, a nonprofit radio station that is a member of the National Public Radio network, a nonprofit public television station that is a member of the Pennsylvania Public Television Network or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is to promote awareness, education and research and to provide a support system for patients with neutropenia and their families through a national resource network, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to stimulate community development by facilitating residential and retail growth in a city of the second class located in a county of the second class or a nonprofit community development corporation organized under section 501(c)(3) of the Internal Revenue Code of 1986 that serves an adjoining borough and township in a county of the second class and whose main purpose is to facilitate commercial development and foster neighborhood stabilization, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is to provide young people with a program to build character, to teach the responsibilities of citizenship and to develop personal fitness with a goal of creating future leaders, a nonprofit as defined in section 501(c)(3) of the Internal Revenue Code of 1986 whose main purpose is to assist children and their families who are facing financial hardship due to the death of a parent, a nonprofit as defined under section 501(c)(3) of the Internal Revenue Code of 1986 whose purpose is to allocate funds for research to expedite a cure achromatopsia, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 that is located in a city of the first class, was organized as a community development organization to promote health, safety and welfare of the residents, businesses and institutions of a neighborhood of a city of the first class, and whose works include public promotions, neighborhood improvement projects and commercial corridor improvements, including a business improvement district, or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 that is responsible for providing services to members of the armed forces of the United States and relief to disaster victims in the United States and abroad, or any neighborhood improvement district management association as defined in section 3 of the act of December 20, 2000 (P.L.949, No.130), known as the "Neighborhood Improvement District Act," that has been established as a 501(c)(3) nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a city of the first class whose purpose is to support initiatives to enrich the lives of children, teens and families especially those in need, to reach their full potential as productive and responsible citizens and has been in existence for at least seventy-five years, or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 located in a city of the second class and incorporated as a nonprofit in 1982 that offers adult education and family literacy, or a nonprofit organization as defined under section 501(c)(3) of

the Internal Revenue Code of 1986 located in a city of the third class and county of the sixth class, whose purpose is primary and secondary education and educational ministry of the Diocese of Erie, a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code located in a county of the fourth class that had a population between 142,000 and 144,000 based on the 2010 Decennial Census of the Bureau of the Census and provides rewards for information that leads to the arrest of individuals that may have committed a crime or a nonprofit organization as defined under section 501(c)(3) of the Internal Revenue Code of 1986 which is located in a city of the third class in a county of the fifth class whose mission is to improve the quality of life for individuals with developmental disabilities and the families of the individuals through advocacy, education, support and socialization and that has been in existence for over sixty years.

* * *

(1951, P.L.90, No.21, § 102)

Section 401. Authority to Issue Liquor Licenses to Hotels, Restaurants and Clubs.--(a) Subject to the provisions of this act and regulations promulgated under this act [the Liquor Code], the board shall have authority to issue a retail liquor license for any premises kept or operated by a hotel, restaurant or club and specified in the license entitling the hotel, restaurant or club to purchase liquor from a Pennsylvania Liquor Store and to keep on the premises such liquor and, subject to the provisions of this act and the regulations made thereunder, to sell the same and also malt or brewed beverages to guests, patrons or members for consumption on the hotel, restaurant or club premises. Such licensees, other than clubs, shall be permitted to sell malt or brewed beverages for consumption off the premises where sold in quantities of not more than one hundred ninety-two fluid ounces in a single sale to one person as provided for in section 407. Such licenses shall be known as hotel liquor licenses, restaurant liquor licenses and club liquor licenses, respectively. No person who holds any public office that involves the duty to enforce any of the penal laws of the United States, this Commonwealth or of any political subdivision of this Commonwealth may have any interest in a hotel or restaurant liquor license. This prohibition applies to anyone with arrest authority, including, but not limited to, United States attorneys, State attorneys general, district attorneys, sheriffs and police officers. This prohibition shall also apply to magisterial district judges, judges or any other individuals who can impose a criminal sentence. This prohibition does not apply to members of the General Assembly, township supervisors, city councilpersons, mayors without arrest authority and any other public official who does not have the ability to arrest or the ability to impose a criminal sentence. This section does not apply if the proposed premises are located outside the jurisdiction of the individual in question.

* * *

(1951, P.L.90, No.21, § 401)

Section 406. Sales by Liquor Licensees; Restrictions.--(a) (1) Every hotel, restaurant or club liquor licensee may sell liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture, for consumption only in that part of the hotel or restaurant habitually used for the serving of food to guests or patrons, or in a bowling alley that is immediately adjacent to and under the same roof as a restaurant, and in the case of hotels, to guests, and in the case of clubs, to members, in their private rooms in the hotel or club. No club licensee nor its officers, servants, agents or employes, other than one holding a catering license, shall sell any liquor or malt or brewed beverages to any person except a member of the club. The holder of a restaurant license located in a hotel may sell liquor or malt or brewed beverages for consumption in that part of the restaurant habitually used for the serving of meals to patrons and also to guests in private guest rooms in the hotel. For the purpose of this paragraph, any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club. For the purpose of this paragraph, any person who is an active member of any volunteer firefighting company, association or group of this Commonwealth, whether incorporated or unincorporated, shall upon the approval of any club composed of volunteer

firemen licensed under this act [the Liquor Code], have the same social rights and privileges as members of such licensed club. For the purposes of this paragraph, the term "active member" shall not include a social member. Any club licensee which is either an incorporated unit of a national veterans' organization or an affiliated organization as defined in section 461.1 shall be permitted to sell liquor or malt or brewed beverages to any active member of another unit which is chartered by the same national veterans' organization or to any member of a nationally chartered auxiliary associated with the same national veterans' organization.

* * *

(f) The holder of a hotel or restaurant liquor license may obtain an off-premises catering permit subject to section 493(33) to hold a catered function off the licensed premises and on otherwise unlicensed premises where the licensee may sell wine, liquor and malt or brewed beverages by the glass, open bottle or other container, and in any mixture together with food, for consumption on those premises. Functions conducted under the authority of the permit shall be subject to the following:

* * *

(14) neither the owner of the property nor the applicant may sell tickets to a catered function unless one of the following conditions is met:

(i) the applicant has contracted with an eligible entity for the function, and the function is being used to raise money for the eligible entity's organization;

* * *

(1951, P.L.90, No.21, § 406)

Section 408.4. Special Occasion Permits.--

* * *

(h) The board may issue a special occasion permit to an eligible entity. The board may also issue a special occasion permit to one auxiliary of any eligible entity. Any eligible entity that wishes to acquire a special occasion permit must submit a written application to the board in such form and containing such information as the board shall from time to time prescribe. The fee for special occasion permits shall be as set forth under section 614-A(24) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

(i) Only one special occasion permit shall be issued to each eligible entity per calendar year. Each permit may only be used for nine consecutive or nonconsecutive days and an additional ten consecutive days.

(j) The eligible entity shall give the local police department or the Pennsylvania State Police if there is no local police department written notice at least forty-eight hours prior to each use of the special occasion permit. Written notice consists of notifying the police of the date, time and place of the impending sale of alcoholic beverages.

(k) Special occasion permit holders may sell alcoholic beverages during the same hours as restaurant liquor license holders. In addition, special occasion permit holders may sell any type of alcohol for consumption off the licensed premises.

(l) The issuance of a special occasion permit does not preclude the eligible entity from acquiring and retaining any other liquor license to which it may be entitled; however, the board shall not issue a special occasion permit for premises already licensed by the board unless the applicant owns the premises and is a volunteer fire company, volunteer rescue company or volunteer ambulance squad.

(m) The following apply:

(1) The purpose of a special occasion permit is to provide the eligible entity with a means of raising funds for itself. The permit may be used in conjunction with activities and events involving other entities; however, no one other than the holder of the special occasion permit may acquire a pecuniary interest in the permit.

(2) An entity operating in conjunction with a special occasion permit holder may collect and manage funds raised using a special occasion permit if:

(i) the special occasion permit holder is the primary host of the activity or event; and

(ii) the funds raised are used for the benefit of the special occasion permit holder.

(n) The board may refuse to issue a special occasion permit if it finds that the applicant is

not reputable or does not otherwise meet the requirements of this act. The right to refuse to issue a special occasion permit may be based in whole or in part on the applicant's prior operational history with either a special occasion permit or a license issued by the board.

(o) The holder of a special occasion permit is subject to the provisions of section 493(1).

(p) Notwithstanding any provision of law to the contrary, if the eligible entity is a regatta in a city of the second class held on the grounds of a State park, the regatta may install a security fence or similar enclosure around the boundary of the State park or a portion of the State park during the regatta and may charge an admittance fee not to exceed five dollars ($5) per day.

* * *

(r) Notwithstanding any provision of law to the contrary, the board may issue a special occasion permit to an eligible entity located in a dry municipality if the board is provided with a copy of a resolution adopted by the municipality's governing body confirming support for the issuance of the special occasion permit.

(1951, P.L.90, No.21, § 408.4)

Section 408.12. Wine and Spirits Auction Permits.--(a) Upon application of:

* * *

(7) any nationally recognized emergency response organization that offers humanitarian care to victims of war or natural disaster and has been in existence for at least one hundred twenty-five years;

(8) any nationally recognized organization whose purpose is to serve as an agent to collect funds for local charities, as well as to coordinate relief services, counsel and refer clients to cooperating agencies and make emergency assistance grants and has been in existence for at least one hundred twenty years;

* * *

and upon payment of a fee of thirty dollars ($30) per day, the board shall issue a wine and spirits auction permit good for a period of not more than four consecutive or nonconsecutive days per calendar year.

* * *

(1951, P.L.90, No.21, § 408.12)

Section 442. Retail Dispensers' Restrictions on Purchases and Sales.--(a) (1) No retail dispenser shall purchase or receive any malt or brewed beverages except in original containers as prepared for the market by the manufacturer at the place of manufacture. The retail dispenser may thereafter break the bulk upon the licensed premises and sell or dispense the same for consumption on or off the premises so licensed. No retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of one hundred ninety-two fluid ounces. Sales may be made in open or closed containers, Provided, however, That a municipality may adopt an ordinance restricting open containers in public places. No club licensee may sell any malt or brewed beverages for consumption off the premises where sold or to persons not members of the club.

* * *

(b) No retail dispenser shall sell any malt or brewed beverages for consumption on the licensed premises except in a room or rooms or place on the licensed premises at all times accessible to the use and accommodation of the general public, but this section shall not be interpreted to prohibit a retail dispenser from selling malt or brewed beverages in a hotel or club house in any room of such hotel or club house occupied by a bona fide registered guest or member entitled to purchase the same or to prohibit a retail dispenser from selling malt or brewed beverages in a bowling alley where the licensed premises and bowling alley are immediately adjacent and under the same roof.

(c) For the purpose of this section any person who is an active member of another club which is chartered by the same state or national organization shall have the same rights and privileges as members of the particular club.

(d) For the purposes of this section, any person who is an active member of any volunteer firefighting company, association or group of this Commonwealth, whether incorporated or

unincorporated, shall upon the approval of any club composed of volunteer firemen licensed under this act [the Liquor Code], have the same social rights and privileges as members of such licensed club.

* * *

(f) The holder of an eating place retail dispenser license may obtain an off-premises catering permit under section 493(33) to hold a catered function off of the licensed premises and on otherwise unlicensed premises where the licensee may sell malt or brewed beverages by the glass, open bottle or any other container, together with food, for consumption on those premises solely used for catering premises. Functions conducted under the authority of the permit shall be subject to the following:

* * *

(14) neither the owner of the property nor the applicant may sell tickets to a catered function unless one of the following conditions is met:

(i) the applicant has contracted with an eligible entity for the function, and the function is being used to raise money for the eligible entity's organization;

* * *

(1951, P.L.90, No.21, § 442)

Section 446. Breweries.--* * *

(b) The holder of a brew pub license may obtain an off-premises catering permit subject to section 493(33) to hold a catered function off the licensed premises and on otherwise unlicensed premises where the licensee may sell wine produced by a licensed limited winery and malt or brewed beverages produced by the brewery by the glass, open bottle or other container together with food, and in any mixture, for consumption on those premises. Functions conducted under the authority of the permit shall be subject to the following:

* * *

(14) neither the owner of the property nor the applicant may sell tickets to a catered function unless one of the following conditions is met:

(i) the applicant has contracted with an eligible entity for the function, and the function is being used to raise money for the eligible entity's organization;

* * *

(1951, P.L.90, No.21, § 446)

Chapter 16. Pennsylvania National Guard

§ 508. Active duty for emergency.

* * *

(b) Emergency duty under compact.--The Governor may place the Pennsylvania National Guard or any part thereof on State active duty or, when appropriate, federally funded duty under 32 U.S.C. (relating to National Guard) when the Governor of another state has declared an emergency and has requested the assistance of the Pennsylvania National Guard under the provisions of Chapter 45 (relating to interstate compact) or 35 Pa.C.S. Ch. 76 (relating to emergency management assistance compact).

(51 Pa.C.S. § 508)

§ 3105. Association group life insurance for Pennsylvania National Guard.

* * *

(b) Group life insurance for eligible members.--The Adjutant General shall approve issuance of group life insurance to nonprofit membership associations for eligible members of the Pennsylvania National Guard, subject to the following:

* * *

(2) In the case of an eligible member of the Pennsylvania National Guard who was killed in the line of duty after September 11, 2001, and before the effective date of this subsection, the Commonwealth shall pay the designated beneficiary of the member or, if none, the member's next of kin an amount equal to the greater of the premiums paid for

Servicemembers' Group Life Insurance coverage for the period the eligible member was deployed or, if the member did not elect the maximum coverage, the difference between the maximum coverage in effect at the time the eligible member was killed and the amount of coverage elected by the member.

(3) The department shall promulgate regulations for the administration of this subsection.

(c) Definition.--As used in this section, the term "eligible member of the Pennsylvania National Guard" shall mean:

(1) members of the Pennsylvania National Guard ordered to active Federal service for a period of 30 or more consecutive days while preparing to deploy, deployed and demobilizing from deployment, to areas or operations designated by the Secretary of Defense as "zones of combat" or "combat operations"; and

(2) members of the Pennsylvania National Guard ordered to active State duty for emergencies under section 508 (relating to active duty for emergency) or 35 Pa.C.S. § 7601 (relating to compact enacted) for a period of 30 or more consecutive days.

(51 Pa.C.S. § 3105)

§ 3503. Tuition waiver for children and spouses of deceased soldiers.

(a) Children.--The children of members of the Pennsylvania National Guard who were killed or die as a result of injuries received while performing duty in an official duty status authorized under Federal or State law shall be entitled to a waiver of all tuition costs and fees remaining after receipt of other scholarships and education benefits and Federal and State grants, including, but not limited to, educational gratuities for which the children are or may be eligible under the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, at all Pennsylvania State-owned colleges or universities, approved trade schools, State-related institutions of higher learning or community colleges in this Commonwealth for a period not exceeding eight semesters or four years, whichever is greater. In order to be eligible for waiver of tuition and fees under this section, the member of the Pennsylvania National Guard must have been a bona fide resident of Pennsylvania at the time of his death, and the member's children must be bona fide residents of Pennsylvania, eligible for resident tuition at the institution to which they have applied, at the time they apply for the tuition and fee waiver.

* * *

(51 Pa.C.S. § 3503)

§ 7309. Employment discrimination for military membership or duty.

* * *

(d) Termination of certain health insurance benefits.--

(1) As used in this subsection, the term "eligible member" applies to full-time students who are eligible for health insurance coverage or ancillary service plans under their parents' health insurance policies when the students are:

* * *

(ii) members of the Pennsylvania National Guard ordered to active State duty, including duty under 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact), for a period of 30 or more consecutive days.

* * *

(3) The eligibility for health insurance coverage or ancillary service plans under a parent's health insurance policy for eligible members as defined in paragraph (1) shall be extended for a period equal to the duration of the eligible member's service on active duty or active State duty or until the eligible member is no longer a full-time student. The eligibility of an eligible member who is a full-time student for health insurance coverage or ancillary service plans under a parent's policy shall not terminate because of the age of the eligible member when the member's educational program was interrupted because of military duty.

(4) In order to qualify for this extension, the eligible member must:

(i) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member has been placed on active duty.

(ii) Submit a form approved by the Department of Military and Veterans Affairs notifying the insurer that the eligible member is no longer on active duty.

(iii) Submit a form approved by the Department of Military and Veterans Affairs showing that the student has reenrolled as a full-time student for the first term or semester starting 60 or more days after his or her release from active duty.

(5) The provisions of this subsection shall not apply to a health insurance policy or ancillary service plan that has been terminated.

* * *

(51 Pa.C.S. § 7309)

Chapter 17. Pennsylvania State Police

Section 1. [Appointment and removal of assistants] (a) Be it enacted, &c., That the Commissioner of the Pennsylvania State Police may appoint and remove the chief of the fire department of any county, city, borough, town, or township or individual citizens as assistants to the department [Pennsylvania State Police], and, when so appointed, shall be subject to the obligations imposed by this act [the State Fire Marshal Law] and to the authority of the Pennsylvania State Police.

* * *

(1927, P.L.450, No.291, § 1)

Section 2. [Report to Pennsylvania State Police] Each of the aforesaid assistants shall inquire into the origin, cause, and other circumstances of every fire by which any property or life has been destroyed, damaged, or endangered, occurring within the territorial limits of their respective cities, boroughs, towns or townships, and shall make every effort to determine whether such fires were of incendiary origin or the result of design, carelessness, or accident.

Upon the occurrence of any fire, such assistant shall report the same to the Pennsylvania State Police within five days after its occurrence. If the fire appears to the assistant making such inquiry to be of such character and origin as shall require thorough and exhaustive investigation, he shall immediately notify the Pennsylvania State Police and shall, when directed by the Pennsylvania State Police, assist in the making of such investigation. The reports of any such fire shall be made in writing, and in the manner and form prescribed by the Pennsylvania State Police, on the blanks furnished for that purpose. Such reports shall, in every case, contain a statement of: (a) All the facts relating to the cause of such fire that can be ascertained; (b) the extent of the loss and damage to each property; (c) the loss of life and personal injuries caused thereby or resulting therefrom; (d) the amount of insurance upon each property destroyed or damaged; and (e) such other information as may be required by the Pennsylvania State Police.

The assistant shall notify the closest Pennsylvania State Police installation immediately of the occurrence of any incendiary fire.

The duties hereinabove prescribed to be performed by the said assistant may be limited by the Pennsylvania State Police so as to reasonably accord with their pre-existing public duties.

Any of the aforesaid assistants who shall neglect or refuse to report to the Pennsylvania State Police, or who shall neglect or refuse to make reports or investigations of fires as provided in this section, shall be guilty of a misdemeanor, and, upon conviction, shall be sentenced to pay a fine not exceeding fifty dollars, or to undergo imprisonment not exceeding thirty days, or both.

(1927, P.L.450, No.291, § 2)

Section 3. [Inspection of fire menace or hazard] (a) The Pennsylvania State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or

dilapidated condition or accumulation of waste, rubbish, debris, explosive or flammable substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so situated as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or flammable conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings.

(b) If such order is made by any assistant to the Pennsylvania State Police, such owner or occupant may, within five days, appeal to the Pennsylvania State Police, which shall, within ten days, review such order and file its decision thereon, and unless by its authority the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant, who feels aggrieved by any order of the Pennsylvania State Police, or by any decision upholding or modifying any order of any of its assistants, may, within five days after the same has been made or filed by the Pennsylvania State Police, file his petition with the court of common pleas of the county where the property subject to the proceeding is located, praying a review of such order, and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require.

(c) The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to, and leaving with, the said person a true copy of the said order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

(d) Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the Pennsylvania State Police, or under its direction by any inspector or member of the Pennsylvania State Police, shall, upon conviction thereof under summary proceedings instituted before any magistrate, alderman, or justice of the peace in the county where such violations occur, be sentenced to pay a fine of not less than fifty dollars ($50.00), nor more than two hundred dollars ($200.00), and in default of the payment of such fine and costs, to be imprisoned in the county prison one day for each dollar of fine and costs unpaid. Upon conviction after hearing, the sentences provided in this act [the State Fire Marshal Law] shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law.

All fines collected under this act shall be paid into the General Fund in the State Treasury through the Department of Revenue.

(e) The term "owner or occupant" as used in this section shall include individuals, partnerships, associations, corporations and political subdivisions. The term shall also include counties and cities with respect to buildings and premises, which they are by law required to purchase at tax sales, and which they hold as trustees for the benefit of all political subdivisions for the taxes of which the property was sold.

(1927, P.L.450, No.291, § 3)

Section 4. [Pennsylvania State Police investigation] The Pennsylvania State Police, in addition to the investigation made by any of the assistants, may at any time investigate the origin or circumstances of any fire occurring in this Commonwealth.

(1927, P.L.450, No.291, § 4)

Section 9. [Compensation of assistants] The assistants to the Pennsylvania State Police, not receiving a salary for the performance of public duties, shall receive, upon the audit

of the Pennsylvania State Police, fifty cents for each report of each separate fire reported to the Pennsylvania State Police under this act [the State Fire Marshal Law], and, in addition thereto, shall be paid the sum of fifteen cents for each mile traveled to the place of fire and, in the discretion of the Pennsylvania State Police, where an investigation has been made, a sum not to exceed three dollars ($3.00) for each day's service spent in such investigation.
(1927, P.L.450, No.291, § 9)

Section 15. [Continuation of rules and regulations] That all rules and regulations heretofore promulgated by the State Fire Marshal, or by the Department of State Police or the Pennsylvania State Police or the Pennsylvania Motor Police, and now in force, shall continue in force until modified or abolished by the Pennsylvania State Police.

All suits, actions or proceedings, now pending under any act hereby repealed or supplied, shall not be affected, but shall be continued by the Pennsylvania State Police.
(1927, P.L.450, No.291, § 15)

Section 710. Pennsylvania State Police.--The Pennsylvania State Police shall have the power and its duty shall be:

* * *

(i) To collect information relating to crimes and incidents related to the race, color, religion or national origin of individuals or groups, which shall be reported monthly by all local law enforcement agencies and the State Fire Marshal. Any information, records and statistics collected in accordance with this subsection shall be available for use by any agency required to furnish information, to the extent that such information is reasonably necessary or useful to such agency in carrying out the duties imposed on it by law. The Commissioner of the Pennsylvania State Police may, by regulation, establish such conditions for the use or availability of such information as may be necessary to its preservation, the protection of confidential information, or the circumstances of a pending prosecution.
(1929, P.L.177, No.175, § 710)

§ 6106. Designation of emergency vehicles by Pennsylvania State Police.

(a) General rule.--The Pennsylvania State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(a.1) Exception.--Vehicles designated as emergency vehicles under this section shall not display or be equipped with a combination of red and blue lights.

(b) Manner and carrying of designation.--The designation shall be in writing and the written designation shall be carried in the vehicle at all times.
(75 Pa.C.S. § 6106)

Chapter 18. Department of State

Section 3. Definitions [relating to solicitation of funds for charitable purposes].

The following words and phrases when used in this act [the Solicitation of Funds for Charitable Purposes Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Charitable organization." Any person granted tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) or any person who is or holds himself out to be established for any charitable purpose or any person who in any manner employs a charitable appeal as the basis of any solicitation or an appeal which has a tendency to suggest there is a charitable purpose to any solicitation. An affiliate of a charitable organization which has its principal place of business outside this Commonwealth shall be a charitable organization for the purposes of this act. The term shall not be deemed to include:

(1) any bona fide duly constituted organization of law enforcement personnel,

firefighters or other persons who protect the public safety whose stated purpose in the solicitation does not include any benefit to any person outside the actual active membership of the organization; and

* * *

"Firefighters." Any person who is or represents or holds itself out to represent, aid, train or otherwise benefit any paid or volunteer firefighter, active or retired, or their families.

* * *

"Law enforcement personnel." Any person who is or represents or holds itself out to represent, aid, train or otherwise benefit any police officer, sheriff or deputy sheriff, constable or deputy constable, county detective, fire police or any other person who is empowered to make arrests, serve warrants, issue summons or otherwise enforce the laws of this Commonwealth to include retired law enforcement personnel and the families of law enforcement personnel.

* * *

(1990, P.L.1200, No.202, § 3)

Section 6. Exemptions from registration [with Department of State].

(a) General rule.--The following charitable organizations shall be exempt from the registration requirements of this act [the Solicitation of Funds for Charitable Purposes Act]:

* * *

(3) A local post, camp, chapter or similarly designated element or a county unit of such elements of:

* * *

(ii) a bona fide organization of volunteer firemen;

(iii) a bona fide ambulance association;

(iv) a bona fide rescue squad association; or

(v) a bona fide auxiliary or affiliate of any organization or association under subparagraph (i), (ii), (iii) or (iv);

provided that all fundraising activities of an organization or association under subparagraph (i), (ii), (iii), (iv) or (v) are carried on by volunteers, members or an auxiliary or affiliate thereof, and those volunteers, members or affiliates receive no compensation directly or indirectly for the fundraising activities.

* * *

(1990, P.L.1200, No.202, § 6)

Section 15. Prohibited acts.

(a) General rule.--Regardless of a person's intent or the lack of injury, the following acts and practices are prohibited in the planning, conduct or execution of any solicitation or charitable sales promotion:

* * *

(10) With respect to solicitations by professional solicitors on behalf of law enforcement personnel, firefighters or other persons who protect the public safety, issuing, offering, giving, delivering or distributing any honorary membership cards, courtesy cards or similar cards, or any stickers, emblems, plates or other such items which could be used for display on a motor vehicle.

* * *

(1990, P.L.1200, No.202, § 15)

§ 5301. Purposes [of incorporation].

(a) General rule.--Except as provided in subsection (b), corporations may be incorporated under this article for any lawful purpose or purposes, including, but not limited to, any one or more of the following or similar purposes: athletic; any lawful business purpose to be conducted on a not-for-profit basis; beneficial; benevolent; cemetery; charitable; civic; control of fire; cultural; educational; encouragement of agriculture or horticulture; fraternal; health; literary; missionary; musical; mutual improvement; patriotic; political; prevention of cruelty to persons or animals; professional, commercial, industrial, trade, service or business associations;

promotion of the arts; protection of natural resources; religious; research; scientific and social.

(b) Exception.--Except as otherwise provided by Title 40 (relating to insurance) or the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act, a corporation may not be incorporated under this article for the purpose of engaging in the business of writing insurance or reinsurance as principal.

(15 Pa.C.S. § 5301)

Chapter 19. State Fire Commissioner

Section 901. Exemptions.

* * *

(g) Automatic fire sprinkler systems in one-family and two-family dwellings.--

* * *

(2) A builder of a one-family or two-family dwelling subject to the International Residential Code shall, at or before the time of entering into the purchase contract, do all of the following:

* * *

(iii) Provide the buyer with information, as made available by the State Fire Commissioner on the agency's Internet website, on the possible benefits of installing an automatic sprinkler system.

* * *

(1999, P.L.491, No.45, § 901)

Section 1. Short title [of Cigarette Fire Safety and Firefighter Protection Act].

This act shall be known and may be cited as the Cigarette Fire Safety and Firefighter Protection Act.

(2008, P.L.518, No.42, § 1)

Section 3. Definitions [relating to cigarette fire safety and firefighter protection].

The following words and phrases when used in this act [the Cigarette Fire Safety and Firefighter Protection Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Commissioner." The State Fire Commissioner.

* * *

(2008, P.L.518, No.42, § 3)

Section 4. Standards for cigarette fire safety.

* * *

(d) Alternate testing.--The manufacturer or manufacturers of a cigarette that the commissioner determines cannot be tested in accordance with the test method prescribed under subsection (a) shall propose a test method and performance standard for such cigarette to the commissioner. Upon approval of the proposed test method and a determination by the commissioner that the performance standard proposed by the manufacturer or manufacturers is equivalent to the performance standard prescribed under subsection (a), the manufacturer or manufacturers may employ such test method and performance standard to certify the cigarette under section 5. If the commissioner determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this act [the Cigarette Fire Safety and Firefighter Protection Act] and the commissioner finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a provision comparable to this section, then the commissioner shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this Commonwealth, unless the

commissioner demonstrates a reasonable basis why the alternative test should not be accepted under this act. All other applicable requirements of this section shall apply to the manufacturer or manufacturers.

(e) Compliance.--In order to ensure compliance with the performance standard specified in subsection (a), data from testing conducted by manufacturers on all cigarettes offered for sale to comply with this act shall be kept on file by the manufacturers for a period of three years, and copies shall be sent to the department upon the department's written request, to the commissioner upon the commissioner's written request and to the Office of Attorney General upon the Attorney General's written request. Any manufacturer that fails to make copies of the reports available within 60 days of receipt of a written request shall be subject to a civil penalty not to exceed $10,000 for each day after the 60th day that the manufacturer does not make the copies available.

(f) Subsequent testing methods.--The commissioner may adopt a subsequent ASTM Standard Test Method upon a finding that such subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04 and the performance standard under subsection (b).

* * *

(h) Review of standards.--Three years from the effective date of this section, and every three years thereafter, the commissioner shall undertake a review of the effectiveness of this section based upon incidents of cigarette-caused fires, advances in cigarette fire safety, including improvements in cigarette technology, and the data submitted to demonstrate compliance with the performance standard. Based upon the triennial review, the commissioner shall report his findings to the General Assembly and, if appropriate, submit recommendations to improve the effectiveness of this section.

* * *

(2008, P.L.518, No.42, § 4)

Section 5. Certification of compliance by manufacturers.

* * *

(b) Certifications.--The certifications shall be made available to the Attorney General and the [State Fire] commissioner for the purposes of ensuring compliance with this section. Each cigarette certified under this section shall be retested and recertified every three years.

* * *

(2008, P.L.518, No.42, § 5)

Section 7. Enforcement and penalties.

* * *

(b) Enforcement.--The department [of Revenue], the [State Fire] commissioner and the Office of Attorney General are authorized to enforce this act [the Cigarette Fire Safety and Firefighter Protection Act].

(c) Regulations.--The department and the commissioner may promulgate regulations as necessary to implement and administer this act.

(d) Memorandum of understanding.--The department may enter into a memorandum of understanding with the commissioner and the Attorney General to coordinate the random inspections of wholesale dealers, agents and retail dealers to ensure that only cigarettes complying with this act and related acts are sold in this Commonwealth.

* * *

(2008, P.L.518, No.42, § 7)

§ 7381. Scope of subchapter [35 Pa.C.S. Ch. 73 Subch. F (relating to state fire commissioner)].

This subchapter relates to the State Fire Commissioner.

(35 Pa.C.S. § 7381)

§ 7382. Definitions [relating to State Fire Commissioner].

The following words and phrases when used in this subchapter [35 Pa.C.S. Ch. 73 Subch. F (relating to state fire commissioner)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Emergency Management Agency.

"Commissioner." The State Fire Commissioner.

"Committee." The Fire Safety Advisory Committee.

(35 Pa.C.S. § 7382)

§ 7383. State Fire Commissioner.

(a) State Fire Commissioner.--There shall be a State Fire Commissioner, who, through the Lieutenant Governor, shall report to the Governor on all matters concerning fire safety in this Commonwealth. The Office of the State Fire Commissioner shall be within the [Pennsylvania Emergency Management] agency for administrative purposes only, and the commissioner shall not report to the director of the agency. The commissioner shall have the power and duty to:

(1) Coordinate the activities of State and local community interests engaged in fire prevention and control activities.

(2) Serve as a focal point for information relative to fires, property damage, injuries and the loss of life.

(3) Disseminate, through periodic reports, information about fire prevention efforts and fire control techniques.

(4) Develop and participate in a program of public information and education designed to create a public awareness of the incidence and the ravages of fire and methods the individual can take to prevent fires and minimize loss when they occur.

(5) Serve as a central point to support local efforts and interests in all matters pertinent to fire prevention and control.

(b) Transfer.--The commissioner shall use, employ and expend, in connection with the functions, powers and duties enumerated in subsection (a) for the position of the commissioner, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the agency by Reorganization Plan No.5 of 1981 (P.L.612).

(c) Qualifications and appointment.--The commissioner shall be a person who, by reason of training, experience and attainment, is qualified to coordinate fire prevention and control activities. The commissioner shall be appointed by the Governor after consultation with the fire service community. The commissioner shall act as the Commonwealth's primary representative with the Statewide fire service community.

(35 Pa.C.S. § 7383)

§ 7384. Pennsylvania State Fire Academy.

(a) Creation.--There is created the Pennsylvania State Fire Academy, which shall be under the operational control of the [State Fire] commissioner. The commissioner shall administratively provide for the erection or construction, the furnishing, the staffing and the equipping of buildings and structures through the Department of General Services and for the leasing thereof by the Commonwealth for the use and support of the Pennsylvania State Fire Academy. The Pennsylvania State Firemen's Training School and the powers and duties of the Department of Education and the Public Service Institute Board pertaining to the Pennsylvania State Firemen's Training School, which were transferred to the agency under Reorganization Plan No.6 of 1981 (P.L.613) and which are set forth in Subchapter D (relating to State Firemen's Training School), are hereby transferred to and vested in the commissioner.

(b) Transfer.--There are transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contract obligations, if any, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended

balance of appropriations, allocations, Federal grants and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Education and the Public Service Institute Board under Subchapter D, and transferred to the [Pennsylvania Emergency Management] agency by Reorganization Plan No.6 of 1981 (P.L.613).

(c) Hazardous chemical and radioactive material training.--The Pennsylvania State Fire Academy shall serve as the resident Commonwealth government center for hazardous chemical and radioactive material training. The Pennsylvania State Fire Academy is authorized to use resident and field staff to support this training.

(d) Firefighter training and certification.--A Statewide firefighter training program shall be implemented by the commissioner to educate the fire service community about the importance of firefighter health and safety. This program shall include measures designed to increase the mobility of training courses throughout this Commonwealth, to enhance firefighter accessibility to training course offerings and to improve and expand training for and response capability to emergencies with emphasis on hazardous materials incidents. The program shall also include implementation of a firefighter certification program in accordance with parameters developed by the commissioner consistent with established standards. The acquisition of physical resources to enhance Statewide capability shall be coordinated by the commissioner.

(e) Administration.--

(1) The commissioner may assess reasonable fees on for-profit corporations and businesses and on students who are nonresidents of this Commonwealth for fire, rescue and emergency service training programs provided to them by the Pennsylvania State Fire Academy, but in no event shall any member of a municipal or volunteer fire, rescue, ambulance or other emergency service organization located within this Commonwealth be charged for training provided at the Pennsylvania State Fire Academy.

(2) The commissioner may charge all students for class materials and supplies directly related to the conduct of classes provided at the Pennsylvania State Fire Academy and for insignia, patches and similar memorabilia indicating student attendance or achievement at the Pennsylvania State Fire Academy.

(3) All revenues generated by these fees and charges shall augment the appropriation made to the Office of the State Fire Commissioner.

(35 Pa.C.S. § 7384)

§ 7385. Pennsylvania Volunteer Loan Assistance Program.

(a) Creation.--There shall be a loan assistance program, which shall be implemented by the [State Fire] commissioner, for volunteer agencies, known as the Pennsylvania Volunteer Loan Assistance Program, which shall make loans under Subchapter E (relating to volunteer fire company, ambulance service and rescue squad assistance). The Pennsylvania Volunteer Loan Assistance Program and the powers and duties previously vested in the Department of Community Affairs, which were transferred to the [Pennsylvania Emergency Management] agency under Reorganization Plan No.7 of 1981 (P.L.615) and which are set forth under Subchapter E, are hereby transferred to and vested in the commissioner.

(b) Transfer.--There are transferred to the commissioner, to be used, employed and expended in connection with the functions, powers and duties enumerated in subsection (a), personnel, contractual obligations, if any, mortgages, liens, encumbrances and any other secured interests, records, files, property, supplies and equipment now being used or held in connection with such functions, powers and duties and the unexpended balance of appropriations, allocations and other funds available or to be made available for use in connection with such functions, powers and duties as previously were vested in the Department of Community Affairs under Subchapter E and transferred to the agency by Reorganization Plan No.7 of 1981 (P.L.615).

(c) Regulations.--The Volunteer Loan Assistance Program regulations found in 4 Pa. Code Ch. 113 (relating to volunteer fire company, ambulance service and rescue squad assistance) are hereby transferred to the commissioner from the agency. The commissioner shall fully implement and administer those regulations on or before January 12, 1996. The commissioner

may be substituted for the agency throughout the regulations and the regulations may be renumbered and published in the Pennsylvania Bulletin as final regulations without those regulatory changes being subject to the provisions of the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.
(35 Pa.C.S. § 7385)

§ 7386. Fire Safety Advisory Committee.

(a) Creation.--

(1) There is created the Fire Safety Advisory Committee to assist the [State Fire] commissioner. The committee shall consist of nine members, as follows:

(i) The director of the [Pennsylvania Emergency Management] agency, ex officio.

(ii) The commissioner, who shall serve as chairman.

(iii) Two paid firefighters to be appointed by the Governor from a list of at least six nominees submitted by the Pennsylvania Professional Firefighters Association.

(iv) One member of the public to be appointed by the Governor.

(v) Four volunteer firefighters, one each to be appointed by the President pro tempore of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.

(2) Members of the committee shall serve at the pleasure of their appointing authority. The committee shall advise the commissioner on matters pertaining to the operation of the Pennsylvania State Fire Academy and any other matters as the commissioner may request.

(b) Expenses.--Members of the committee shall receive reimbursement for reasonable travel, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.
(35 Pa.C.S. § 7386)

§ 7387. Appropriations.

All appropriations for the [State Fire] commissioner shall be by a separate line item in the General Appropriation Act.
(35 Pa.C.S. § 7387)

§ 2314. Distribution of [Unconventional Gas Well] fee.

* * *

(c.1) Additional distributions.--From fees collected under this chapter and deposited in the fund for 2011 and each year thereafter:

* * *

(5) Seven hundred fifty thousand dollars to the Office of State Fire Commissioner for the development, delivery and sustainment of training and grant programs for first responders and the acquisition of specialized equipment for response to emergencies relating to natural gas production from unconventional gas wells.

* * *

(58 Pa.C.S. § 2314)

Chapter 20. State Fire Marshal

Section 5. Duties of public agencies and officers in reporting criminal statistics.

It shall be the duty of every Commonwealth agency and every person in charge of the apprehension, prosecution and treatment of the criminals and delinquents, when requested by the [Pennsylvania] commission [on Crime and Delinquency]:

(1) To install and maintain records and recording systems needed for the correct reporting of statistical data required by the commission.

(2) To report statistical data to the commission at such times and in such manner as the commission prescribes.

(3) To give to the staff of the commission access to statistical data for the purpose of carrying out the duties of the commission relative to criminal statistics.

(1978, P.L.1166, No.274, § 5)

Section 305. Fire protection requirements.

The State Fire Marshal shall establish fire protection requirements by regulation for aboveground storage and dispensing tanks of 12,000 gallons or less of Class I and Class II motor fuels, naphthalene, kerosene, fuel oil and other substances of like character for nonretail distribution. Prior to the adoption of regulations under this section, protected aboveground storage tanks shall comply with the applicable provisions of Underwriters Laboratory Standards No. 142 and the National Fire Protection Association Standards. The State Fire Marshall and the Pennsylvania State Police shall enforce this section pursuant to the act of April 27, 1927 (P.L.450, No.291), referred to as the State Fire Marshal Law.

(1989, P.L.169, No.32, § 305)

Section 306. Dispensing of Class II motor fuels to certain customers.

(a) Use of certain tanks.--Nothing in this act [the Storage Tank and Spill Prevention Act] or any other statute shall prohibit the use of an aboveground storage tank, not in excess of 12,000 gallons capacity, by a bulk plant operator for dispensing Class II motor fuels to members of a key or card club established by the bulk plant operator and located at this plant, provided the installation and its operation meet the requirements of this section and otherwise comply with State Fire Marshal regulations.

* * *

(c) Safety matters.--A clearly labeled emergency switch capable of shutting off power to all dispensers in case of an emergency shall be located no less than 20 feet nor more than 100 feet from the dispensers. Operating instructions shall be conspicuously posted in the dispensing area and shall include location of the emergency switch and a requirement that the user must stay in view of the dispensing nozzle during dispensing. Emergency instructions shall be posted and shall include the telephone number for reporting an emergency. A telephone or other approved, clearly identified means to notify the fire department shall be provided on the site.

* * *

(1989, P.L.169, No.32, § 306)

Chapter 21. State Treasury, Boat Fund

§ 5302. Exemptions.

* * *

(c) Exemption from fees.--The following boats are required to register but are exempt from the owner titling and registration fees of section 5104 (relating to fees):

* * *

(3) Motorboats owned by political subdivisions and quasi-public organizations, such as police departments, volunteer fire departments and river rescue units, and used exclusively in the performance of their work in enforcement, furthering safety and search and rescue on the water.

(30 Pa.C.S. § 5302)

Chapter 22. State Treasury, Emergency Medical Services Operating Fund

§ 3121. EMS costs.

In addition to any other costs that may be imposed under this part [75 Pa.C.S. Pt. III (relating to operation of vehicles)] for a traffic violation, except for a parking violation, a cost of $10 shall be imposed. Moneys collected shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

(75 Pa.C.S. § 3121)

§ 3807. Accelerated Rehabilitative Disposition.

* * *

(b) Evaluation and treatment.--

(1) A defendant offered Accelerated Rehabilitative Disposition for a violation of section 3802 [(relating to driving under influence of alcohol or controlled substance)] is, as a condition of participation in the program, subject to the following requirements in addition to any other conditions of participation imposed by the court:

* * *

(vii) The defendant must pay any other fee, surcharge or cost required by law. Except as set forth in subparagraph (vi), (viii) or (ix), a fee or financial condition imposed by a judge as a condition of Accelerated Rehabilitative Disposition or any other preliminary disposition of any charge under this chapter [75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs)] shall be distributed as provided for in 42 Pa.C.S. §§ 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.).

* * *

(ix) The defendant shall pay a cost of $25 which shall be forwarded to the State Treasurer for deposit in the Emergency Medical Services Operating Fund.

* * *

(75 Pa.C.S. § 3807)

Chapter 23. State Treasury, Special Funds

Section 8. Establishment of special funds.

(a) Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund.--There is established in the custody of the State Treasurer a special fund to be known as the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund. The fund shall consist of all certification fees submitted by manufacturers and shall be appropriated by the General Assembly to the department and the Office of Attorney General and shall be used solely to support State processing, testing, enforcement and oversight activities related to this act [the Cigarette Fire Safety and Firefighter Protection Act].

(b) Fire Prevention and Public Safety Fund.--There is established in the custody of the State Treasurer a special fund to be known as the Fire Prevention and Public Safety Fund. The fund shall consist of all moneys recovered as penalties under this act. The money shall be deposited to the credit of the fund and shall be appropriated by the General Assembly to the commissioner and be available to the commissioner to support fire safety and prevention programs.

(2008, P.L.518, No.42, § 8)

Chapter 24. State Treasury, State Gaming Fund

§ 1317.3. Nongaming service provider.

* * *

(h) Emergency notification.--

(1) A slot machine licensee may use a nongaming service provider prior to the board receiving notification under this section when a threat to public health, welfare or safety exists or circumstances outside the control of the slot machine licensee require immediate action to mitigate damage or loss to the slot machine licensee's licensed facility or to the Commonwealth.

* * *

(4 Pa.C.S. § 1317.3)

§ 13B53. Local share assessment.

* * *

(b) Deposit and distribution.--The department [of Revenue] shall, on a quarterly basis, deposit the local share assessment imposed under subsection (a) as follows:

(1) The following shall apply:

* * *

(iii) If a host county of the interactive gaming certificate holder is a home rule county of the second class A where a Category 1 slot machine licensee is located at a harness racetrack, 50% shall be distributed to an authority created by the host county under 53 Pa.C.S. Ch. 56 (relating to municipal authorities), to be used for grants within the interactive gaming certificate holder's host county. Grants awarded by the authority shall be used for economic development, municipal police and emergency services and other purposes in the public interest.

* * *

(4 Pa.C.S. § 13B53)

§ 1403. Establishment of State Gaming Fund and net slot machine revenue distribution.

* * *

(c) Transfers and distributions.--The department [of Revenue] shall:

* * *

(2) From the local share assessment established in subsection (b), make quarterly distributions among the counties hosting a licensed facility in accordance with the following schedule:

* * *

(ii) If the licensed facility is a Category 1 licensed facility and is located at a thoroughbred racetrack and the county in which the licensed facility is located is:

* * *

(D.5) $50,000 of the gross terminal revenue annually to a contiguous county of the fourth class for fire and emergency services and economic development. Notwithstanding the provisions of the Capital Facilities Debt Enabling Act, grants made under this clause may be utilized as local matching funds for other grants or loans from the Commonwealth.

* * *

(D.7) $30,000 of the gross terminal revenue annually to a township of the second class with a population between 8,000 and 8,100 as of the 2010 decennial census that is contiguous to a township in a county of the fifth class that receives a portion of the licensed facility's slot machine operation fee under paragraph (3)(v)(C). The township may use the amount for any purpose, provided that funding for fire and other emergency services is prioritized.

* * *

(4 Pa.C.S. § 1403)

§ 1408. Transfers from State Gaming Fund.

* * *

(b) Transfer for Volunteer Fire Company Grant Program.--Annually, the sum of $25,000,000 shall be transferred from the State Gaming Fund to the Volunteer Fire Company Grant Program established under 35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services).

* * *

(4 Pa.C.S. § 1408)

Chapter 25. Department of Transportation

§ 5301. Authority of department [of Transportation relating to aviation safety].

* * *

(b) Specific powers.--The department is authorized to:

* * *

(8) Provide for education and training in crash fire rescue operations.

* * *

(74 Pa.C.S. § 5301)

§ 5903. Authority of department [of Transportation relating to airports].

(a) Powers enumerated.--The department is authorized to:

* * *

(9) Provide fire protection for the property and facilities if required by Federal law or regulation.

* * *

(74 Pa.C.S. § 5903)

§ 1503. Persons ineligible for licensing; license issuance to minors; junior driver's license.

* * *

(c) Junior driver's license.--The department [of Transportation] may issue a junior driver's license to a person 16 or 17 years of age under rules and regulations adopted by the department and subject to the provisions of this section. A junior driver's license shall automatically become a regular driver's license when the junior driver attains 18 years of age.

* * *

(2) A licensed junior driver conforming to the requirements of section 1507 (relating to application for driver's license or learner's permit by minor) may drive a vehicle upon a public highway between 11 p.m. and 5 a.m. between the junior driver's home and activity or employment or in the course of the junior driver's activity or employment if the junior driver is a member of a volunteer fire company authorized by the fire chief to engage in fighting fires, is engaged in public or charitable service or is employed and is carrying an affidavit or certificate of authorization signed by the junior driver's fire chief, supervisor or employer indicating the probable schedule of the junior driver's activities. Upon termination of the junior driver's activity or employment, the junior driver shall surrender the affidavit or certificate to the fire chief, supervisor or employer. If the junior driver shall fail to surrender the affidavit or certificate, the employer, fire chief or supervisor shall immediately notify the Pennsylvania State Police.

* * *

(4) Any junior driver or other person violating any provision of this subsection is guilty of a summary offense.

(75 Pa.C.S. § 1503)

§ 1504. Classes of licenses.

* * *

(d) Number and description of classes.--Licenses issued by the department [of Transportation] shall be classified in the following manner:

* * *

(3) Class C.--A Class C license shall be issued to those persons 18 years of age or older, except as provided in section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), who have demonstrated their qualifications to operate any single vehicle, except those vehicles requiring a Class M qualification, with a gross vehicle weight rating of not more than 26,000 pounds or any combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of either Class A or Class B of this section.

* * *

(ii) Any firefighter who is the holder of a Class C license and who has a certificate of authorization from his fire chief shall be authorized to operate any fire or emergency vehicle registered to the fire department or municipality, regardless of the other requirements of this section as to the class of license required. No fire chief, fire department, including any volunteer fire company, or municipality shall be liable

for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.

(iii) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad shall be authorized to operate any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality, regardless of the other requirements of this section as to the class of license required. No head of a rescue or emergency squad, the rescue or emergency squad or municipality shall be liable for any civil damages as a result of the issuance of a certificate of authorization under this paragraph unless such issuance constituted a crime, actual fraud, actual malice or willful misconduct.

* * *

(75 Pa.C.S. § 1504)

§ 1606. Requirement for commercial driver's license.

* * *

(b) Exemptions.--The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

* * *

(3) A person who is a volunteer or paid firefighter with a Class C license and who has a certificate of authorization from his fire chief while operating a fire or emergency vehicle registered to the fire department or municipality.

(4) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad while operating any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality.

* * *

(6) A driver with a Class C license operating a school bus, school vehicle or other commercial vehicle at the direction of authorized emergency management personnel in a time of declared Federal, State or local emergency. A person driving a school bus, school vehicle or other commercial vehicle pursuant to this paragraph shall not be subject to sanctions under the provisions of this chapter [75 Pa.C.S. Ch.16 (relating to commercial drivers)] or section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(7) An employee of the State emergency management agency or a county emergency management organization who is the holder of a Class C license and who has a certificate of authorization from the head of the State emergency management agency or a county emergency management organization while operating any emergency vehicle equipped with audible and visual signals registered to the Commonwealth, State emergency management agency, county or county emergency management organization.

* * *

(75 Pa.C.S. § 1606)

§ 1901. Exemption of persons, entities and vehicles from fees.

* * *

(b) Title and registration fees.--No fee shall be charged for titling or registration of any of the following:

* * *

(2) Vehicles registered by volunteer fire, rescue and ambulance associations. For the purpose of this paragraph, the department shall exempt a volunteer EMS company, volunteer ambulance service and nonprofit emergency medical services agency that is a nonprofit chartered corporation, association or organization located in this Commonwealth, that is licensed by the Department of Health. The exemption shall not include a corporation, association or organization that is primarily engaged in the operation of invalid

coaches that are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit. The department may not use any other method to determine volunteer status of these organizations.

* * *

(c) Processing fee in lieu of registration fee.--No registration fee shall be charged for vehicles registered by any of the following but the department shall charge a fee of $10 to cover the costs of processing for issuing or renewing the registration:

* * *

(23) Nonprofit corporations that provide ambulance or emergency medical services.

(d) Limitations.--

(1) Vehicles titled and registered under the provisions of this section shall be operated and used exclusively for the purpose for which the vehicles were entitled to the exemptions from fees.

* * *

(75 Pa.C.S. § 1901)

§ 1925. [Registration fees for] Ambulances, taxis and hearses.

The annual fee for registration of an ambulance, taxi or hearse shall be $77.
(75 Pa.C.S. § 1925)

§ 8307. Hazardous Materials Transportation Advisory Committee.

(a) Membership.--There shall be a Hazardous Materials Transportation Advisory Committee appointed by the secretary [of Transportation]. The committee shall be composed of an authorized representative from the Department of Transportation, who shall chair the committee, the Office of Attorney General, the Department of Health, the Department of Environmental Resources, the Pennsylvania State Police, the Pennsylvania Emergency Management Agency and the Pennsylvania Public Utility Commission and representatives of the hazardous materials industry and the public as follows:

* * *

(5) A representative of the fire services.

(6) A representative of the emergency medical services.

* * *

(b) Duties.--The committee may review all regulations and advise the department on all matters concerning the highway transportation of hazardous materials.
(75 Pa.C.S. § 8307)

PART II. COMMUNICATIONS

Chapter 1. Public Safety Emergency Telephones

Section 635.7. Billing [payments to EMS agency].--(a) When an EMS agency is dispatched by a public safety answering point as defined in 35 Pa.C.S. § 5302 (relating to definitions) or an EMS agency dispatch center under 35 Pa.C.S. § 8129(i) (relating to emergency medical services agencies) for an emergency and provides medically necessary emergency medical services, a payment made by an insurer for a claim covered under and in accordance with a health insurance policy for an emergency medical service performed by the EMS agency during the call shall be paid directly to the EMS agency.

(b) An insurer must reimburse a nonnetwork EMS agency under the following:

(1) The EMS agency has submitted a completed standardized form to the department requesting nonnetwork direct reimbursement from an insurer an EMS agency has identified. The form must be submitted to the department annually by October 15. The form shall declare the EMS agency's intention to receive direct payment from an insurer identified on the form for the next calendar year. The department shall develop a standardized form, using an EMS agency's assigned license number, to be used by an EMS agency that meets the conditions

established under this section. The department shall develop and maintain a publicly accessible electronic registry that indicates which EMS agency has requested nonnetwork direct reimbursement from an insurer identified on the form.

(2) An EMS agency has provided notification to the insurer upon submitting a claim for reimbursement that the EMS agency is registered with the department to receive direct reimbursement as provided for under this section.

(c) An EMS agency may be subject to periodic audits by an insurer to examine claims for direct reimbursement under this section. If, through the audit, the insurer identifies an improper payment, the insurer may deduct the improper payment from future reimbursements.

(d) Where an insurer has reimbursed a nonnetwork EMS agency at the same rate it has established for a network EMS agency, the EMS agency may not bill the insured directly or indirectly or otherwise attempt to collect from the insured for the service provided, except for a billing to recover a copayment, coinsurance or deductible as specified in the health insurance policy.

(e) An EMS agency that submits a form under this section may solicit donations or memberships or conduct fundraising, except that an EMS agency may not promise, suggest or infer to donors that a donation will result in the donor not being billed directly for any payment as provided under this section. Notwithstanding this paragraph, an EMS agency may bill in accordance with subsection (d). A violation of this section shall be considered a violation of the act of December 17, 1968 (P.L.1224, No.387), known as the "Unfair Trade Practices and Consumer Protection Law."

(f) Claims paid under this section shall be subject to section 2166.

(g) This section shall apply only to an EMS agency that is a nonnetwork provider and provides emergency medical services, unless preempted by Federal law.

(h) The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Department." Department of Health of the Commonwealth.

"EMS agency." As defined in 35 Pa.C.S. § 8103 (relating to definitions).

"Emergency medical services." As defined in 35 Pa.C.S. § 8103 (relating to definitions).

"Insurer." As follows:

(1) An entity that is responsible for providing or paying for all or part of the cost of emergency medical services covered by an insurance policy, contract or plan. The term includes an entity subject to:

(i) section 630, Article XXIV or any other provision of this act;

(ii) the act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act; or

(iii) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

(2) The term does not include an entity that is responsible for providing or paying under an insurance policy, contract or plan which meets any of the following:

(i) Is a homeowner's insurance policy.

(ii) Provides any of the following types of insurance:

(A) Accident only.

(B) Fixed indemnity.

(C) Limited benefit.

(D) Credit.

(E) Dental.

(F) Vision.

(G) Specified disease.

(H) Medicare supplement.

(I) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.

(J) Long-term care.

(K) Disability income.

(L) Workers' compensation.

(M) Automobile medical payment insurance.
(1921, P.L.682, No.284, § 635.7)

§ 5301. Scope of chapter [35 Pa.C.S. Ch. 53 (relating to 911 emergency communication services)].

This chapter relates to emergency telephone service.
(35 Pa.C.S. § 5301)

§ 5302. Definitions [relating to 911 emergency communication services].

The following words and phrases when used in this chapter [35 Pa.C.S. Ch. 53 (relating to 911 emergency communication services)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"911 communication." Transmission of information to a PSAP for the initial reporting of police, fire, medical or other emergency situation.

"911 communications service." As follows:

(1) A service that allows the two-way transmission, conveyance or routing of voice, data, audio, video or any information of signals, including cable and internet protocol services, to a point or between or among points by or through any electronic, radio, satellite, cable, optical, microwave or other medium or method in existence on or after the effective date of this definition, regardless of protocol used for the transmission or conveyance, only if that service is capable of contacting a PSAP by entering or dialing the digits 911 and is subject to applicable Federal or State requirements to provide the 911 dialing capability.

(2) The term does not include wireless and Internet-protocol-enabled services that are exempt from Federal Communications Commission regulations for 911 communications service, 911 service and next generation 911 service.

"911 service provider." An entity that provides all or parts of the network, software applications, databases, CPE components and operations and management procedures required to support a 911 system.

"911 system." A system capable of receiving and processing a 911 communication throughout a defined geographic area. The term shall include a county or county-based regional 911 system or a PSAP.

* * *

"Agency." The Pennsylvania Emergency Management Agency.

"ALI." Automatic location information.

"ANI." Automatic number identification.

* * *

"Automatic location information." The delivery or receipt of location information, including, but not limited to, the street address or geographic location of a telecommunication device, as specified in the FCC 911 Order, being used to communicate with a 911 system.

"Automatic number identification." The delivery or receipt of a telephone number assigned to a telecommunication device being used to communicate with a 911 system.

"Board." The 911 board established under section 5303(b) (relating to telecommunications management).

"Call." A two-way communication established using a 911 communications service.

"Call-back number." A number used by a public safety answering point to recontact the location from which a 911 call was placed. This number may or may not be the number of the telephone station used to originate the 911 call.

* * *

"Communication service." Any service that provides to a subscriber or consumer the capability to initiate, route, transmit or complete a 911 communication from or through any telecommunication device that utilizes telephone numbers, Internet protocol addresses or functional equivalents or technological successors.

* * *

"Consumer." A person who purchases prepaid wireless telecommunications service or a

prepaid wireless device in a retail transaction.

* * *

"Department." The Department of Revenue of the Commonwealth.

"Emergency location identification number" or "ELIN." A valid North American Numbering Plan format telephone number assigned to a multiline telephone system operator by the appropriate authority which is used to route the call to a public safety answering point and is used to retrieve the automatic location information for the public safety answering point. The ELIN may be the same number as the automatic number identification. The North American Numbering Plan number may in some cases not be a dialable number.

"Emergency notification services." Services provided by authorized agencies of Federal, State, county or local governments, or by persons authorized by these governments, that notify the public and may use ANI/ALI database information, of emergencies declared by these governments.

"Emergency support services." Information or database management services provided by authorized agencies of Federal, State, county or local governments, or by persons authorized by these governments, that are used in support of PSAPs or emergency notification services.

"Enhanced 911 service" or "911." Emergency communication service providing for automatic identification of caller location and calling number, which includes network switching, database and PSAP premise elements capable of providing automatic location identification data and a call-back number.

"FCC 911 Order." All of the following:

(1) All orders or final rules issued by the Federal Communications Commission pursuant to the proceeding entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems" (CC Docket No. 94-102) codified at 47 CFR § 20.18 (relating to 911 service), "Wireless E-911 Location Accuracy Requirements" codified at 47 CFR Pt. 20 (relating to commercial mobile services) and any successor proceeding.

(2) Any Federal Communications Commission order that affects the provision of wireless 911 service to wireless service customers.

"Fund." The 911 Fund established under section 5306.1 (relating to fund).

"Hybrid system." A system providing both manual and pooled access for outgoing calls. During installation, either pooled or manual access is selected.

"Industry standards." Publicly available technical requirements or standards adopted by an emergency communications industry association or standard-setting organization, including, but not limited to, the National Emergency Number Association and the Association of Public Safety Communications Officials International.

"Interconnected Voice over Internet Protocol provider." A person engaged in the business of providing interconnected VoIP service to end-use subscribers in this Commonwealth, including resellers.

"Interconnected Voice over Internet Protocol service." Service as defined by any of the following:

(1) All orders issued by the Federal Communications Commission pursuant to the proceeding entitled "IP-Enabled Services" (WC Docket No. 04-36; FCC 05-116), codified at 47 CFR Part 9 (relating to interconnected Voice over Internet Protocol services), and any successor proceeding.

(2) Any Federal Communications Commission order that affects the provision of 911 service to VoIP service subscribers or further defines interconnected Voice over Internet Protocol service.

"Interconnected Voice over Internet Protocol service subscriber." A person who is billed by an interconnected Voice over Internet Protocol provider, who is the end user of VoIP service and has designated a place of primary use within this Commonwealth.

* * *

"Key telephone system." A type of multiline telephone system which provides shared access to several outside lines through buttons or keys, and which has identified access lines with direct line appearances or terminations on each telephone station.

"Local exchange carrier." A person that provides local exchange telecommunications service within this Commonwealth.

"Local exchange telecommunications service." The transmission of voice messages that originate and terminate within a prescribed local calling area, including services subject to regulation by the Pennsylvania Public Utility Commission.

* * *

"Local notification." A system capability that directs a call to 911 from a multiline telephone system extension through the 911 network to a public safety answering point and simultaneously notifies a designated individual to identify the location of the telephone that has dialed 911.

"Master street address guide." A database of street names and house number ranges within the associated communities defining emergency services zones and their associated emergency services numbers to enable proper routing of 911 calls.

* * *

"Multiline telephone system" or "MLTS." A system comprised of common control units, telephone sets, control hardware and software and adjunct systems used to support capabilities, including, but not limited to, network and premises-based systems such as Centrex, VoIP, Hybrid and Key Telephone Systems and PBX as classified under 47 CFR § 68.162 (relating to requirements for telecommunication certification bodies), whether owned or leased by private individuals and businesses or by government agencies and nonprofit entities.

"Multiline telephone system (MLTS) manager." The person authorized to implement a multiline telephone system, either through purchase or lease of an MLTS or the purchasing of MLTS services, as the means by which to make 911 calls.

"Multiline telephone system (MLTS) operator." The person responsible for ensuring that a 911 call placed from a multiline telephone system is transmitted and received in accordance with this chapter regardless of the MLTS technology used to generate the call. The MLTS operator may be the MLTS manager or a third party acting on behalf of the MLTS manager.

"Next generation 911 service." 911 service using, in whole or in part, next generation 911 technology.

"Next generation 911 technology." Equipment, products or services that enable a PSAP to receive calls for emergency assistance by voice, text, video, Internet protocol or other technology authorized by Federal law, regulation or industry standard. The term includes any new technology with the same or similar functionality.

* * *

"Other emergency communications service." Services covered by the term as defined in 47 U.S.C. § 615b(8) (relating to definitions).

"Other emergency communications service provider." Entities covered by that term as defined in 47 U.S.C. § 615b(9).

"Person." The term includes a corporation, an LLC, a partnership, an association, the Federal Government, the State government, a political subdivision, a municipal or other local authority and a natural person.

"Place of primary use." The street address where the subscriber's use of the wireless or VoIP service primarily occurs. For the purpose of the surcharge assessed on a VoIP service subscriber, place of primary use is the VoIP service subscriber's registered location on the date the VoIP service subscriber is billed.

"Prepaid wireless device." A device that is purchased with a prepaid wireless telecommunications service and is strictly used for that purpose.

* * *

"Prepaid wireless provider." A person that provides prepaid wireless telecommunications service.

"Prepaid wireless telecommunications service." A wireless telecommunications service that meets all of the following:

(1) Allows a caller to transmit the digits 911 to access a 911 system.

(2) Must be paid for in advance and sold in predetermined units or dollars of which the number may or may not decline with use in a known amount.

* * *

"Private 911 emergency answering point." An answering point operated by a nonpublic safety entity which:

(1) Provides functional alternative and adequate means of signaling and directing responses to emergencies as an adjunct to public safety responses.

(2) Trains individuals intercepting calls for assistance in accordance with applicable local emergency telecommunications requirements.

(3) Provides incident reporting to the public safety emergency response centers in accordance with State and local requirements.

"Private branch exchange" or "PBX." A private telephone network switch that is connected to a publicly switched telephone network.

"Provider." A person that provides service to the public for a fee that includes 911 communications service, including, but not limited to, a local exchange carrier, a wireless provider, a prepaid wireless provider, a VoIP provider or a provider of next generation 911 or successor services.

* * *

"Public agency." Any of the following:

(1) The Commonwealth.

(2) A political subdivision, public authority or municipal authority.

(3) An organization located in whole or in part within this Commonwealth which provides or has the authority to provide firefighting, law enforcement, ambulance, emergency medical or other emergency services.

"Public safety answering point" or "PSAP." The agency-approved entity that receives 911 communications from a defined geographic area and processes those calls according to a specific operational policy. The term shall refer to a county or county-based regional 911 system.

"Public switched telephone network." The network of equipment, lines and controls assembled to establish communication paths between calling and called parties in North America.

"Regional." A geographic area that includes more than one county.

"Regional ESiNET." An Internet Protocol-based system which consists of managed networks, shared applications and the ability to replicate emergency 911 features and functions.

"Regionalization of technology." The adoption of technology that increases the efficiency of a 911 system by allowing multiple PSAPs to use the same equipment or service.

"Retail transaction." The purchase of prepaid wireless telecommunications service or a prepaid wireless device bundled with prepaid wireless telecommunications service from a seller for any purpose other than resale.

"Seller." A person who sells prepaid wireless telecommunications service or a prepaid wireless device bundled with prepaid wireless telecommunications service to another person.

"Shared residential MLTS service." The use of a multiline telephone system to provide service to residential facilities even if the service is not delineated for purposes of billing. For purposes of this definition, residential facilities shall be liberally construed to mean single family and multifamily facilities.

"Shared telecommunications services." The provision of telecommunications and information management services and equipment within a user group located in discrete private premises in building complexes, campuses or high-rise buildings by a commercial shared services provider or by a user association through privately owned subscriber premises equipment and associated data processing and information management services, including the provision of connections to the facilities of a local exchange carrier and to interexchange carriers.

"Subscriber." A person who contracts with and is billed by a provider within this Commonwealth for a 911 communications service. In the case of wireless service, the term shall mean a person who contracts with a provider if the person's place of primary use is within this Commonwealth.

"Telecommunications." The term shall have the meaning given to it in 47 U.S.C. § 153(50) (relating to definitions).

"Telecommunications carrier." Any provider of telecommunications services as defined by the Telecommunications Act of 1996 (Public Law 104-104, 110 Stat. 56).

"Telecommunication device" or "device." Any equipment or item made or adapted for use by a subscriber or consumer to initiate, route or transmit 911 communications using a 911 communications service.

* * *

"Temporary facility." A dormitory, hotel, motel, health care facility, long-term care facility, nursing home or other facility as determined by the agency that provides temporary occupancy to temporary residents and that is served by a multiline telephone system.

"Uniform 911 surcharge" or "surcharge." The fee assessed to a subscriber or consumer as provided for under this chapter.

"Vendor." A person who supplies 911 system services or equipment to enable the transmission of a 911 communication to a PSAP or to support a 911 system or a consultant representing the person, county or PSAP.

"VoIP provider." Interconnected Voice over Internet Protocol provider.

"VoIP service." Interconnected Voice over Internet Protocol service.

"VoIP service subscriber." An Interconnected Voice over Internet Protocol service subscriber.

"Wireless 911 service." 911 communications service provided by a wireless provider, pursuant to the FCC 911 Order, including text-to-911 or any successor requirements.

* * *

"Wireless provider." A person engaged in the business of providing wireless service to end-use subscribers in this Commonwealth, including resellers.

"Wireless service." Commercial mobile radio service as defined under section 332(d) of the Communications Act of 1934 (48 Stat. 1604, 47 U.S.C. § 332(d)) which provides real-time, two-way voice service that is interconnected with the public switched telephone network. The term does not include prepaid wireless telecommunications service.

"Wireless service customer." A person who is billed for wireless service by a wireless provider or who purchases prepaid wireless telecommunications service within this Commonwealth.

(35 Pa.C.S. § 5302)

§ 5303. Telecommunications management.

(a) Powers and duties of [Pennsylvania Emergency Management] agency.--The agency shall have the following powers and duties:

(1) To adopt rules and regulations as necessary to enforce this chapter [35 Pa.C.S. Ch. 53 (relating to 911 emergency communication services)]. Rules and regulations proposed under the authority of this section shall be subject to review by the General Counsel and the Attorney General in the manner provided for the review of proposed rules and regulations pursuant to the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, and the act of June 25, 1982 (P.L.633, No.181), known as the Regulatory Review Act.

(2) To publish guidelines and application procedures for the collection and distribution of fees collected under this chapter.

(3) To receive, review and approve or disapprove all 911 system plans in accordance with standards developed in consultation with the board.

(4) To establish, in consultation with the board, a Statewide 911 plan that sets forth priorities for 911 systems in this Commonwealth and plans for next generation 911 technology.

(5) To designate a State 911 coordinator who shall be an employee of the agency.

(6) To provide administrative and support staff to the board as necessary.

(7) To establish formulas and methods to distribute money in accordance with section 5306.1 (relating to fund) in consultation with the board.

(8) To establish and publish annually uniform standards relating to technology, next generation 911 technology, administration and operation of 911 systems in consultation with the board.

(9) To cooperate with county and regional 911 systems to develop interconnectivity of 911 systems through the establishment, enhancement, operation and maintenance of an Internet protocol network.

(10) To establish and publish annually, in consultation with the board, eligible uses for money received under this chapter, including next generation 911 technology.

(11) To request information and require audits or reports relating to program compliance from any entity remitting the surcharge to or receiving disbursements from the fund.

(11.1) To subpoena witnesses, administer oaths, examine witnesses, take such testimony and compel the production of such books, records, papers and documents as it may deem necessary or proper in and pertinent to any proceeding, investigation or hearing.

(12) To require a biennial performance audit of each 911 system's use of money from the fund, including allocations to capital or operating reserves.

(13) To prescribe the applications and forms necessary to enforce this chapter.

(14) No later than December 1 of each year, to report to the General Assembly annually on the revenue and distributions from the fund for the previous fiscal year and the compliance with the Commonwealth's 911 priorities. In addition, the report shall include a listing of any 911 systems that have merged or consolidated during the previous year.

(15) To adopt, in consultation with the board, minimum training, certification and quality assurance standards for emergency dispatchers, call takers and supervisors.

(16) To develop, in consultation with the board, a comprehensive plan for the implementation of a Statewide interoperable Internet protocol network using next generation 911 technology that coordinates the delivery of Federal, State, regional and local emergency services.

(17) To enforce this chapter through injunction, mandamus or other appropriate proceeding.

(18) To take other actions necessary to implement and enforce this chapter.

(b) Establishment of 911 board.--There is established a board within the agency to be known as the 911 board. The board shall be comprised of the following:

(1) The following State officials, who shall serve as voting members:

(i) The director of the agency, who shall act as chairperson.

(ii) The State 911 coordinator.

(iii) The Commissioner of the Pennsylvania State Police.

(iv) The chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(v) The minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the Senate.

(vi) The chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(vii) The minority chairman of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(viii) The State Fire Commissioner.

(ix) The chairperson of the State Geospatial Coordinating Board.

(2) The following local officials, who shall serve as voting members:

(i) The mayor of a city of the first class.

(ii) A county executive of a county of the second class.

(iii) A county commissioner of a county of the second class A, or a home rule equivalent.

(iv) A county commissioner of a county of the third or fourth class, or its home rule equivalent.

(v) Two county commissioners of a county of the fifth, sixth, seventh or eighth

class, or a home rule equivalent.

(vi) The 911 coordinator of a city of the first class.

(vii) The 911 coordinator of a county of the second class.

(viii) The 911 coordinator of a county of the second class A.

(ix) The 911 coordinator of a county of the third or fourth class.

(x) Two 911 coordinators of a county of the fifth, sixth, seventh or eighth class.

(3) A representative from the following State agencies, who shall serve as nonvoting members, to be appointed by the chief executive or administrative officer of each agency:

(i) The Pennsylvania Public Utility Commission.

(ii) (Deleted by amendment).

(iii) The Governor's Office of Administration.

(4) A representative from the following Statewide associations, who shall serve as nonvoting members:

(i) The Pennsylvania Chiefs of Police Association.

(ii) The Fraternal Order of Police.

(iii) The Pennsylvania Emergency Health Services Council.

(iv) The Pennsylvania Fire and Emergency Services Institute.

(v) The Association of Public-Safety Communications Officials.

(vi) The Pennsylvania Chapter of the National Emergency Number Association.

(vii) The Keystone Emergency Management Association.

(viii) The Pennsylvania Professional Fire Fighters Association.

(ix) The Firemen's Association of the State of Pennsylvania.

(x) The Pennsylvania Wireless Association.

(xi) The Pennsylvania Telephone Association.

(xii) The Broadband Cable Association of Pennsylvania.

(xiii) The Pennsylvania Municipal League.

(xiv) The Pennsylvania State Association of Boroughs.

(xv) The Pennsylvania State Association of Township Supervisors.

(xvi) The Pennsylvania State Association of Township Commissioners.

(xvii) The Ambulance Association of Pennsylvania.

(xviii) The Pennsylvania Association of Councils of Governments.

(5) A member of the general public, who shall serve as a nonvoting member.

(b.1) Designee.--A voting member of the board may appoint a designee who must be an employee of the same agency or organization as the voting member to attend meetings.

(b.2) Gubernatorial appointees.--The Governor shall appoint the board members under subsection (b)(2)(iii), (iv), (v), (viii), (ix) and (x), (4) and (5) upon the recommendation of Statewide organizations and industry segments. Recommendations for appointments of county officials under subsection (b)(2) shall be requested by the Governor from the County Commissioners Association of Pennsylvania and recommendations for appointments of 911 coordinators under subsection (b)(2) shall be requested by the Governor from the State chapters of the National Emergency Number Association and the Association of Public Communications Officials. The following shall apply:

(1) Members appointed by the Governor are appointed to terms of two years and may serve no more than three consecutive terms.

(2) The Statewide organizations shall ensure that nominees are sufficiently proficient in 911 policies, operations and technologies and that the nominees provide a diverse representation from the western, central and eastern regions of this Commonwealth.

(3) The Governor shall make the initial appointments of members under subsection (b)(2), (4) and (5) within 90 days of the effective date of this paragraph. Initial terms for members appointed by the Governor shall be divided between one-year and two-year terms.

(4) Except a member appointed under subsection (b)(2)(i), (ii), (vi) or (vii), the Governor may remove an appointed member of the board for cause upon written notice to the board.

(5) A member's nonparticipation in three consecutive board meetings may be considered cause for removal.

(b.3) Quorum.--Thirteen members of the board shall constitute a quorum. When a quorum is present, three-fourths consent of members present and voting is required for any action of the board.

(b.4) Meetings.--The board shall meet at least once quarterly and at any special session called by the chairperson. All meetings of the board shall be conducted in accordance with 65 Pa.C.S. Ch. 7 (relating to open meetings).

(b.5) Compensation.--The members of the board shall serve without compensation but shall be reimbursed for their actual and necessary travel and other expenses in connection with attendance at meetings called by the chairperson.

(c) Powers and duties of board.--The board shall have the following powers and duties:

(1) To advise the agency on regulations and guidelines relating to the administration and operation of 911 systems in this Commonwealth relating to the following:

(i) Standards for performance reviews and quality assurance programs to ensure public safety and maintain and improve the performance of 911 systems.

(ii) Measures to ensure the compliance of 911 systems with current industry standards and applicable Federal regulations.

(iii) Cost-saving measures to include joint purchasing opportunities.

(iv) Measures to promote regionalization of PSAPs.

(v) Measures to promote next generation 911 technology.

(vi) 911 planning guidelines.

(vii) Training standards for emergency dispatchers, call takers and supervisors.

(2) To provide advice and recommendations to the agency to develop and adopt formulas and methods to distribute money from the fund under section 5306.1.

(3) To promote effective communication and information sharing between the agency and county 911 coordinators and develop recommendations to improve 911 systems in this Commonwealth.

(4) To advise the agency on plans to deploy next generation 911 technology in 911 systems in this Commonwealth.

(5) To promote the regional use of technology.

(6) To promote sharing of information among the agency, 911 systems and other State and local agencies relating to the operation and improvement of 911 systems.

(d) Exemption.--The Pennsylvania State Police telecommunications facilities are exempt from the telecommunications management of the agency and the board.

(35 Pa.C.S. § 5303)

§ 5304. Counties.

(a) Powers and duties.--Each county shall have the following powers and duties in relation to a 911 system:

(1) To ensure the provision of a 911 system in the county's respective jurisdiction. A county may provide a 911 system to the county's jurisdiction through participation in a regional 911 system.

(2) To develop, maintain or adopt a 911 plan for the county and submit the plan to the [Pennsylvania Emergency Management] agency for review.

(i) The plan shall be reviewed and updated at a frequency prescribed by the board.

(ii) A county may adopt the 911 plan of a regional 911 system if the county is a participating member of that regional 911 system.

(3) To cooperate with the agency, the board and the Pennsylvania State Police.

(4) To comply with the guidelines, standards and reporting requirements established by the agency.

(5) To execute all contracts, agreements, mutual aid agreements, cross-service agreements and all other documents necessary to implement its 911 plan.

(6) To designate a 911 coordinator for the county who shall develop and submit a plan for the implementation, operation and maintenance of a 911 system.

(7) To cooperate with the board in the preparation and submission of the 911 system plan.

(8) To cooperate with the Pennsylvania State Police. Subject to subparagraphs (i) through (iii), a county that utilizes ANI/ALI database services shall, upon request of the Commissioner of the Pennsylvania State Police or the designee of the commissioner, provide authority to access all ANI/ALI database information relating to 911 calls for emergency services, whether the database is held by the county or by a commercial entity, following the established procedures of the database owner. The following shall apply:

(i) In order to ensure that no county or PSAP experiences degradation of service or additional costs as a result of complying with this subsection:

(A) the Pennsylvania State Police shall provide, at its cost, any equipment, computer software or telecommunications equipment or services, exclusive of recurring personnel costs for county personnel, that are necessary to enable its access to any ANI/ALI database information; and

(B) all means of access must be approved by the county, PSAP and the Pennsylvania State Police before the county is required to authorize or provide the access. In the event of a dispute between the Pennsylvania State Police and a county or PSAP regarding approval by the county and PSAP, the dispute shall be mediated by the Office of Information Technology of the Commonwealth's Office of Administration. The Office of Information Technology may bring in a Commonwealth mediator from the Office of General Counsel to provide assistance in resolving the dispute.

(ii) The ANI/ALI database information to which access is authorized or enabled under this paragraph or section 5304.1(a)(3) (relating to Pennsylvania State Police) shall be used only in providing emergency response services to a 911 call. A person who uses or discloses the ANI/ALI database information under this subparagraph for any other purpose commits a misdemeanor of the third degree.

(iii) Nothing contained in this paragraph shall be construed to impose on providers any obligations beyond those created by applicable Federal Communications Commission orders and regulations. Public agencies, counties, PSAPs and wireless providers shall not be liable to any person for errors in any of the ANI/ALI database information which may be accessed by or provided to the Pennsylvania State Police under this paragraph.

(9) To comply with reporting requirements established by the agency.

(10) To make reasonable efforts to ensure required geographic information system (GIS) information is available and maintained to support next generation 911 call delivery. The following apply:

(i) Counties must cooperate with each other to develop the PSAP boundary, emergency service boundary, provisioning boundary and road centerline data sets.

(ii) Counties shall share GIS data needed to support geospatial call routing.

* * *

(35 Pa.C.S. § 5304)

§ 5304.1. Pennsylvania State Police.

(a) Powers and duties.--The Commissioner of the Pennsylvania State Police, or the designee of the commissioner, shall have the following powers and duties in relation to a Pennsylvania State Police telecommunications facility:

(1) To designate, with specificity, which Pennsylvania State Police facilities shall be considered Pennsylvania State Police telecommunications facilities under this chapter.

(2) To designate a commander of a Pennsylvania State Police telecommunications facility, who shall serve as the point of contact with the agency and the counties and shall oversee the implementation, operation and maintenance of a Pennsylvania State Police telecommunications facility. A Pennsylvania State Police facility shall, where

technologically feasible, be adequate to provide service to the designated area of coverage.

(3) To request authority to access ANI/ALI database information relating to 911 calls for emergency services from the counties and PSAPs within the designated area of coverage of a Pennsylvania State Police telecommunications facility. No county or PSAP shall be required to comply with such a request unless it is made by the Commissioner of the Pennsylvania State Police or the designee of the commissioner under section 5304(a)(8) (relating to counties).

(4) To provide training and certification for all call takers/dispatchers and call taker/dispatcher supervisors that meet or exceed the training and certification standards that are provided for in 4 Pa. Code Ch. 120c (relating to training and certification standards for 911 emergency communications personnel) or any successor standard.

(b) Ineligible reimbursement.--The Pennsylvania State Police is not eligible to receive reimbursement from the fund, nor may the Pennsylvania State Police impose a tax, fee or surcharge upon subscribers or customers of any provider.

(35 Pa.C.S. § 5304.1)

§ 5305. 911 system plan.

(a) Minimum standards.--Upon the agreement of a county to establish a 911 system as a regional or single county PSAP, a plan shall be adopted that meets at least the standards promulgated by the [Pennsylvania Emergency Management] agency. The county may obtain technical assistance from the agency in formulating its plan. Each 911 system plan shall be designed to meet the individual circumstances of each community and public agency participating in the 911 system. The plan shall consider efficiencies to be achieved from regionalization and consolidation and may include consideration of next generation 911 technology.

(b) [911] Board review.--

(1) The board shall review each 911 system plan for completeness and may recommend the approval or disapproval of the plan to the agency.

(2) If the 911 system plan is recommended for disapproval by the board, the agency shall explain the deficiencies that caused the recommendation and may return the plan.

(c) Regional systems.--Nothing in this chapter shall be construed to prohibit the formation of multijurisdictional or regional 911 systems.

* * *

(35 Pa.C.S. § 5305)

§ 5306.1. [911] Fund.

(a) Establishment.--There is established in the State Treasury a nonlapsing restricted interest-bearing account to be known as the 911 Fund. Money in the fund and the interest the money accrues is appropriated to the agency to be disbursed by the [Pennsylvania Emergency Management] agency.

(b) Composition of fund.--The following money shall be deposited in the fund:

(1) The surcharge remitted under section 5307 (relating to payment, collection and remittance of surcharge by providers of 911 communications services) and the prepaid wireless surcharge remitted under section 5307.1 (relating to payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service).

(2) Any money appropriated by the General Assembly.

(3) Money from any other public or private source.

(4) Interest accrued by the fund.

(c) Use.--

(1) The money in the fund shall be used only for reasonably necessary costs that enhance, operate or maintain a 911 system in this Commonwealth in accordance with the Statewide 911 plan established by the agency. For the purposes of this paragraph, reasonably necessary costs shall be determined by the agency, in consultation with the board, consistent with the following:

(i) The agency shall establish factors for reasonably necessary costs.

(ii) The agency shall provide the factors annually through agency guidelines.

(iii) Notwithstanding any guidelines provided by the agency, use of the fund by a 911 system or the agency to establish, enhance, operate or maintain Statewide interconnectivity of 911 systems or to establish a capital or operating reserve consistent with a 911 system plan shall be deemed reasonably necessary.

(2) Money from the fund shall not be expended on a 911 system that does not conform to the standards and guidance published by the agency.

(3) Money from the fund shall not be transferred for General Fund use by the Commonwealth or counties.

(d) Distribution.--Within 30 days after the end of each quarter, the agency shall determine the amount available from the fund for distribution and make disbursements in accordance with the Statewide 911 plan and this chapter and in accordance with the following:

(1) Not less than 80% of the amount in the fund shall be disbursed to a 911 system through a mathematical formula established by the agency in consultation with the board, of which at least 30% shall solely be based on population.

(2) Up to 15% of the amount in the fund shall be used by the agency to establish, enhance, operate or maintain Statewide interconnectivity of 911 systems, including, but not limited to, the use or obligations of money for debt service related to regional or Statewide interconnectivity. Money under this paragraph may also be used to purchase a Statewide system designed to allow individuals to identify their phone numbers as associated with a person with a physical disability, so that when an individual makes a 911call, the PSAP has this information.

(3) Three percent of the amount available shall be disbursed equally to the PSAPs of this Commonwealth. Consolidation of PSAPs after the effective date of this paragraph shall not reduce an allocation to a county under this paragraph.

(4) Not greater than 2% of the amount in the fund may be retained by the agency to pay for agency expenses directly related to administering the provisions of this chapter. Any excess shall be added to the amounts available for distribution under paragraph (1). Audits conducted by the agency under this section shall be funded from amounts retained under this paragraph.

(e) Distribution formula considerations.--

(1) The distribution formula established by the agency under subsection (d) shall fairly and proportionately reflect 911 system needs.

(2) The initial distribution formula shall be established and implemented by the agency, in consultation with the board, no later than 18 months following the effective date of this section.

(3) The distribution formula shall be reviewed every two years and may be adjusted annually.

(4) In developing and evaluating the distribution formula, the agency, in consultation with the board, shall consider and may include the following factors that permit the formula to reflect 911 system needs:

(i) Base level costs common to all 911 systems.

(ii) Population and population density.

(iii) Call volume, including definition of what constitutes a call as published by the agency.

(iv) Extenuating factors such as topography, concentrated exposure such as transit or industrial facilities, or cyclical exposures such as high-attendance public events.

(5) In development of the distribution formula, the agency, in consultation with the board, shall consider the 911 system's average reported allowable 911 system costs for the five years immediately preceding the effective date of this section.

(6) Notwithstanding the provisions of paragraph (5), the total annual disbursement from the fund to any one 911 system may not exceed the actual annual costs to enhance, operate or maintain that 911 system in accordance with the Statewide 911 system plan.

Actual costs may include amortization or depreciation of allowable capital costs of the 911 system as determined using generally accepted accounting principles and approved plan allocations to capital and operating reserves, if approved by the agency.

(f) Interim distribution formula.--Commencing on the effective date of this subsection, until the board develops and the agency implements a distribution formula under subsection (e), the money available under subsection (d)(1) and (3) shall be distributed to each 911 system as follows:

(1) A share equivalent to 106% times the respective 911 system's average of local exchange telephone carriers surcharge collections under section 5305 (relating to 911 system plan) for the five years immediately preceding the effective date of this section.

(2) A share equivalent to 106% times the respective 911 system's average of VoIP provider's surcharge collections under section 5307 for the five years immediately preceding the effective date of this section.

(3) The remaining amount distributed to each 911 system shall be based on the ratio that its average reported allowable 911 system costs for the five years immediately preceding the effective date of this paragraph bear to the average reported allowable 911 system costs for all 911 systems for the five years immediately preceding the effective date of this paragraph.

(g) Surplus.--

(1) If excess money remains available in the fund after the distribution and balanced disbursements required under subsections (d) and (e), the agency shall distribute the remaining money for the enhancement, operation or maintenance of 911 systems as provided under subsection (d)(1) in this Commonwealth in accordance with the Statewide 911 system plan.

(2) If the fund experiences a surplus as described in this section for eight consecutive quarters, the agency shall provide written notice of the surplus to the General Assembly and the written notice shall include a recommended reduced surcharge for consideration by the General Assembly.

(3) The written notice required under paragraph (2) shall be submitted to the General Assembly within 60 days after the end of the eighth consecutive quarter experiencing the surplus.

(h) County or city action required.--A county or city of the third class shall not be eligible to receive funds under this section unless the governing body of the county or city adopts a resolution or ordinance authorizing acceptance of the funds. The county or city shall provide public notice of the intent to adopt the resolution or ordinance. A copy of the resolution or ordinance shall be provided to the agency.

(i) Audits.--

(1) The fund shall be audited in a manner and on a frequency consistent with other restricted receipts accounts administered by the Commonwealth.

(2) The agency shall require a biennial performance audit of each PSAP's use of the disbursements it has received from the fund, including amounts placed in capital or operating reserve consistent with published guidelines established by the agency.

(35 Pa.C.S. § 5306.1)

§ 5306.2. Uniform 911 surcharge.

(a) Surcharge imposed.--Each subscriber or consumer shall pay a surcharge of $1.65 for each 911 communications service or prepaid wireless device for which that subscriber or consumer is billed by a provider or seller as provided for under this chapter [35 Pa.C.S. Ch. 53 (relating to 911 emergency communication services)]. The surcharge shall be collected apart from and in addition to a fee levied by the provider or seller, in whole or in part, for the provision of 911 services. The surcharge shall be subject to the following:

(1) The surcharge shall be uniform, competitively neutral and in an equal amount for subscribers or consumers of all 911 communications services.

(2) Except as provided under section 5307.1 (relating to payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service), the

surcharge shall be paid to the State Treasurer for deposit in the [911] fund. The Treasurer may retain up to 1% of the remitted surcharge to pay expenses directly related to the cost of collection.

(3) No subscriber or consumer shall be required to pay more than one surcharge per number or device.

(b) Provider administrative costs.--Each provider collecting the surcharge may retain an amount not to exceed 1% of the gross receipts of surcharges collected as reimbursement for its actual administrative costs.

(c) Collection of surcharge.--The collection of the surcharge by each provider shall be subject to the following:

(1) Providers shall collect the surcharge on behalf of the agency as part of their billing process and shall have no obligation to take any legal action to enforce the collection of the surcharge. Action may be brought by or on behalf of the agency. Upon written request of the agency, each wireless provider shall annually provide a list of the names and addresses of those wireless service customers whose accounts are considered a bad debt as determined by the provider's books and records that have failed to pay the surcharge.

(2) Providers shall not be liable for the unpaid amounts.

(3) If a provider receives a partial payment for a monthly bill from a subscriber, the provider shall apply the payment against the amount the subscriber owes the provider first and shall remit to the State Treasurer the lesser amount, if any, resulting from the application.

(4) The surcharge shall not be:

(i) Subject to taxes or charges levied by the Commonwealth or a political subdivision of this Commonwealth or an intergovernmental agency for 911 funding purposes on a provider, seller or consumer with respect to the sale, purchase, use or provision of a communication service.

(ii) Considered revenue of the provider.

(5) Nothing under this chapter shall prevent a provider from recovering costs of implementing and maintaining 911 communications service directly from the provider's subscribers, whether itemized on the subscriber's bill or by any other lawful method.

(6) Funds remaining in a State or county 911 fund prior to the effective date of this section shall only be used for purposes relating to the operation of 911 systems.

(35 Pa.C.S. § 5306.2)

§ 5307. Payment, collection and remittance of surcharge by providers of 911 communications services.

(a) Collection and remittance of surcharge.--

(1) Providers shall assess and collect the surcharge monthly from each subscriber and forward the collection quarterly less the actual uncollectibles to the State Treasurer for deposit in the [911] fund.

(2) The surcharge shall be stated separately in the subscriber billing.

* * *

(b) Multiline telephone systems.--In the case of Centrex or similar multiline telephone system subscribers, except PBX subscribers, the following multipliers shall be applied to determine the rate of the surcharge for each subscriber:

(1) For the first 25 lines, each line shall be assessed the surcharge.

(2) For lines 26 through 100, each line shall be assessed 75% of the surcharge.

(3) For lines 101 through 250, each line shall be assessed 50% of the surcharge.

(4) For lines 251 through 500, each line shall be assessed 20% of the surcharge.

(5) For lines 501 or more, each line shall be assessed 17.2% of the surcharge.

(6) As of August 1, 2015, for each digital transmission link, including primary rate interface service or Digital Signal-1 (DS-1) level service, or equivalent, that can be channelized and split into 23 or 24 voice-grade or data-grade channels for voice communications, that when the digits 9-1-1 are dialed provides the subscriber access to a

PSAP through permissible interconnection to the dedicated 911 system, a subscriber's assessments shall be increased to 23 surcharges per transmission link.

(7) Each VoIP provider shall collect the uniform 911 surcharge for the number of VoIP service lines for which the VoIP provider has enabled the capacity for simultaneous outbound calls regardless of actual usage.

(8) Each VoIP provider that remits the surcharge shall certify the accuracy of the remittance annually as required using agency procedures and forms.

(c) Applicability.--The provisions of this section shall not apply to sellers or consumers of prepaid wireless telecommunications service.

* * *

(35 Pa.C.S. § 5307)

§ 5307.1. Payment, collection and remittance of surcharge by sellers of prepaid wireless telecommunications service.

(a) Surcharge.--The following apply:

(1) The surcharge shall be collected by the seller from the consumer per each retail transaction occurring in this Commonwealth.

(2) The surcharge shall be applied to the cost of each retail transaction regardless of whether the retail transaction occurred in person, by telephone, through the Internet or by any other method. A retail transaction that is conducted in person by a consumer at a business location of the seller shall be treated as occurring in this Commonwealth if that business location is in this Commonwealth. Any other retail transaction shall be treated as occurring in this Commonwealth if the retail transaction is treated as occurring in this Commonwealth under section 202(e.1) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

(3) The surcharge shall be either separately stated on an invoice, receipt or other similar document that is provided to the consumer by the seller or otherwise conspicuously disclosed to the consumer by the seller.

(4) The surcharge is a liability of the consumer and not of the seller or any provider, except that the seller shall be liable to remit any surcharge collected from a consumer as provided under paragraph (6), including the charges that the seller is deemed to collect if the amount of the surcharge has not been separately stated on an invoice, receipt or other similar document provided to the consumer by the seller.

(5) The amount of the surcharge that is collected by a seller from a consumer, whether or not the amount is separately stated on an invoice, receipt or similar document provided to the consumer by the seller, shall not be included in the base for measuring a tax, fee, surcharge or other charge that is imposed by the Commonwealth, a political subdivision or an intergovernmental agency.

(6) The surcharge collected by a seller, less 1.5% that may be retained by the seller to cover administrative costs, shall be remitted to the Department of Revenue at the times provided under Article II of the Tax Reform Code of 1971. The department shall establish payment procedures that substantially coincide with the payment procedures of Article II of the Tax Reform Code of 1971, except the department may require the filing of returns and the payment of the surcharge by electronic means.

(7) The assessment, audit, appeal, collection and enforcement procedures and other provisions of the Tax Reform Code of 1971 shall apply to the surcharge collected and remitted under this section.

(8) The provision of section 5311.1 (relating to immunity) shall apply to prepaid wireless providers and sellers.

(9) The surcharge shall be the only 911 funding obligation imposed regarding prepaid wireless telecommunications service in this Commonwealth. A tax, fee, surcharge or other charge may not be imposed by the Commonwealth, a political subdivision or an intergovernmental agency for 911 funding purposes on a seller or consumer with respect to the sale, purchase, use or provision of prepaid wireless telecommunications service. The surcharge shall not be considered revenue of any seller.

(10) Each seller that remits the surcharge shall certify the accuracy of the remittance annually using the procedures and forms provided by the agency.

(b) Department of Revenue.--The following shall apply to the department:

(1) The department shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales and use tax purposes under Article II of the Tax Reform Code of 1971.

(2) The department shall pay all remitted surcharges to the State Treasurer for deposit into the fund within 30 days of receipt for use as provided for under this chapter.

(3) The department may retain up to 1% of remitted surcharges to pay for expenses directly related to the costs of administering the collection and remittance of surcharges collected under this section.

(35 Pa.C.S. § 5307.1)

§ 5309. Telephone records.

(a) Access.--A telephone service supplier shall provide customer telephone numbers, names and service addresses to PSAPs when requested by them for use in responding to 911 calls and for the synchronization of required geographic information system (GIS) database layers for geospatial call routing with the master street address guide, the ALI data and site and structure locations and, when required, to providers of emergency notification services and emergency support services, solely for the purposes of delivering or assisting in the delivery of emergency notification services and emergency support services. A wireless provider shall provide the telephone number and geographical location of the wireless device, as required under the FCC E-911 Order, to PSAPs when requested by them for use in responding to 911 calls. Customer telephone numbers, names and service addresses, and telephone numbers and geographical locations of wireless devices, shall remain the property of the disclosing service supplier. The total cost of the 911 system shall include expenses to reimburse telephone service suppliers for providing and maintaining 911 information. A telephone service supplier shall not be reimbursed directly from the fund for providing and maintaining 911 information. This information shall be used only in providing emergency response services to a 911 call, synchronizing master street address guide, ALI and GIS data sets or for purposes of delivering or assisting in the delivery of emergency notification services or emergency support services. A person who uses or discloses ANI/ALI database information for purposes other than providing emergency response services to a 911 call, delivering or assisting in the delivery of emergency notification services commits a misdemeanor of the third degree.

(b) Privacy waived.--Private listing service customers in a 911 service district shall waive the privacy afforded by nonlisted and nonpublished numbers with respect to the delivery of emergency services.

* * *

(35 Pa.C.S. § 5309)

§ 5310. Penalty.

(a) Communications with 911 systems.--A person who intentionally calls the 911 emergency number for other than emergency purposes commits a misdemeanor of the third degree.

(b) Information disclosure.--A person commits a misdemeanor of the third degree if the person does any of the following:

(1) Uses or discloses database information for wireless service, VoIP service, other emergency communications service or next generation 911 service or future technology providing the same or similar functionality for purposes other than handling a call to a 911 system, or a system used for other emergency communications service, next generation 911 service or future technology providing the same or similar functionality, without consent of the subscriber or consumer as otherwise provided by applicable Federal or State law.

(2) Knowingly uses the telephone number or database information of a 911 system,

other emergency communications service, next generation 911 service, future technology providing the same or similar functionality or VoIP service to avoid any charges for the services of a provider.
(35 Pa.C.S. § 5310)

§ 5311.1. Immunity.

(a) Local government.--A 911 system or a wireless E-911 system run by county and local governments shall be a local agency which shall enjoy local governmental immunity as provided under 42 Pa.C.S. Ch. 85 Subch. C (relating to actions against local parties).

(b) Entities.--The following shall not be liable for an act or omission to a person who directly or indirectly uses a 911 emergency service or provides information to 911 systems under this section except for willful or wanton misconduct:

(1) A 911 system.

(2) A 911 service provider.

(3) A provider or communication service provider, including a provider of Next Generation 911 technology.

(4) An officer, director, employee, vendor or agent of an entity listed under paragraphs (1), (2) and (3).

(c) Applicability.--The immunity under subsection (b) shall apply to the following:

(1) The release to PSAPs, providers of emergency notification services or providers of emergency support services of information authorized under this chapter, including nonpublished telephone numbers.

(2) The release to the Federal Communications Commission, the public utility commission, the board or any Federal or Commonwealth agency with the authority to regulate the provision of telecommunications services of telephone company information specified in this section that is not already part of public records, including information regarding the number of liens served by an individual company, except for nonpublic information regarding the company's individual customer names, addresses and telephone numbers.

(3) Interruptions, omissions, defects, errors, mistakes or delays in transmission occurring in the course of the delivery of 911 emergency services and other emergency services, including next generation 911 services under this chapter, unless the interruptions, omissions, defects, errors, mistakes or delays are caused by the willful or wanton misconduct of a person listed under subsection (b).

(4) Any other matter relating to the provision of 911 communications service or a 911 system.
(35 Pa.C.S. § 5311.1)

§ 5311.7. Prohibition against release of information.

(a) Annual report of [Pennsylvania Emergency Management] agency.--The annual report of the agency shall be a public document.

(b) Prohibition against release of information.--The State Treasurer, agency, board, employee, agent or representative of a PSAP or public agency shall not divulge any information acquired with respect to any provider, revenues, expenses, trade secrets, commercial information and other proprietary information. Any information acquired shall be kept confidential except that aggregations of information that do not effectively identify numbers of consumers or subscribers, revenues or expenses, trade secrets, commercial information and other proprietary information attributable to any provider may be made public.
(35 Pa.C.S. § 5311.7)

§ 5311.11. Rate regulation.

Nothing in this chapter [35 Pa.C.S. Ch. 53 (relating to emergency telephone service)] shall be construed to constitute the regulation of the rates charged by providers for any service or feature which they provide to their subscribers or customers or to prohibit charges to a subscriber or customer for any service provided to a subscriber or customer.

(35 Pa.C.S. § 5311.11)

§ 5311.15. Shared residential MLTS [multiline telephone system] service.

Operators of shared residential MLTS serving residential customers shall ensure that a telecommunications system, at least six months after the effective date of this section, is connected to the public switched telephone network such that calls to 911 result in one distinctive ANI [automatic number identification] and ALI [automatic location information] for each living unit.
(35 Pa.C.S. § 5311.15)

§ 5311.16. Business MLTS [multiline telephone system].

(a) General rule.--For an MLTS serving business locations at least six months after the effective date of this section, the MLTS operator shall deliver the 911 call with an ELIN [emergency location identification number] which shall result in one of the following:

(1) An ERL which provides, at a minimum, the building and floor location of a caller.

(2) An ability to direct response through an alternative and adequate means of signaling by the establishment of a private 911 emergency answering point.

(b) Reasonable effort.--The MLTS manager must make a reasonable effort to ensure that 911 callers are aware of the proper procedures for calling for emergency assistance.

(c) Exceptions.--Workspaces with less than 7,000 square feet on a single level, and located on a single contiguous property, are not required to provide more than one ERL, and key telephone systems are not required to provide more than one ERL.
(35 Pa.C.S. § 5311.16)

§ 5311.17. Shared communications services.

Providers of shared communications services installed at least six months after the effective date of this section shall assure that the MLTS [multiline telelphone system] is connected to the public switched telephone network such that calls to 911 from any telephone result in ALI [automatic location information] for each respective ERL of each entity sharing the telecommunications services.
(35 Pa.C.S. § 5311.17)

§ 5311.18. Temporary residence.

Businesses providing MLTS [multiline telephone system] service to a temporary residence shall permit the dialing of 911, and the MLTS operator shall ensure that the MLTS is connected to the public switched telephone network. If PBX [private branch exchange] or other private switch ALI [automatic loan information] records are not provided for each individual station, the MLTS operator of the temporary residence shall provide specific location information for the caller to the PSAP [public safety answering point].
(35 Pa.C.S. § 5311.18)

§ 5311.19. Local notification.

In addition to any other requirement of this chapter, applicable to its type of MLTS [multiline telephone system] service, an MLTS operator:

(1) Shall implement local notifications if operating an MLTS service installed after the effective date of this section.

(2) May implement local notification if operating an MLTS service installed before the effective date of this section.
(35 Pa.C.S. § 5311.19)

§ 5311.20. ALI [Automatic location information] database maintenance.

If applicable, MLTS [multiline telephone system] operators must arrange to update the ALI database with an appropriate master street address guide valid address and call-back information for each MLTS telephone, such that the location information specifies the ERL of the caller. These updates must be downloaded or otherwise made available to the ALI

database provider as soon as practicable for a new MLTS installation, or within one business day of record completion of the actual changes for MLTS installed before the effective date of this section. The information is subject to all Federal and State privacy and confidentiality laws. The MLTS operator shall audit accuracy of information contained in the ALI database at least once annually.
(35 Pa.C.S. § 5311.20)

§ 5311.21. Industry standards [for multiline telephone system].

Local exchange carriers and providers shall be responsible for providing 911 call interconnectivity through the use of generally accepted industry standards.
(35 Pa.C.S. § 5311.21)

§ 5311.22. Dialing instructions [for multiline telelphone system].

An owner or operator of a multiline telephone system installed after the effective date of this section shall ensure that the system is connected to the public switched telephone network in such a manner that when a user dials 911, the emergency call connects directly to the appropriate 911 system:

(1) without first dialing any numbers or set of numbers; and

(2) without being intercepted by a switchboard operator, attendant or other designated onsite individual.

(35 Pa.C.S. § 5311.22)

§ 5311.23. MLTS [multiline telephone system] signaling.

An MLTS shall support 911 calling by using any generally accepted industry standard signaling protocol designed to produce an automatic display of caller information on the video terminal of the PSAP [public safety answering point] call taker unless the MLTS operator is exempt or a waiver has been granted.
(35 Pa.C.S. § 5311.23)

§ 5311.24. MLTS [multiline telephone system] operator education.

Each public agency providing 911 educational programs is encouraged to develop a program to educate MLTS operators related to accessing 911 emergency telephone systems and coordinate adequate testing of the MLTS interface to the 911 system.
(35 Pa.C.S. § 5311.24)

§ 5311.25. Limitation of liability.

A local exchange carrier, Internet service provider, manufacturer or provider of MLTS [multiline telephone system], MLTS manager, MLTS operator or 911 service provider shall not be liable for civil damages or penalties as a result of any act or omission, except willful or wanton misconduct, in connection with developing, adopting, operating or implementing any plan or system required under this chapter [35 Pa.C.S. Ch. 53 (relating to 911 emergency communication services)].
(35 Pa.C.S. § 5311.25)

§ 5313. Legislative report [on provision of 911 communications service].

Within two years of the effective date of this section, the agency, in consultation with the board, shall prepare and submit to the General Assembly a report and recommendations on the impacts of current and anticipated technological and market changes on the provision of 911 communications service, including:

(1) the structure and adequacy of the surcharge and fund provided for under this chapter;

(2) other local revenue options to support 911 services; and

(3) any benefits that could be derived from dispatching all 911 calls from county PSAPs [public safety answer points].

(35 Pa.C.S. § 5313)

§ 5314. Inventory [of public safety answering point facilities].

(a) Comprehensive inventory required.--The agency, in consultation with the board, shall maintain and update on a biennial basis a comprehensive inventory of each county PSAP's [public safety answering point's] facilities, hardware, software, communications infrastructure, network capabilities and related equipment and services procured to determine the status of each PSAP's 911 system's stage of advancement to NG911.

(b) Contents.--The inventory shall include, but is not limited to:

(1) A record of databases, networks, radio, telephone and equipment and correlated networks at each PSAP.

(2) A record of all data systems, including, but not limited to, call and dispatch and record management systems.

(3) Equipment/network system geographic limitations and capabilities.

(4) A record of equipment or facilities that are or can be shared or collocated.

(5) A record of all leased equipment and date of each lease termination date.

(c) Counties to cooperate.--Counties shall cooperate with the [Pennsylvania Emergency Management] agency by providing the information identified in this section and other information deemed necessary by the agency to complete an inventory as required under subsection (a). Counties that do not provide the information requested by the agency within 45 days of the request shall be suspended from any grant or funding program or be required to forfeit fund disbursements.

(35 Pa.C.S. § 5314)

§ 5398. Termination.

This chapter [35 Pa.C.S. Ch. 53 (relating to emergency telephone service)] shall expire January 31, 2024.

(35 Pa.C.S. § 5398)

Chapter 2. Miscellaneous Provisions

Section 1317.1. Possession of Telephone Pagers Prohibited.--(a) The possession by students of telephone paging devices, commonly referred to as beepers, shall be prohibited on school grounds, at school sponsored activities and on buses or other vehicles provided by the school district.

(b) The prohibition contained in subsection (a) shall not apply in the following cases, provided that the school authorities approve of the presence of the beeper in each case:

(1) A student who is a member of a volunteer fire company, ambulance or rescue squad.

* * *

(1949, P.L.30, No.14, § 1317.1)

Section 1944. Appropriations for Police, Fire and other Public Safety Radio and Telecommunications Networks.--The board of commissioners of any county may make appropriations for the erection, operation and maintenance of a county police radio, fire and other public safety radio and telecommunications networks.

(1955, P.L.323, No.130, § 1944)

Section 2. Emergency Medical Personnel in Coal Mines.--(a) Emergency medical personnel shall be employed in every mine as follows:

(1) Within two years from the effective date of this act [the Coal Mine Emergency medical Personnel Law], all mines shall be equipped by the operator thereof as follows:

(i) At least one emergency medical technician shall be on duty at a mine at any time when miners at that mine are engaged in the extraction, production, or preparation of coal. Emergency medical technicians shall be on duty at a mine in sufficient numbers to assure that no miner shall work in a mine location that cannot be reached within a reasonable time by an emergency medical technician. Emergency medical technicians shall be employed on their

regular mining duties at locations convenient for quick response to emergencies, and further shall have available to them at all times necessary equipment in compliance with Federal regulations.

(ii) Telephone service or equivalent facilities shall be installed which will provide two-way voice communication between the emergency medical technician in the mine and medical personnel outside the mine who provide emergency medical services on a regular basis.

* * *

(1976, P.L.931, No.178, § 2)

Section 3. Required consent.

A commercial mobile service provider or any direct or indirect affiliate or agent of a provider or any other person doing business in this Commonwealth may not publish in a directory or provide for publication in a directory the name and telephone number of a mobile service customer in this Commonwealth without the express consent of the customer. The consent of a customer must be given by one of the following:

(1) In writing in a separate written document or in a separate distinct section within a written document that includes the customer's signature and the date.

(2) A distinct verbal confirmation from a person sufficiently identified as the customer.

(3) On an Internet website maintained by the commercial mobile service provider or an agent acting on behalf of the provider. The Internet website shall provide a separate screen or, if it is within another screen, there shall be a separate section of the screen that includes the disclosure.

(4) Other verifiable means utilizing the customer's handset.

A subscriber who provides express prior consent under this section may revoke that consent at any time. A commercial mobile service provider shall comply with the subscriber's request to opt out within a reasonable period of time, not to exceed 60 days. If under the subscriber's calling plan the subscriber may be billed for receiving unsolicited calls or text messages, the provider's form shall include a disclosure, which shall be unambiguous and legible, that by consenting to have the subscriber's dialing number sold or licensed as part of a list of subscribers or be included in a publicly available directory, the subscriber may incur additional charges for receiving unsolicited calls or text messages.

(2006, P.L.108, No.32, § 3)

Section 6. Applicability.

This act [the Telephone Subscriber Directory Express Consent Act] shall not apply to the provision of telephone numbers to the following parties for the following purposes:

* * *

(2) (i) To any law enforcement agency, fire protection agency, public health agency, city or county emergency services planning agency or private for-profit agency operating under contract with and at the direction of one or more of these agencies, for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property.

* * *

(2006, P.L.108, No.32, § 6)

Section 4. At-Risk Elderly Wireless Emergency Telephone Program.

The At-Risk Elderly Wireless Emergency Telephone Program is established. The department [of Aging] shall administer the program and develop an RFP to provide each AAA the opportunity to enter into a public-private partnership with wireless telecommunications carriers to provide at-risk elderly persons with immediate access to 911 emergency services as well as the appropriate protective services unit.

(2006, P.L.356, No.76, § 4)

§ 2810. Safe harbor.

(a) Immunity for the individual seeking medical attention for another.--An individual shall not be prosecuted for an offense under this chapter if the individual can establish all of the following:

(1) A law enforcement officer first became aware of the individual's violation of this chapter because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.

(2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that an individual needed immediate medical attention to prevent death or serious bodily injury.

(3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.

(4) The individual remained with the individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence had ended.

* * *

(18 Pa.C.S. § 2810)

§ 5704. Exceptions to prohibition of interception and disclosure of communications.

It shall not be unlawful and no prior court approval shall be required under this chapter [18 Pa.C.S. Ch. 57 (relating to wiretapping and electronic surveillance)] for:

* * *

(3) Police and emergency communications systems to record telephone communications coming into and going out of the communications system of the Pennsylvania Emergency Management Agency or a police department, fire department or county emergency center, if:

(i) the telephones thereof are limited to the exclusive use of the communication system for administrative purposes and provided the communication system employs a periodic warning which indicates to the parties to the conversation that the call is being recorded;

(ii) all recordings made pursuant to this clause, all notes made therefrom, and all transcriptions thereof may be destroyed at any time, unless required with regard to a pending matter; and

(iii) at least one nonrecorded telephone line is made available for public use at the Pennsylvania Emergency Management Agency and at each police department, fire department or county emergency center.

* * *

(10) Any person:

* * *

(ii) to intercept any radio communication which is transmitted:

(A) by a station for the use of the general public, or which relates to ships, aircraft, vehicles or persons in distress;

(B) by any governmental, law enforcement, civil defense, private land mobile or public safety communication system, including police and fire systems, readily accessible to the general public;

* * *

(18 Pa.C.S. § 5704)

§ 6308.1. Safe harbor for violation of section 6308(a)[relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages].

(a) Immunity for the individual seeking medical attention for another.--An individual shall not be prosecuted for an offense under section 6308(a) (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) if the individual can establish all of the following:

(1) A law enforcement officer first became aware of the individual's violation of

section 6308(a) because the individual placed a 911 call or contacted campus security, police or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.

(2) The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police or emergency services and report that the other individual needed immediate medical attention to prevent death or serious bodily injury.

(3) The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police or emergency services personnel.

(4) The individual remained with the other individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual's presence ended.

* * *

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

* * *

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

* * *

(18 Pa.C.S. § 6308.1)

§ 7312. Organization.

This [Pennsylvania Emergency Management] agency shall consist of and be organized substantially as follows:

* * *

(h) Emergency communications.--The agency shall maintain an integrated communications capability designed to provide to all areas and counties weather advisories, river forecasts, warnings, and direction and control of all emergency preparedness functions within the Commonwealth. The agency shall coordinate the Commonwealth's emergency communication systems, sharing of information and weather emergency notification among the National Weather Service, contiguous State emergency management offices, local coordinators of emergency management, the Pennsylvania State Police, local police departments, private relief associations and other appropriate organizations. Additionally, the agency shall establish the sole Statewide telephone number that persons, including county and municipal emergency management personnel, may use to report incidences of radioactive and hazardous materials and other disaster emergencies.

* * *

(35 Pa.C.S. § 7312)

§ 7714. Soliciting by first responder organizations.

(a) Soliciting donations.--Notwithstanding 75 Pa.C.S. § 3545 (relating to pedestrians soliciting rides or business), a bona fide, duly constituted first responder organization may solicit donations in accordance with the following:

(1) The solicitation shall only occur at a controlled-intersection approach which contains a stop sign or a traffic signal.

(2) A first responder organization shall first obtain the written approval of the municipality where the solicitation occurs, subject to any conditions imposed in accordance with paragraph (3), and then the written approval of the Department of Transportation for highways under its jurisdiction. The municipality and the Department of Transportation, for highways under its jurisdiction, may base the decision regarding approval or disapproval on public safety or traffic operations issues. Approval may be revoked or modified if concerns are raised due to public safety or traffic operations issues.

(3) The municipality shall be permitted to establish limitations on the solicitation,

including, but not limited to, any of the following:

(i) Duration of the solicitation.

(ii) The time of day when solicitation shall occur.

(iii) The number of individuals engaging in solicitation.

(iv) Additional safety precautions, including signage and availability of first aid.

(4) A solicitor on behalf of a first responder organization shall adhere to the following:

(i) The solicitor must have both liability and workers' compensation insurance acceptable to the municipality provided by the organization for which the solicitor is soliciting if the solicitor is a bona fide member of the organization.

(ii) The solicitor must wear a Pennsylvania Department of Transportation-approved traffic safety vest.

(5) Neither the municipality nor the Department of Transportation shall be liable for any damages on account of any injury to a person or property caused by or resulting from solicitations on highways notwithstanding approvals or conditions as provided in this section.

(b) Definitions.--As used in this section, the term "first responder organization" means any of the following which is a nonprofit organization as classified under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) and is located in this Commonwealth:

(1) A volunteer fire, rescue or emergency medical services company.

(2) Law enforcement personnel.

(35 Pa.C.S. § 7714)

§ 5951. Confidential communications involving public safety responders and corrections officers.

(a) Disclosure.--Except as provided under subsection (c), a critical incident stress management team member who, while in the course of duty, has acquired information from any public safety responder or corrections officer in confidence may not be compelled or allowed without the consent of the public safety responder or corrections officer to disclose that information in a legal proceeding, trial or investigation before any government unit.

(b) Coparticipants.--Except as provided under subsection (c), a coparticipant who is present during the course of a critical incident stress management team intervention may not be compelled or allowed, without the consent of the affected public safety responder or corrections officer, to disclose any communication made during the intervention in a legal proceeding, trial or investigation before a government unit.

(c) Exceptions.--The privilege established under subsections (a) and (b) shall not apply if any of the following apply:

(1) The communication indicates clear and present danger to the public safety responder or corrections officer who received critical incident stress management services or to other individuals.

(2) The public safety responder or corrections officer who received critical incident stress management services gives express consent to the testimony.

(3) The public safety responder or corrections officer who received critical incident stress management services is deceased and the surviving spouse or the executor or administrator of the estate of the deceased public safety responder or corrections officer gives express consent.

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Coparticipant." An individual who is participating in a group critical incident stress management team intervention.

"Corrections officer." A corrections officer of the Commonwealth or of a political subdivision.

"Critical incident." A situation responded to by a public safety responder or corrections officer which presents or involves either the death or serious bodily injury of an individual or the

imminent potential of such death or serious bodily injury, or any situation faced by a public safety responder or corrections officer in the course of duty which causes or may cause the public safety responder or corrections officer to experience unusually strong negative emotional reactions.

"Critical Incident Stress Management Network." A network that meets the requirements of membership with the Pennsylvania Voluntary Critical Incident Stress Management Network as administered by the Department of Health and is registered with the International Critical Incident Stress Foundation.

"Critical incident stress management services." Consultation, risk assessment, education, intervention, briefing, defusing, debriefing, onsite services, referral and other crisis intervention services provided by a critical incident stress management team to a public safety responder or corrections officer prior to, during or after a critical incident.

"Critical incident stress management team member." An individual who is specially trained to provide critical incident stress management services as a member of a critical incident stress management team that holds membership in the Commonwealth's critical incident stress management network.

"Firefighter." A member of a municipal or volunteer fire company.

"First responder." An individual who is certified by the Department of Health as a first responder.

"Government unit." The General Assembly and its officers and agencies; the Governor and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth or other instrumentalities thereof; any political subdivision, municipality, school district, local authority and the departments, boards, commissions, authorities and officers and agencies of such political subdivisions or other instrumentalities thereof; and any court or other officer or agency of the unified judicial system or instrumentality thereof.

"Public safety responder." Any firefighter, emergency medical service personnel, ambulance service personnel or emergency telecommunicator, who in a critical incident is responsible for the protection and preservation of life, property, evidence and the environment, including an emergency response provider as defined in section 2 of the Homeland Security Act of 2002 (Public Law 107-296, 116 Stat. 2135), and emergency management and other skilled support personnel who provide immediate support services during prevention, response and recovery operations.

(42 Pa.C.S. § 5951)

§ 8340.3. Rescue from motor vehicle.

(a) Rescue of individual.--No person shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing an individual from the motor vehicle, if the person:

(1) Has a good faith, reasonable belief that the individual is in imminent danger of suffering harm if not immediately removed from the motor vehicle.

(2) Determines that the individual is unable to exit the motor vehicle without assistance.

(3) Makes a reasonable effort to locate the driver of the motor vehicle and to contact law enforcement, a fire department or other emergency responder prior to entry. If the driver is not located and such contact is not possible prior to entering the motor vehicle, the person shall contact law enforcement, a fire department or other emergency responder as soon as reasonably possible after entering the motor vehicle.

(4) Uses no more force than necessary under the circumstances to enter the motor vehicle.

(5) Makes a good faith effort to leave notice on or in the motor vehicle stating the reason the entry was made, the location of the individual who was removed from the motor vehicle and, if possible, identifying the police or fire department or other emergency responder that is expected to respond.

(6) Remains with the individual in a safe location until law enforcement or emergency responders arrive.

(b) Rescue of dog or cat.--No law enforcement officer, animal control officer, humane society police officer or emergency responder, or the employer of a law enforcement officer, humane society police officer or emergency responder, shall be liable for damage to a motor vehicle or the contents thereof caused by entry into the motor vehicle for the purpose of removing a dog or cat, if the law enforcement officer, humane society police officer or emergency responder does all of the following:

(1) Has a good-faith, reasonable belief that the dog or cat is in imminent danger of suffering harm if not immediately removed from the motor vehicle.

(2) Makes a reasonable effort to locate the driver of the motor vehicle prior to entry.

(3) Takes reasonable steps to ensure or restore the well-being of the dog or cat.

(4) Uses no more force than necessary under the circumstances to enter the motor vehicle.

(5) Leaves notice on or in the motor vehicle stating the reason entry was made, the name of the person and of the person's employer, a telephone number and, if possible, the location where the dog or cat may be retrieved.

(c) Limitation.--A person shall not be immune from civil liability for damage resulting from the entry if the person's actions constitute gross negligence, recklessness or willful or wanton misconduct.

(42 Pa.C.S. § 8340.3)

PART III. COUTNERTERRORISM

Section 101. Short title [of Counterterrorism Planning, Preparedness and Response Act].

This act shall be known and may be cited as the Counterterrorism Planning, Preparedness and Response Act.

(2002, P.L.1967, No.227, § 101)

Section 102. Definitions [relating to counterterrorism planning, preparedness and response].

The following words and phrases when used in this act [the Counterterrorism Planning, Preparedness and Response Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Agency." The Pennsylvania Emergency Management Agency.

"Department." The Department of Health of the Commonwealth.

"Disaster medical assistance teams." A complement of individuals organized in accordance with standards developed by the Pennsylvania Emergency Management Agency and applicable Federal agencies to provide medical service at the scene of natural and manmade disasters and mass casualty incidents.

"Disaster mortuary teams." A complement of individuals organized in accordance with standards developed by the Pennsylvania Emergency Management Agency and applicable Federal agencies to provide mortuary service at the scene of natural and manmade disasters and mass casualty incidents.

"FEMA." The Federal Emergency Management Agency.

"Letter of agreement." A written agreement between a regional counterterrorism task force and a public, semipublic, private or nonprofit corporation, business, association, partnership, authority, individual or other entity that agrees to provide personnel, equipment, supplies, training facilities or other resources either directly to or in support of the task force's specialized regional counterterrorism response team. All letters of agreement entered into under the provisions of this act must, at a minimum, address all of the following:

(1) Workers' compensation and death benefits.

(2) Use of county 911 communications centers, county emergency management agencies or the State Emergency Operations Center.

(3) Member participation in training exercises, drills and actual activation and deployment.

"Local health department." A county department of health under the act of August 24, 1951

(P.L.1304, No.315), known as the Local Health Administration Law, or a department of health in a municipality approved for a Commonwealth grant to provide local health services under section 25 of the Local Health Administration Law.

"Manmade disaster." Any biological, chemical, nuclear, radiological, industrial, commercial or transportation accident, attack, explosion, conflagration, contamination, power failure, computer or communications failure, natural resource shortage or other condition, including enemy or terrorist act, which threatens or causes substantial property damage, human suffering and hardship or loss of life.

"Municipal or municipality." A city, borough, incorporated town, township or home rule municipality of this Commonwealth.

"Mutual aid." A county's, municipality's or volunteer service organization's affirmative act of sending its personnel, equipment or resources to the scene of an actual or potential natural or manmade disaster, whether inside or outside the boundaries of this Commonwealth, in response to an official dispatch request from a county 911 communications center, county emergency management agency or the State emergency operations center.

"Mutual aid agreement." A written agreement between a regional counterterrorism task force and a county, municipality or volunteer service organization whereby the county, municipality or volunteer service organization agrees to provide personnel, equipment or other resources in response to an actual or potential natural or manmade disaster. All mutual aid agreements entered into under the provisions of this act must, at a minimum, address all of the following:

(1) Workers' compensation and death benefits.

(2) Use of county 911 communications centers, county emergency management agencies or the State emergency operations center.

(3) Member participation in training exercises, drills and actual activation and deployment.

"Natural disaster." Any hurricane, tornado, storm, flood, high water, earthquake, landslide, mudslide, snowstorm, drought, insect infestation, fire, explosion or other natural catastrophe which results in substantial property damage, human suffering and hardship or loss of life.

"Regional counterterrorism task force." A complement of Federal, State, county and municipal emergency management, health, law enforcement, public safety and other officials and representatives from volunteer service organizations, private business and industry, hospitals and medical care facilities and other entities within a multicounty area as determined by the agency that is responsible for conducting counterterrorism planning, training preparedness and response activities.

"Specialized regional counterterrorism response team." A complement of individuals established by a regional counterterrorism task force and organized in accordance with standards developed by the Pennsylvania Emergency Management Agency and applicable Federal agencies to respond to emergencies involving an actual or potential natural or manmade disaster. Such teams may include disaster medical assistance teams and disaster mortuary response teams.

"Specialized Statewide response team." A complement of individuals organized by the Commonwealth to provide specialized personnel, equipment and other support capabilities in response to an actual or potential natural or manmade disaster in this Commonwealth. Such teams may include disaster medical assistance teams and disaster mortuary response teams.

"Terrorism." The unlawful use of force or violence committed by a group or individual against persons or property to intimidate or coerce a government, the civilian population or any segment thereof in furtherance of political or social objectives.

"Urban search and rescue task force." A complement of individuals organized by the agency in accordance with standards developed by the agency and the Federal Emergency Management Agency to provide emergency response and search and rescue capabilities and resources at the scene of a natural or manmade disaster.

"Volunteer service organization." A volunteer fire company, volunteer ambulance or medical company, volunteer rescue squad or any other volunteer entity organized and chartered or incorporated in this Commonwealth or chartered by Congress for the primary

purpose of providing emergency services as defined in 35 Pa.C.S. § 7102 (relating to definitions).
(2002, P.L.1967, No.227, § 102)

Section 201. Counterterrorism planning, preparedness and response program.

(a) Program.--The Pennsylvania Emergency Management Agency shall coordinate and consult with other State agencies, departments and offices, including the Office of Homeland Security of the Commonwealth, to establish, develop and maintain a counterterrorism planning, preparedness and response program to promote and protect the health, safety and welfare of emergency responders, public officials and the general public from actual or potential natural or manmade disasters in this Commonwealth.

(b) Agency responsibilities.--The agency shall:

(1) Define the necessary components and composition of regional counterterrorism task forces and specialized regional counterterrorism response teams and the respective regional counterterrorism zones for each. The agency shall not be responsible for appointing individual members to the regional counterterrorism task forces or the specialized regional counterterrorism response teams.

(2) Provide training and technical assistance for counterterrorism planning, preparedness and response.

(3) Establish guidelines and policies to coordinate emergency response activities with Federal, State, county and municipal emergency management, health, law enforcement, public safety and other officials and representatives from volunteer service organizations, private business and industry, hospitals and medical care facilities and other entities responsible for the health, safety and welfare of the citizens of this Commonwealth. The agency shall consult with representatives of the regional counterterrorism task forces to develop such policies and guidelines and those necessary to carry out the provisions of this chapter [Chapter 2 (relating to counterterrorism planning, preparedness and response)].

(4) Require the counterterrorism task force to prepare counterterrorism emergency response plans or protocols, readiness evaluation reports or other documents deemed necessary by the agency.

(5) Provide grants and other funding assistance as required by the provisions of this chapter.

(6) Conduct terrorist incident exercises.

(7) Provide technical assistance to regional counterterrorism task forces in developing and entering into mutual aid agreements and letters of agreement.

(8) Establish a certification program for specialized regional counterterrorism response teams which may include standards for the administration, composition, training and equipping of the teams.

(2002, P.L.1967, No.227, § 201)

Section 202. Regional counterterrorism task forces.

(a) Establishment.--The [Pennsylvania Emergency Management] agency, in coordination with State, county and municipal emergency management, health, law enforcement, public safety and other officials and representatives from volunteer service organizations, private business and industry, hospitals and medical care facilities and other entities responsible for the health, safety and welfare of the citizens of this Commonwealth, shall establish regional counterterrorism task forces throughout this Commonwealth.

(b) Response plans.--Each regional counterterrorism task force shall prepare a counterterrorism preparedness and response plan in accordance with guidelines developed by the agency. The plan shall be submitted to the agency within 180 days of the effective date of this act. The agency shall review and approve each plan in a timely manner, but no later than 90 days after its submission to the agency. The task force shall review and update the plan on an annual basis.

(c) Meetings.--Regional counterterrorism task force meetings that are called to discuss

sensitive or classified law enforcement, terrorist threat assessment or other confidential public and/or private facility safety information shall not be subject to the provisions of 65 Pa.C.S. Ch. 7 (relating to open meetings).
(2002, P.L.1967, No.227, § 202)

Section 203. Regional counterterrorism response and preparedness.

(a) Specialized regional counterterrorism response teams.--A regional counterterrorism task force shall establish specialized regional counterterrorism response teams.

(b) Regional counterterrorism response zones.--The [Pennsylvania Emergency Management] agency shall establish primary and secondary regional response zones within this Commonwealth for specialized regional counterterrorism response teams. The regional response zones may consist of multiple counties or portions of several adjoining counties as determined by the agency.

(c) Activation and deployment.--A specialized regional counterterrorism response team may be activated and deployed by the Governor, his designee or an official designated by the appropriate regional counterterrorism task force.
(2002, P.L.1967, No.227, § 203)

Section 204. Urban search and rescue task force.

(a) Establishment of task forces.--The [Pennsylvania Emergency Management] agency shall establish urban search and rescue task forces. The task forces shall also provide professional, logistical, material and other forms of support to regional counterterrorism task forces and specialized regional counterterrorism response teams.

(b) Organization.--An urban search and rescue task force shall be organized in accordance with guidelines developed by the agency in coordination with FEMA and members of the task force.

(c) Responsibilities.--An urban search and rescue task force shall respond to actual or potential natural or manmade disasters in this Commonwealth and shall also perform search and rescue functions as delineated in The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, 42 U.S.C. § 5121 et seq.), the Federal Response Plan or its successor and the counterterrorism preparedness and response plans created in accordance with the provisions of this chapter [Chapter 2 (relating to counterterrorism planning, preparedness and response)].

(d) Activation and deployment.--An urban search and rescue task force or any of its components, subgroups or regional elements may only be activated and deployed to the scene of a disaster by either the Governor or his designee, the President of the United States or a FEMA-designated official. During an activation and deployment by the Governor, the administrative and operational costs of the task force, its individual members and their employers, State agencies and other parties shall be paid under the provisions of the Governor's declaration of disaster emergency, including paying or reimbursing any parties for workers' compensation and death benefits in the event of injury or death of a task force member.

(e) Workers' compensation and death benefits.--A member of an urban search and rescue task force shall be eligible to receive workers' compensation and death benefits in the event of injury or death that occurs during the period of activation or deployment.

(f) Funding, grants and donations.--In addition to any funds that are provided to a task force under section 206 or the authority of 35 Pa.C.S. § 7307 (relating to use and appropriation of unused Commonwealth funds), the urban search and rescue task force may be eligible to receive grants, donations of equipment and supplies and other funds from any source. As an agent of the Commonwealth, a task force is entitled to tax-exempt status from the Federal Government.
(2002, P.L.1967, No.227, § 204)

Section 205. Specialized Statewide response teams.

(a) Establishment.--The Commonwealth may establish one or more specialized Statewide

response teams. These teams shall also provide professional, logistical, material and other forms of support to the regional counterterrorism task forces and specialized regional counterterrorism response teams organized in this Commonwealth. The Commonwealth may enter into an agreement with a One Call System as defined in the act of December 10, 1974 (P.L.852, No.287), referred to as the Underground Utility Line Protection Law, for the provision of specialized communications services.

(b) Organization and responsibilities.--Specialized Statewide response teams shall be organized in accordance with guidelines developed by the Commonwealth in consultation with applicable Federal or State agencies.

(c) Activation.--Specialized Statewide response teams may only be activated and deployed to the scene of a disaster by the Governor or his designee.

(2002, P.L.1967, No.227, § 205)

Section 206. Grant program.

(a) Authorization.--The [Pennsylvania Emergency Management] agency shall have the authority to make grants to regional counterterrorism task forces, specialized regional counterterrorism response teams, specialized Statewide response teams and urban search and rescue task forces to assist them in carrying out the provisions of this act [the Counterterrorism Planning, Preparedness and Response Act], including, but not limited to, entering into letters of agreement or mutual aid agreements or providing mutual aid.

(b) Grants and funding.--Regional counterterrorism task forces, specialized regional counterterrorism response teams, specialized Statewide response teams and urban search and rescue task forces may receive grants and funding from the Federal Government and the Commonwealth through application to the agency or another entity providing grants or funding for the purposes of this act.

(c) Limitation.--Grants shall only be made by the agency to the extent that funding is available.

(2002, P.L.1967, No.227, § 206)

Section 207. Miscellaneous provisions.

(a) Immunity from liability.--The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to members of a specialized regional counterterrorism response team, an urban search and rescue task force or a specialized Statewide response team and individuals who provide logistical, material or other forms of emergency response support to such a team or task force during activation or deployment of a team or task force to a potential or actual manmade or natural disaster or while engaged in a task force or team drill or training exercise.

(b) Effect on workers' compensation premiums.--Nothing in this act [the Counterterrorism Planning, Preparedness and Response Act] shall be construed to permit an insurer to raise workers' compensation premiums due to the participation or membership of a county, municipality, volunteer service organization, individual or employer on a regional counterterrorism task force, specialized regional counterterrorism response team, specialized Statewide response team or urban search and rescue task force.

(2002, P.L.1967, No.227, § 207)

Section 208. Commonwealth indemnification.

The Commonwealth shall indemnify a county or municipality for any costs related to damaged county or municipal property which results from participation in a regional counterterrorism task force, specialized regional counterterrorism response team or specialized Statewide response team response only when all of the following are met:

(1) the county or municipality is responding upon activation or deployment by the Governor;

(2) the damage to county or municipal property occurs outside of the primary regional counterterrorism response zone;

(3) the county or municipality's insurance does not cover the property damage; and

(4) the property damage was not caused by the willful misconduct of the county or municipality or any of its employees or agents.

(2002, P.L.1967, No.227, § 208)

Section 301. Temporary isolation and quarantine without notice.

(a) Temporary isolation or quarantine.--In the case of an actual or suspected outbreak of a contagious disease or epidemic due to an actual or suspected bioterrorist or biohazardous event, the Governor, in consultation with the Secretary of Health, may temporarily isolate or quarantine an individual or groups of individuals through a written order if delay in imposing the isolation or quarantine through judicial proceedings currently available to the department [of Health] and local health departments would significantly jeopardize the department's ability to prevent or limit the transmission of a contagious or potentially contagious disease to others. This subsection shall not require a declaration of disaster emergency by the Governor in order to be effective.

(b) Judicial review.--

(1) After issuing the written order, the department or local health department shall promptly file a petition with the court within 24 hours or the next court business day after the issuance of the order for a hearing to authorize the continued isolation or quarantine.

(2) The court shall hold a hearing on the petition not more than 72 hours after the filing of the petition to determine whether continued isolation or quarantine is warranted.

(3) Reasonable notice, either oral or written, stating the time, place and purpose of the hearing shall be given to the isolated or quarantined individual. The court may determine the manner in which the hearing shall occur, including through the use of closed-circuit television.

(4) An isolated or quarantined individual is entitled to representation by legal counsel at all stages of any proceedings under this section and, if the individual is without financial resources or otherwise unable to employ counsel, the court shall provide counsel for him.

(5) If the court determines continued isolation or quarantine is warranted, the court shall so order the continued isolation or quarantine and shall fix the time and duration of the isolation or quarantine, which in no case shall exceed 30 days except as set forth in paragraph (6).

(6) Where an individual has been isolated or quarantined for a period of 30 days, the department shall ask the court to review the order to determine if further isolation or quarantine is warranted.

(7) The department or local health department shall provide the court with ongoing reports on the isolated or quarantined individual during the period of isolation or quarantine.

(c) Relation to other laws.--Nothing in this section shall be construed to limit the existing authority of the Secretary of Health or the department or a local health department.

(2002, P.L.1967, No.227, § 301)

Section 302. Immunity from liability.

The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to any person who provides assistance in carrying out the provisions of this chapter [Chapter 3 (relating to public health emergency measures)].

PART IV. EMERGENCY VEHICLES

Section 1. [Acquisition and maintenance of ambulances] Be it enacted, &c., That any municipality shall have power to acquire, by gift or bequest, and to operate and maintain a motor ambulance for the purposes of conveying sick and injured residents of such municipality and the vicinity to and from hospitals, and, for such purposes, to appropriate and expend

moneys of the municipality.
(1927, P.L.460, No.293, § 1)

Section 5.2. [Ambulance service on Pennsylvania Turnpike] (a) The [Pennsylvania Turnpike] commission, in consultation with the Department of Health, shall establish a panel whose composition and size shall be determined by the commission.

(b) The panel shall review and monitor ambulance service available to travelers of the turnpike and advise the commission as to the following objectives:

(1) Achieving the capability of approximately ten-minute maximum response time by ambulance service to every location on the turnpike under ordinary driving conditions.

(2) Assuring that every ambulance responding to an emergency incident on the turnpike is staffed by at least one emergency medical technician.

(3) Assuring that every ambulance responding to an emergency incident on the turnpike complies with Federal Specification No. KKK-A-1822 as amended and updated.

(4) Assuring that every ambulance responding to an emergency incident on the turnpike carries the minimum essential equipment for ambulances recommended by the American College of Surgeons, Department of Transportation and Department of Health and light rescue extrication equipment recommended by the Department of Health.

(c) The panel may accomplish the objectives set forth in subsection (b) by reviewing the ambulance services provided by the commission, or that available from professional and volunteer service in areas adjacent to the turnpike.

(d) The panel may establish reasonable trial periods to evaluate and compare potential services in particular areas of the turnpike. The panel may implement off-pike services to completely replace existing commission services, as such off-pike services, in the panel's determination, meet the above objectives: Provided, however, That the panel shall not terminate existing commission services on any section of the turnpike unless it has entered an agreement pursuant to which ambulance services will be provided in that section by a professional or volunteer service or services in the area adjacent to the turnpike.

(e) The panel may remain convened to evaluate the changing availability and quality of service.
(1937, P.L.774, No.211, § 5.2)

Section 5.3. [Access to Pennsylvania Turnpike] Emergency vehicles while on an emergency call and while displaying audible and visual signals as required by 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles), shall be granted immediate entrance to and exit from any turnpike or highway under the supervision and control of the commission, and no such emergency vehicle shall be required to stop at a toll booth or for any other reason except on order of a member of the Pennsylvania State Police for a legitimate law enforcement function. The commission shall notify all employes of the commission who are assigned duties of toll booths of the provisions of this section.
(1937, P.L.774, No.211, § 5.3)

Section 3. Restrictions on idling.

(a) Restrictions.--No driver or owner of a diesel-powered motor vehicle with a gross weight of 10,001 pounds or more, engaged in commerce, shall cause and no owner or operator of the location where the vehicle loads, unloads or parks shall allow the engine of the vehicle to idle for more than five minutes in any continuous 60-minute period, except as provided under subsections (b) and (c).

* * *

(c) Exemptions.--A diesel-powered motor vehicle with a gross weight of 10,001 pounds or more may idle beyond the time allowed in subsection (a) for one or more of the following reasons:

* * *

(3) When a police, fire, ambulance, public safety, military, utility service vehicle or other emergency or law enforcement vehicle or any vehicle being used in an emergency or

public safety capacity shall idle while in an emergency or training mode and not for the convenience of the driver.

* * *

(2008, P.L.1511, No.124, § 3)

§ 8130. Advanced life support ambulances.

(a) Purpose.--An ALS ambulance crew provides medical assessment, triage, monitoring, treatment, transportation and observation of patients who require EMS above the skill level of an advanced EMT.

(b) Staffing requirements.--

(1) Except as otherwise provided in this section, minimum staffing requirements for an ALS ambulance when responding to a call to provide EMS for a patient requiring EMS above the skill level of an advanced EMT is one EMS provider at or above the EMT level, one EMS provider above the advanced EMT level and one EMS vehicle operator. Only the two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider qualified to provide the type and level of EMS required by the patient must attend to the patient at the scene and during transportation. If a member of the ambulance crew arrives at the scene before another crew member, that person shall begin providing EMS to the patient at that person's skill level.

(2) Minimum staffing requirements for an ALS ambulance is the same as for a BLS ambulance when the ALS ambulance responds to a call to provide EMS for a patient requiring EMS at or below the skill level of an advanced EMT.

(35 Pa.C.S. § 8130)

§ 8131. Air ambulances.

(a) Purpose.--An air ambulance is a rotorcraft staffed by a crew that provides medical assessment, treatment, monitoring, observation and transportation of patients who require EMS where time to administer definitive care is of the essence and transportation by air ambulance to a facility able to provide the care is faster than transportation by ground ambulance, or require EMS provided by specialized equipment or providers not available on a ground ambulance and the air ambulance can provide this faster than the patient would receive such care at a receiving facility if transported by ground ambulance.

(b) Staffing requirements.--Minimum staffing standards for an air ambulance when dispatched to provide or when providing medical assessment, treatment, monitoring, observation or transportation of a patient is one pilot and two EMS providers other than the pilot who are above the advanced EMT level, with at least one of those two EMS providers specially trained in air medical transport.

(35 Pa.C.S. § 8131)

§ 8132. Advanced life support [ALS] squad vehicles.

(a) Purpose.--An ALS squad vehicle transports EMS providers above the advanced EMT level, along with equipment and supplies, to rendezvous with an ambulance crew or to respond prior to arrival of an ambulance, in order to provide medical assessment, monitoring, treatment and observation of a patient who requires EMS at or above the skill level of an advanced EMT. An ALS squad vehicle does not transport patients.

(b) Staffing requirements.--Minimum staffing for an ALS squad unit responding to a call to provide EMS for a patient who requires EMS above the skill level of an advanced EMT shall be one EMS provider above the advanced EMT level and one EMS vehicle operator, except that the EMS provider may staff the vehicle alone if the EMS provider is also an EMS vehicle operator.

(35 Pa.C.S. § 8132)

§ 8133. Basic life support [BLS] ambulances.

(a) Purpose.--A BLS ambulance crew provides medical assessment, triage, monitoring, treatment, transportation and observation of patients who require EMS at or below the skill

level of an advanced EMT and also transports patients who require EMS above the skill level of an advanced EMT when an EMS provider above the level of an advanced EMT rendezvous with the BLS ambulance before or during transport of the patient and accompanies the patient during the transport after arrival.

(b) Staffing requirements.--

(1) Except as provided under paragraph (2), minimum staffing for a BLS ambulance when responding to a call to provide EMS is an ambulance attendant, EMR or EMT, a second EMS provider at or above the EMT level and an EMS vehicle operator, except that only the two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider above the EMR level must attend to the patient at the scene and during patient transportation.

(2) Two years after the effective date of this section, the minimum staffing for a BLS ambulance when responding to a call to provide EMS is an EMS provider at or above the EMR level, an EMS provider at or above the EMT level and an EMS vehicle operator, except that only two EMS providers need to respond if one of them is also the EMS vehicle operator. When present, an EMS provider above the EMR level must attend to the patient at the scene and during patient transportation.

(3) If dispatched to provide EMS for a patient who requires EMS above the skill level of an advanced EMT, the BLS ambulance shall respond as set forth in this subsection. If the BLS ambulance crew members arrive at the scene before a higher-level EMS provider of an ALS ambulance or ALS squad vehicle, the BLS crew members shall provide EMS to the patient at their skill level, including transportation of the patient to a receiving facility if needed, until higher-level EMS is afforded by the arrival of a higher-level EMS provider, after which the BLS ambulance crew shall relinquish primary responsibility for the patient to the higher-level EMS provider.

(4) When transporting from a sending hospital a patient who requires EMS above the skill level of an advanced EMT, if a registered nurse, physician assistant or physician from the sending or receiving hospital joins the ambulance crew, brings on board the ambulance all equipment and supplies to provide the patient with reasonably anticipated EMS above the skill level of an advanced EMT and attends to the patient during the patient transportation, the minimum staffing requirements for the BLS ambulance are as set forth in paragraphs (1) and (2).

(35 Pa.C.S. § 8133)

§ 8134. Basic life support [BLS] squad vehicles.

(a) Purpose.--A BLS squad vehicle transports an EMS provider, along with basic EMS equipment and supplies, to respond prior to arrival of an ambulance in order to provide EMS at or below the advanced EMT level of care. A BLS squad vehicle is not utilized to transport patients.

(b) Staffing requirements.--Minimum staffing for a BLS squad vehicle when responding to a call to provide EMS for a patient is one EMS provider at or above the EMT level and an EMS vehicle operator, except that an EMS provider who is also an EMS vehicle operator may staff the vehicle alone.

(35 Pa.C.S. § 8134)

§ 8138. Other vehicles and services.

The department [of Health] may by regulation prescribe EMS vehicle and service standards for EMS vehicles and services not specified in this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)]. If the department establishes standards in this section, an EMS agency license shall be required to operate the EMS vehicle or provide the service, and an EMS agency may not operate the vehicle or provide the service unless approved to do so by the department.

(35 Pa.C.S. § 8138)

§ 8139. Stretcher and wheelchair vehicles.

(a) Stretcher vehicle.--A stretcher vehicle is a ground vehicle other than an ambulance that is utilized to transport by stretcher persons who do not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation during transportation, but who, due to their physical condition, require vehicle transportation while on a stretcher or in a wheelchair.

(b) Wheelchair vehicle.--A wheelchair vehicle is a ground vehicle other than an ambulance that is used to transport by wheelchair persons who do not receive and cannot reasonably be anticipated to require medical assessment, monitoring, treatment or observation during transportation, but who, due to their physical condition, require vehicle transportation while on a stretcher or in a wheelchair.

(c) Prohibition.--Operation by an entity of a stretcher vehicle or wheelchair vehicle to transport a person who is known or reasonably should be known by the entity to require medical assessment, monitoring, treatment or observation during transportation shall constitute unlawful operation of an ambulance for purposes of section 8156(a) and (c) (relating to penalties) and, if used as an ambulance by an EMS agency, shall constitute misconduct in operating an EMS agency under section 8142(a)(7) (relating to emergency medical services agency license sanctions). For purposes of this section, unlawful operation includes, but is not limited to, the transportation of the person to or from a facility, a physician's office or any other location to receive or from which the person received health care services.
(35 Pa.C.S. § 8139)

§ 102. Definitions [relating to vehicles].

Subject to additional definitions contained in subsequent provisions of this title [75 Pa.C.S. (relating to vehicles)] which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Ambulance." Any vehicle which is specifically designed, constructed or modified and equipped and is used or intended to be used and is maintained or operated for the purpose of providing emergency medical care to and transportation of human patients. The term includes advanced or basic life support vehicles that may or may not transport such patients.

* * *

"Blood delivery vehicle." Any vehicle which is used or intended to be used and is maintained or operated for the purpose of transporting blood or blood products on an emergency basis.

* * *

"Emergency canteen support service organization vehicle." A vehicle that is:

(1) Owned by a Pennsylvania-registered, not-for-profit corporation, which is authorized to do business within this Commonwealth and has a minimum of two fully functional canteen units and a minimum of one restroom facility vehicle.

(2) Registered with the county emergency dispatch center as an emergency canteen support service vehicle on call 24 hours a day, seven days a week, 52 weeks per year.

(3) Dispatched for emergency service only via the county emergency dispatch center upon request of an emergency provider, whether fire, police, river rescue or other emergency provider.

"Emergency service responder." An individual acting in an official capacity as any of the following:

(1) A police officer.
(2) A sheriff or deputy sheriff.
(3) A coroner or deputy coroner.
(4) A firefighter.
(5) Fire police.
(6) A fire marshal.
(7) A medical examiner or deputy medical examiner.

(8) Rescue personnel.
(9) Ambulance personnel.
(10) Towing and recovery personnel.
(11) Highway maintenance and construction personnel.
(12) Hazardous material response team member.
(13) Emergency medical services personnel.
(14) Contractors or employees of a public utility as defined under 66 Pa.C.S. § 102 (relating to definitions), a municipally owned utility or an electric cooperative as defined in 15 Pa.C.S. Ch. 73 (relating to electric cooperative corporations).
(15) A police officer who is also a member of a county or regional municipal special emergency response team which is authorized to respond to emergencies under 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction).

"Emergency vehicle." A State or county emergency management vehicle, fire department vehicle, police vehicle, sheriff vehicle, ambulance, advanced life support squad vehicle, basic life support squad vehicle, emergency canteen support service organization vehicle, blood delivery vehicle, human organ delivery vehicle, hazardous material response vehicle, armed forces emergency vehicle, one vehicle operated by a coroner or chief county medical examiner and one vehicle operated by a chief deputy coroner or deputy chief county medical examiner used for answering emergency calls, a vehicle owned by or leased to a regional emergency medical services council that is used as authorized by the Department of Health to respond to an actual or potential disaster, mass casualty situation or substantial threat to public health, a vehicle owned by a county or regional police association and operated by a police officer that is used for police transport or victim extraction, a vehicle that is owned and operated by a county correctional institution in a city of the first class and used to respond to an emergency at a correctional institution in a city of the first class or to escort an ambulance which is transporting sick or injured prisoners in a city of the first class, any vehicle operated by a special agent, special agent supervisor, narcotics agent or narcotics agent supervisor while performing official duties as employees of the Office of Attorney General, any vehicle owned and operated by the Philadelphia Parking Authority established in accordance with 53 Pa.C.S. Ch. 55 (relating to parking authorities) and used in the enforcement of 53 Pa.C.S. Ch. 57 (relating to taxicabs and limousines in first class cities), a vehicle owned by a city of the first class and operated by first judicial district certified armed probation officers, a vehicle owned and operated by the Pennsylvania Turnpike Commission that is used by an emergency service responder as dispatched by the Pennsylvania Turnpike Commission's traffic operations center, or any other vehicle designated by the State Police under section 6106 (relating to designation of emergency vehicles by Pennsylvania State Police), or a privately owned vehicle used in answering an emergency call when used by any of the following:

(1) A police chief and assistant chief.
(2) A fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief.
(3) A fire police captain and fire police lieutenant.
(4) An ambulance corps commander and assistant commander.
(5) A river rescue commander and assistant commander.
(6) A county emergency management coordinator.
(7) A fire marshal.
(8) A rescue service chief and assistant chief.
(9) The chief or operations director of a county hazardous materials response team.
(10) A police officer who is also a member of a county or regional municipal special emergency response team which is authorized to respond to emergencies under 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction).

* * *

"Fire department vehicle." A vehicle:

(1) owned or leased by an organized paid or volunteer fire department; or
(2) owned or leased by a fire relief association and utilized by an organized paid or volunteer fire department.

* * *

"Hazardous material response vehicle." A vehicle owned or leased by a hazardous material response team certified through the Pennsylvania Emergency Management Agency.

* * *

"Human organ delivery vehicle." Any vehicle which is used or intended to be used and is maintained or operated for the purpose of transporting human organs or human tissue on an emergency basis.

* * *

(75 Pa.C.S. § 102)

§ 1138. Duration of perfection [of security interest].

(a) General rule.--Perfection of a security interest is effective for a period of 30 years in the case of a mobile home or emergency vehicle, 20 years for a motor home or recreational trailer, eight years in the case of a truck tractor or trailer weighing in excess of 10,000 pounds and six years in all other cases, in each case dating from the time of perfection as provided for in this subchapter [75 Pa.C.S. Ch. 11 Subch. B (relating to security interests)] and subject to renewal as provided in subsection (b).

(b) Renewal.--The effectiveness of perfection lapses on the expiration of the periods specified in subsection (a) unless a renewal form is filed within the six months immediately preceding expiration. Upon the timely filing of a renewal form, the effectiveness of perfection continues for a period of three years, commencing on the date on which perfection would have lapsed in the absence of the filing. Perfection may be renewed for as many three-year periods as may be necessary by the holder of the security interest upon a form furnished by the department, signed by the secured party and accompanied by the fee provided in this title [75 Pa.C.S. (relating to vehicles)].

(c) Corrected certificate when perfection expires.--A corrected certificate of title without a statement of liens or encumbrances shall be issued by the department, upon the request of the owner, when perfection of the security interests recorded on the certificate of title have expired.

(75 Pa.C.S. § 1138)

§ 1302. Vehicles exempt from registration.

The following types of vehicles are exempt from registration:

* * *

(23) Any all-terrain vehicle exempt from registration under Chapter 77 (relating to snowmobiles and all-terrain vehicles) and operated as an emergency vehicle by a police or fire department or emergency medical services agency when the vehicle does not travel on public highways in excess of two miles and is primarily for off-highway use and only operated incidentally upon the highway. An all-terrain vehicle so operated shall comply with section 4571 (visual and audible signals on emergency vehicles).

(75 Pa.C.S. § 1302)

§ 1504. Classes of licenses.

* * *

(d) Number and description of classes.--Licenses issued by the department [of Transportation] shall be classified in the following manner:

* * *

(3) Class C.--A Class C license shall be issued to those persons 18 years of age or older, except as provided in section 1503 (relating to persons ineligible for licensing; license issuance to minors; junior driver's license), who have demonstrated their qualifications to operate any single vehicle, except those vehicles requiring a Class M qualification, with a gross vehicle weight rating of not more than 26,000 pounds or any combination of vehicles, except combination vehicles involving motorcycles, that does not meet the definition of either Class A or Class B of this section.

(i) Where required under this title [75 Pa.C.S. (relating to vehicles)], appropriate endorsements must be obtained.

(ii) Any firefighter who is the holder of a Class C license and who has a certificate of authorization from his fire chief shall be authorized to operate any fire or emergency vehicle registered to the fire department or municipality, regardless of the other requirements of this section as to the class of license required. No fire chief, fire department, including any volunteer fire company, or municipality shall be liable for any civil damages as a result of the issuance of a certificate authorized under this paragraph unless such act constituted a crime, actual fraud, actual malice or willful misconduct.

(iii) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad shall be authorized to operate any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality, regardless of the other requirements of this section as to the class of license required. No head of a rescue or emergency squad, the rescue or emergency squad or municipality shall be liable for any civil damages as a result of the issuance of a certificate of authorization under this paragraph unless such issuance constituted a crime, actual fraud, actual malice or willful misconduct.

(iv) The holder of a Class C license shall also be authorized to drive a motor-driven cycle with an automatic transmission and cylinder capacity not exceeding 50 cubic centimeters, a three-wheeled motorcycle equipped with an enclosed cab or an autocycle, but not a motorcycle unless the license is endorsed, as provided in this title.

* * *

(e) Removal of class from license.--A person with a license endorsed for a class may, upon request, have the endorsement removed by the department without prejudice.
(75 Pa.C.S. § 1504)

§ 1606. Requirement for commercial driver's license.

* * *

(b) Exemptions.--The following persons are not required to obtain a commercial driver's license in order to drive the commercial motor vehicle specified:

* * *

(3) A person who is a volunteer or paid firefighter with a Class C license and who has a certificate of authorization from his fire chief while operating a fire or emergency vehicle registered to the fire department or municipality.

(4) Any member of a rescue or emergency squad who is the holder of a Class C license and who has a certificate of authorization from the head of the rescue or emergency squad while operating any rescue or emergency vehicle equipped with audible and visual signals registered to the rescue or emergency squad or municipality.

* * *

(6) A driver with a Class C license operating a school bus, school vehicle or other commercial vehicle at the direction of authorized emergency management personnel in a time of declared Federal, State or local emergency. A person driving a school bus, school vehicle or other commercial vehicle pursuant to this paragraph shall not be subject to sanctions under the provisions of this chapter [75 Pa.C.S. Ch. 16 (relating to commercial drivers)] or section 3742.1 (relating to accidents involving death or personal injury while not properly licensed).

(7) An employee of the State emergency management agency or a county emergency management organization who is the holder of a Class C license and who has a certificate of authorization from the head of the State emergency management agency or a county emergency management organization while operating any emergency vehicle equipped with audible and visual signals registered to the Commonwealth, State emergency management agency, county or county emergency management organization.

* * *

(75 Pa.C.S. § 1606)

§ 2105. Exemptions [relating to motor carriers road tax identification markers].

(a) General rule.--The requirements of this chapter [75 Pa.C.S. Ch. 21 (relating to motor carriers road tax identification markers)] and Chapter 96 (relating to motor carriers road tax) do not apply to the following vehicles:

* * *

(3) An emergency vehicle as defined by section 102 (relating to definitions).

* * *

(b) Regulations.--The Department of Revenue may promulgate regulations to implement this section.

(75 Pa.C.S. § 2105)

§ 3105. Drivers of emergency vehicles.

(a) General rule.--The driver of an emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm or other emergency call, may exercise the privileges set forth in this section, but subject to the conditions stated in this section.

(b) Exercise of special privileges.--The driver of an emergency vehicle may:

(1) Park or stand, irrespective of the provisions of this part.

(2) Proceed past a red signal indication or stop sign, but only after slowing down as may be necessary for safe operation, except as provided in subsection (d).

(3) Exceed the maximum speed limits so long as the driver does not endanger life or property, except as provided in subsection (d).

(4) Disregard regulations governing direction of movement, overtaking vehicles or turning in specified directions.

(c) Audible and visual signals required.--The privileges granted in this section to an emergency vehicle shall apply only when the vehicle is making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department.

(d) Ambulances, blood delivery vehicles and human organ delivery vehicles.--The driver of an ambulance, blood delivery vehicle or human organ delivery vehicle shall comply with maximum speed limits, red signal indications and stop signs. After ascertaining that the ambulance, blood delivery vehicle or human organ delivery vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(d.1) Vehicles owned and operated by a county correctional institution in a city of the first class.--The driver of a vehicle that is owned and operated by a county correctional institution in a city of the first class and used to respond to an emergency at a correctional institution in a city of the first class or to escort an ambulance which is transporting a sick or injured prisoner in a city of the first class shall comply with maximum speed limits, red signal indications and stop signs. After ascertaining that the vehicle will be given the right-of-way, the driver may proceed through a red signal indication or stop sign.

(e) Exercise of care.--This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons.

(f) Pedalcycles.--No part of this section shall be construed to restrict the operation of a pedalcycle used by a police officer or a bike medic during the course of performing official duties.

(g) Emergency vehicle preemption devices.--

(1) The department [of Transportation] may promulgate regulations for the operation and use of preemptive traffic devices by emergency vehicles.

(2) An individual other than authorized emergency personnel who operates or uses a preemptive traffic device commits a misdemeanor of the third degree.

(3) The possession of a preemptive traffic device by an individual who is not an authorized user of the device is prohibited. The device if in the possession of a nonauthorized user shall be deemed contraband and shall be seized by a law enforcement officer.

(h) Limitations relating to school buses.--Notwithstanding the provisions of subsection (b)(4), the driver of an emergency vehicle shall come to a complete stop when a school bus flashes its red signal lights and activates its side stop signal arms. After stopping, the driver of the emergency vehicle may pass the school bus only after exercising due diligence and caution for the safety of the students in a manner that will not risk the safety of the students.

(i) Definition.--As used in this section, the term "bike medic" means an individual who:

(1) operates a pedalcycle and is certified by the Department of Health as an emergency medical services provider;

(2) is a member of an emergency medical services agency licensed by the Department of Health and operating within the scope of practice of an emergency medical services provider, as applicable;

(3) has successfully completed a basic emergency medical services cycling program approved by the Department of Health;

(4) wears emergency first responder appropriate attire for operating upon the highways in accordance with national standards; and

(5) makes use of an appropriate visual and audible warning device in the performance of official duties.

(75 Pa.C.S. § 3105)

§ 3107. Drivers in funeral processions.

* * *

(c) Right-of-way to emergency vehicles.--This section does not relieve the driver of a vehicle which is being driven in a funeral procession from yielding the right-of-way to an emergency vehicle making use of audible and visual signals, nor from the duty to drive with due regard for the safety of all persons.

(75 Pa.C.S. § 3107)

§ 3111. Obedience to traffic-control devices.

(a) General rule.--Unless otherwise directed by a uniformed police officer or any appropriately attired person authorized to direct, control or regulate traffic, the driver of any vehicle shall obey the instructions of any applicable official traffic-control device placed or held in accordance with the provisions of this title, subject to the privileges granted the driver of an emergency vehicle in this title [75 Pa.C.S. (relating to vehicles)].

* * *

(75 Pa.C.S. § 3111)

§ 3310. Following too closely.

* * *

(c) Caravans and motorcades.--Upon any roadway outside of an urban district, motor vehicles being driven in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy space without danger. This subsection does not apply to funeral processions, which shall not be interrupted by any vehicle other than an emergency vehicle.

(75 Pa.C.S. § 3310)

§ 3314. Prohibiting use of hearing impairment devices.

* * *

(b) Exception.--This section does not prohibit the use of hearing aids or other devices for improving the hearing of the driver, nor does it prohibit the use of a headset in conjunction with a cellular telephone that only provides sound through one ear and allows surrounding sounds to be heard with the other ear, nor does it prohibit the use of communication equipment by the driver of an emergency vehicle or by motorcycle operators complying with section 3525 (relating to protective equipment for motorcycle riders).

(75 Pa.C.S. § 3314)

§ 3325. Duty of driver on approach of emergency vehicle.

(a) General rule.--Upon the immediate approach of an emergency vehicle making use of an audible signal and visual signals meeting the requirements and standards set forth in regulations adopted by the department, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or an appropriately attired person authorized to direct, control or regulate traffic. On one-way roadways a driver may comply by driving to the edge or curb which is nearest to the lane in which he is traveling.

(b) Duty of operator of streetcar.--Upon the approach of an emergency vehicle, the operator of every streetcar shall immediately stop the streetcar clear of any intersection and remain in that position until the emergency vehicle has passed, except when otherwise directed by a police officer or an appropriately attired person authorized to direct, control or regulate traffic.

(c) Defense.--It is a defense to prosecution under this section if the defendant can show by a preponderance of the evidence that the failure to stop immediately for a police officer was based on a good faith concern for personal safety. In determining whether the defendant has met this burden, the court may consider the following factors:

(1) The time and location of the event.

(2) The type of vehicle used by the police officer.

(3) The defendant's conduct while being followed by the police officer.

(4) Whether the defendant stopped at the first available reasonably lighted or populated area.

(5) Any other factor considered relevant by the court.

(75 Pa.C.S. § 3325)

§ 3327. Duty of driver in emergency response areas.

(a) General rule.--When approaching or passing an emergency response area, a person, unless otherwise directed by an emergency service responder, shall:

(1) pass in a lane not adjacent to that of the emergency response area, if possible; or

(2) if passing in a nonadjacent lane is impossible, illegal or unsafe, pass the emergency response area at a careful and prudent reduced speed reasonable for safely passing the emergency response area.

(b) Penalty.--Any person violating subsection (a) commits a summary offense and shall, upon conviction, pay:

(1) For a first offense, a fine of not more than $250.

(2) For a second offense, a fine of not more than $500.

(3) For a third or subsequent offense, a fine of not more than $1,000.

(b.1) Suspension of operating privilege.--

(1) Except as otherwise provided in paragraph (2), in accordance with section 1540 (relating to surrender of license), the department [of Transportation] shall suspend the operating privilege of any person for 90 days upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of subsection (a), if the certified conviction:

(i) indicates the violation resulted in serious bodily injury to or death of another person; or

(ii) is the driver's third or subsequent conviction for a violation of subsection (a).

(2) Upon receiving a certified record of the driver's conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program for a violation of subsection (a), in accordance with section 1540,

the department shall suspend the operating privilege of the driver in accordance with the following:

(i) For a period of six months if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the serious bodily injury of an emergency service responder.

(ii) For a period of one year if the certified conviction, adjudication of delinquency or admission into an Accelerated Rehabilitative Disposition program or a preadjudication program indicates the violation resulted in the death of an emergency service responder.

(b.2) Penalties for bodily injury or death.--In addition to any other penalty prescribed by law, a driver who violates this section and causes bodily injury to, serious bodily injury to or the death of an emergency service responder commits an offense and shall, upon conviction, as follows:

(1) For causing bodily injury as defined in 18 Pa.C.S. § 2301 (relating to definitions), pay a fine of not more than $1,000.

(2) For causing serious bodily injury, pay a fine of not more than $5,000.

(3) For causing death, pay a fine of not more than $10,000.

(c) Marking.--An emergency response area shall be clearly marked with road flares, caution signs or any other traffic-control device which law enforcement officials may have at their immediate disposal or visual signals on vehicles meeting the requirements of Subchapter D of Chapter 45 (relating to equipment of authorized and emergency vehicles).

(d) Reports by emergency service responders.--

(1) An emergency service responder observing a violation of subsection (a) may prepare a written, signed report which indicates that a violation has occurred. To the extent possible, the report shall include the following information:

(i) Information pertaining to the identity of the alleged violator.

(ii) The license number and color of the vehicle involved in the violation.

(iii) The time and approximate location at which the violation occurred.

(iv) Identification of the vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle or other type of vehicle.

(2) Within 48 hours after the violation occurs, the emergency service responder shall deliver a copy of the report to a police officer having authority to exercise police power in the area where the violation occurred. If the police officer believes that the report established a sufficient basis for the issuance of a citation, the officer shall file a citation and a copy of the report with the issuing authority. If the issuing authority determines that the report and citation establish a sufficient basis for the issuance of a summons, a summons shall be issued in accordance with general rules governing the institution of proceedings in summary traffic offense cases. The issuing authority shall send the defendant a copy of the citation, together with a statement that it was filed by the police officer named in the citation on the basis of information received.

(3) A person may institute a proceeding pursuant to this subsection or in accordance with any means authorized by the Pennsylvania Rules of Criminal Procedure.

(e) Fines to be doubled.--In addition to any penalty as provided in subsections (b) and (b.2), the fine for any of the following violations when committed in an emergency response area manned by emergency service responders shall be double the usual amount:

Section 3102 (relating to obedience to authorized persons directing traffic).
Section 3111 (relating to obedience to traffic-control devices).
Section 3114 (relating to flashing signals).
Section 3302 (relating to meeting vehicle proceeding in opposite direction).
Section 3303 (relating to overtaking vehicle on the left).
Section 3304 (relating to overtaking vehicle on the right).
Section 3305 (relating to limitations on overtaking on the left).
Section 3306 (relating to limitations on driving on left side of roadway).
Section 3307 (relating to no-passing zones).

Section 3310 (relating to following too closely).
Section 3312 (relating to limited access highway entrances and exits).
Section 3323 (relating to stop signs and yield signs).
Section 3325 (relating to duty of driver on approach of emergency vehicle).
Section 3361 (relating to driving vehicle at safe speed).
Section 3707 (relating to driving or stopping close to fire apparatus).
Section 3710 (relating to stopping at intersection or crossing to prevent obstruction).
Section 3714 (relating to careless driving).
Section 3736 (relating to reckless driving).
Section 3802 (relating to driving under influence of alcohol or controlled substance).

(e.1) Public awareness.--The department shall educate the public of the provisions of this section as it deems appropriate.

(f) Definition.--As used in this section, the term "emergency response area" means any of the following:

(1) The area in which emergency service responders render emergency assistance to individuals on or near a roadway or a police officer is conducting a traffic stop or systematic check of vehicles or controlling or directing traffic as long as the emergency vehicle is making use of visual signals meeting the requirements of Subchapter D of Chapter 45.

(2) The area in which contractors or employees of a public utility, a municipally owned utility or an electric cooperative provide disaster emergency-related services, including, but not limited to, the repair, renovation, installation, construction and activities related to damaged, impaired or destroyed infrastructure, within the first 72 hours after a declared emergency or until the expiration of a declared emergency, whichever is later, as long as the vehicles used to provide disaster emergency-related services are making use of visual signals as authorized under section 4572(b) (relating to visual signals on authorized vehicles).

(75 Pa.C.S. § 3327)

§ 3346. Emergency vehicles entering or leaving official garage.

If an emergency vehicle is leaving or returning to its garage and the emergency lights of the emergency vehicle are engaged, the driver of an approaching vehicle shall stop and give the emergency vehicle the right-of-way to leave or enter the garage and may not proceed until the emergency vehicle is safely out of the driver's path.
(75 Pa.C.S. § 3346)

§ 3548. Pedestrians to yield to emergency vehicles.

(a) General rule.--Upon the immediate approach of an emergency vehicle making use of audible and visual signals meeting the requirements of this title [75 Pa.C.S. (relating to vehicles)], every pedestrian shall yield the right-of-way to the emergency vehicle.

(b) Exercise of care by driver.--This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.
(75 Pa.C.S. § 3548)

§ 3707. Driving or stopping close to fire apparatus.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or stop the vehicle within 500 feet of any fire apparatus stopped in answer to a fire alarm.
(75 Pa.C.S. § 3707)

§ 3711. Unauthorized persons and devices hanging on vehicles.

(a) General rule.--No person shall hang onto or ride on the outside or the rear end of any vehicle and no person on a pedalcycle, motorcycle, roller skates, sled or any similar device, shall hold fast to or attach the device to any moving vehicle or streetcar, and no operator of a

vehicle or streetcar shall knowingly permit any person to hang onto or ride on the outside or rear end of the vehicle or streetcar operated, or allow any person on a pedalcycle, motorcycle, roller skates, sled or any similar device to hold fast or attach the device to the vehicle or streetcar operated on any highway.

(b) Exceptions.--This section is not applicable to firemen or garbage collectors or operators of fire trucks or garbage trucks or employees of public utility companies acting pursuant to and during the course of their duties or to other persons exempted by department [of Transportation] regulations from the application of this section. This section does not prohibit attaching a trailer or semitrailer to a pedalcycle.

(75 Pa.C.S. § 3711)

§ 4306. Use of multiple-beam road lighting equipment.

* * *

(c) Exception.--

(1) An emergency vehicle which is equipped with a flashing headlamp system that conforms to regulations promulgated by the department [of Transportation] shall be exempt from the provisions of this section only when the vehicle is being used pursuant to the provisions of section 4571(e) (relating to visual and audible signals on emergency vehicles).

(2) Nothing in this section shall limit drivers from flashing high beams at oncoming vehicles as a warning of roadway emergencies or other dangerous or hazardous conditions ahead.

(75 Pa.C.S. § 4306)

§ 4523. Exhaust systems, mufflers and noise control.

* * *

(e) Fire equipment and racing vehicles.--This section does not apply to fire equipment or to racing vehicles being operated in an organized racing or competitive event conducted under a permit issued by local authorities.

(75 Pa.C.S. § 4523)

§ 4571. Visual and audible signals on emergency vehicles.

(a) General rule.--Every emergency vehicle shall be equipped with one or more revolving or flashing red lights and an audible warning system. Spotlights with adjustable sockets may be attached to or mounted on emergency vehicles.

(b) Police, sheriff, fire and coroner or medical examiner vehicles.--

(1) Police, sheriff, coroner, medical examiner or fire police vehicles may in addition to the requirements of subsection (a) be equipped with one or more revolving or flashing blue lights. The combination of red and blue lights may be used only on police, sheriff, coroner, medical examiner or fire police vehicles.

(2) Unmarked police and sheriff vehicles used as emergency vehicles and equipped with audible warning systems shall be equipped with the lights described in this subsection.

(b.1) Mounted lights and additional equipment.--

(1) Police, sheriff and fire vehicles may be equipped with a mounted rack containing one or more emergency warning lights or side mounted floodlights or alley lights or all such lights in conformance with department regulations.

(1.1) Nothing contained in the regulations under paragraph (1) may be construed to require a limit, modification or change of the lighting in police, sheriff and fire vehicles legally complying with regulations as of the date of enactment of this paragraph as long as the vehicle is used as an emergency vehicle.

(2) Additional visual or audible warning signal equipment, including, but not limited to, flashing headlamp system, flashing or revolving white or clear lights, steady burning lights, traffic-control emergency directional light assembly, amber lights and intersection lights, may be utilized on emergency vehicles in accordance with regulations promulgated

by the department [of Transportation].

(3) The department may not prohibit the use of flashing or revolving lights mounted internally in the passenger compartment of fire department vehicles or privately owned vehicles used in answering an emergency call when used by a fire police captain, fire police lieutenant, fire chief, assistant chief and, when a fire company has three or more fire vehicles, a second or third assistant chief that comply with the department's regulations.

(3.1) Police and sheriff vehicles may be equipped with flashing red and blue lights in reverse lamp assemblies.

(3.2) Emergency vehicles, other than police vehicles, may be equipped with flashing red lights in reverse lamp assemblies.

(4) On an annual basis, but no later than April 1 of each year, the State Fire Commissioner may recommend to the department any changes or challenges to the emerging technology of the flashing or revolving lights mounted internally or externally in privately owned vehicles of volunteer firefighters when used in answering an emergency call. The department, in consultation with the Pennsylvania State Police, shall review the recommendations and may promulgate any necessary regulations on the use, type and installation of the emerging technology.

(b.2) Police officer special emergency response team members.--A privately owned vehicle used in responding to an emergency under 42 Pa.C.S. § 8953 (relating to Statewide municipal police jurisdiction) by a police officer who is also a member of a county or regional special emergency response team shall be equipped with revolving or flashing red lights and an audible warning system in accordance with subsection (a) subject to the lights and audible warning system being returned to the head of the special emergency response team upon termination of a person's active status as a police officer or active member of a special emergency response team.

* * *

(d) Vehicles prohibited from using signals.--Except as otherwise specifically provided in this section, no vehicle other than an emergency vehicle may be equipped with revolving or flashing lights or audible warning systems identical or similar to those specified in subsections (a) and (b). A person who equips or uses a vehicle with visual or audible warning systems in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not less than $500 nor more than $1,000.

(e) Authorized period of use.--The lights and warning systems specified by this section may be used only during an emergency, or in the interest of public safety, or by police officers, sheriffs and deputy sheriffs in enforcement of the law. Unauthorized use of the lights and warning systems specified by this section shall be a summary offense punishable by a fine of not less than $500 nor more than $1,000.

(f) Conformity with department regulations.--Except as provided under subsections (b.1) (1.1) and (b.2), all equipment authorized or required by this section shall conform to department regulations.

(75 Pa.C.S. § 4571)

§ 4572. Visual signals on authorized vehicles.

(a) Flashing or revolving blue lights.--Ambulance personnel, volunteer firefighters, certified volunteer search and rescue organization members and owners and handlers of dogs used in tracking humans may each equip one motor vehicle with no more than two flashing or revolving blue lights. The following shall apply:

(1) In order to be eligible to display lights on their vehicles under this subsection, the names of the ambulance personnel, volunteer firefighters and certified volunteer search and rescue organization members shall be submitted to the nearest station of the Pennsylvania State Police on a list signed by the chief of the ambulance or fire department or company, the head of the search and rescue organization, and each dog owner and handler shall register at the nearest Pennsylvania State Police station.

(2) The manner in which the lights are displayed and their intensity shall be determined by regulation of the department.

(2.1) Nothing contained in the regulations under paragraph (2) shall be construed to require a limit, modification or change of the lighting in vehicles legally complying with regulations as of the date of enactment of this paragraph as long as the vehicle is used in a manner that otherwise complies with this section.

(3) The lights shall be operable by the driver from inside the vehicle.

(4) The lights may be used only while en route to or at the scene of a fire or emergency call.

(5) The lights shall be removed from the vehicle immediately upon receipt of notice from the chief of the ambulance or fire department or company or the head of the search and rescue organization to remove the lights upon termination of the person's status as an active volunteer firefighter or ambulance person or upon termination of the person's active status as a certified volunteer search and rescue organization member or dog owner or handler, or when the vehicle is no longer used in connection with the person's duties as a volunteer firefighter or ambulance person, certified volunteer search and rescue organization member or dog owner or handler.

(6) This subsection does not relieve the driver from the duty to drive with due regard for the safety of all persons nor exempt the driver from complying with all provisions of this title [75 Pa.C.S. (relating to vehicles)].

(7) The department [of Transportation] may not prohibit the use of flashing or revolving blue lights mounted internally in the passenger compartment of a privately owned vehicle used in answering an emergency call that otherwise comply with the department's regulations.

(b) Flashing or revolving yellow lights.--Vehicles authorized pursuant to the provisions of sections 6106 (relating to designation of emergency vehicles by Pennsylvania State Police) and 6107 (relating to designation of authorized vehicles by department), tow trucks and vehicles used for snow removal may be equipped with one or more flashing or revolving yellow lights. The manner in which the light or lights shall be displayed and the intensity shall be determined by regulation of the department.

* * *

(75 Pa.C.S. § 4572)

§ 4702. Requirement for periodic inspection of vehicles.

(a) Annual safety inspection.--Except as provided in subsection (b), the department [of Transportation] shall establish a system of annual safety inspection of vehicles, including emergency vehicles, farm vehicles with a gross weight or gross vehicle weight rating of greater than 17,000 pounds for which a Type D biennial certificate of exemption has been issued and private noncommercial vehicles used to transport students.

* * *

(75 Pa.C.S. § 4702)

§ 4906. Fire apparatus and emergency vehicles.

This chapter [75 Pa.C.S. Ch. 49 (relating to size, weight and load)] does not apply to fire apparatus being operated on the highway unless specifically provided otherwise. The weight requirements of this chapter do not apply to emergency vehicles as defined in 23 U.S.C. § 127(r)(2) (relating to vehicle weight limitations-Interstate System). In lieu of the weight requirements of this chapter, the requirements of 23 U.S.C. § 127(r)(1) shall apply to emergency vehicles.

(75 Pa.C.S. § 4906)

§ 4922. Height of vehicles.

(a) General rule.--No vehicle, including any load, shall exceed a height of 13 feet 6 inches. This provision shall not be construed to require public authorities to provide sufficient vertical clearance to permit the operation of such vehicles.

* * *

(c) Exceptions.--The provisions of this subchapter [75 Pa.C.S. Ch.49 Subch.B (relating to

width, height and length)] governing the height of vehicles do not apply to fire apparatus or to vehicles used exclusively to repair overhead lights and wires.

* * *

(75 Pa.C.S. § 4922)

§ 6106. Designation of emergency vehicles by Pennsylvania State Police.

(a) General rule.--The Pennsylvania State Police may designate any vehicle or group of vehicles as emergency vehicles upon a finding that the designation is necessary to the preservation of life or property or to the execution of emergency governmental functions.

(a.1) Exception.--Vehicles designated as emergency vehicles under this section shall not display or be equipped with a combination of red and blue lights.

(b) Manner and carrying of designation.--The designation shall be in writing and the written designation shall be carried in the vehicle at all times.

(75 Pa.C.S. § 6106)

§ 7702. Definitions [relating to snowmobiles and all-terrain vehicles].

The following words and phrases when used in this chapter [75 Pa.C.S. Ch.77 (relating to snowmobiles and all-terrain vehicles)] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"All-terrain vehicle" or "ATV." A motorized off-highway vehicle which travels on three or more off-highway tires and which has:

(1) a maximum width of 50 inches and a maximum dry weight of 1,200 pounds; or

(2) a width which exceeds 50 inches or a dry weight which exceeds 1,200 pounds.

ATV's described in paragraph (1) may be referred to as Class I ATV's, and ATV's described in paragraph (2) may be referred to as Class II ATV's. This term does not include snowmobiles, trail bikes, motorboats, golf carts, aircraft, dune buggies, automobiles, construction machines, trucks or home utility machines; military, fire, emergency and law enforcement vehicles; implements of husbandry; multipurpose agricultural vehicles; vehicles used by the department; or any vehicle that is or is required to be registered under Chapter 13 (relating to registration of vehicles). In addition, this term does not include off-road motor vehicles used exclusively as utility vehicles for agricultural or business operations and incidentally operated or moved upon the highway.

* * *

(75 Pa.C.S. § 7702)

PART V. FIRE POLICE

Section 3. [Display of State flag] It shall be lawful to display the flag of Pennsylvania over a memorial, a casket and at a funeral procession of a deceased individual who was a member or employe of a volunteer or municipal police department, fire department, ambulance service or rescue squad or a fire police organization.

(1913, P.L.419, No.276, § 3)

Section 1914. Special Fire Police.--The board of supervisors [of a township of the second class] may confirm any members of a volunteer fire company to serve as special fire police under the act of June 18, 1941 (P.L.137, No.74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rule municipality." The chairman of the board of supervisors may swear in special fire police officers.

(1933, P.L.103, No.69, § 1914)

Section 1. [Disability benefits] (a) Be it enacted, &c., That:

* * *

(10) any policeman, fireman or park guard of any county, city, borough, town or township;

(10.1) firemen employed by the Commonwealth;
(11) any sheriff or deputy sheriff; or
* * *

who is injured in the performance of his duties including, in the case of firemen, duty as special fire police, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the Commonwealth of Pennsylvania if an employe identified under paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by the Delaware River Port Authority if a member of the Delaware River Port Authority Police or by the county, township or municipality, by which he is employed, his full rate of salary, as fixed by ordinance or resolution, until the disability arising therefrom has ceased. All medical and hospital bills, incurred in connection with any such injury, shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by such county, city, township or municipality. During the time salary for temporary incapacity shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by the county, city, borough, town or township, any workmen's compensation, received or collected by any such employe for such period, shall be turned over to the Commonwealth of Pennsylvania or to the Delaware River Port Authority or to such county, city, borough, town or township, and paid into the treasury thereof, and if such payment shall not be so made by the employe the amount so due the Commonwealth of Pennsylvania, the Delaware River Port Authority or the county, city, borough, town or township shall be deducted from any salary then or thereafter becoming due and owing.

(b) In the case of:
* * *
(10) salaried policemen and firemen;
(10.1) firemen employed by the Commonwealth;
(11) sheriffs and deputy sheriffs; and
* * *

who have served for four consecutive years or longer, diseases of the heart and tuberculosis of the respiratory system, contracted or incurred by any of them after four years of continuous service as such, and caused by extreme overexertion in times of stress or danger or by exposure to heat, smoke, fumes or gases, arising directly out of the employment shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws as having been caused by accidental injury, such disability shall be compensable as occupational disease disabilities are presently compensable under the compensation laws of this Commonwealth. It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.

(c) In the case of any person receiving benefits pursuant to this act [the Enforcement Officer Disability Benefits Law (Heart and Lung Act)], the statutes of limitations set forth in sections 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," shall not begin to run until the expiration of the receipt of benefits pursuant to this act.

* * *

(1935, P.L.477, No.193, § 1)

Section 2.1. [Definition] For the purposes of this act [the Enforcement Officer Disability Benefits Law (Heart and Lung Act)], the term "fireman" shall mean and include the following:

(1) Paid firemen not employed by the Commonwealth.
(2) Emergency medical services personnel employed within a city fire department.
(3) Firemen of airport authorities, including fire suppression instructors.
(4) Fire and safety marshals who are firemen employed by the Commonwealth.
(5) Fire academy instructors employed at the State Fire Academy.
(6) Assistant fire marshals employed by the Commonwealth.
(7) Forest patrolmen and forest technicians employed by the Commonwealth.

(1935, P.L.477, No.193, § 2.1)

Section 7. [Construction] Nothing contained in this act [the act of June 4, 1937, P.L.595, No.324] shall be construed--

(a) To prohibit the payment by any person, association or corporation of fees or compensation to any political subdivision for police or other peace officers assigned to police exhibitions, athletic contests or other recreational activities.

(b) To prohibit the appointment, employment or compensation in the manner expressly provided by law of--(1) night watchman, (2) railroad police, (3) bank police, (4) payroll police, (5) special policemen to police and protect cemeteries and grounds and buildings open to the public, or to enforce laws for the prevention of cruelty to persons or animals, (6) fire police whose only duty shall be to direct traffic and maintain order to, at or from fires, (7) police or guards employed by nonprofit corporations or organizations.

(1937, P.L.1595, No.324, § 7)

Section 1212. Construction [of Second Class County Code].--Nothing contained in sections 1206 or 1210 of this act shall be construed:

(a) To prohibit the payment by any person, association or corporation of fees or compensation for county police or other peace officers assigned to exhibitions, athletic contests or other recreational activities.

(b) To prohibit the appointment, employment or compensation by the county, in the manner expressly provided by law, of (1) night watchmen, (2) railroad police, (3) bank police, (4) payroll police, (5) special policemen, to police and protect cemeteries and grounds and buildings open to the public, or to enforce laws for the prevention of cruelty to persons or animals, (6) fire police, whose only duty shall be to direct traffic and maintain order to, at or from fires, (7) police or guards employed by nonprofit corporations or organizations.

(1953, P.L.723, No.230, § 1212)

Section 3. Definitions [relating to lethal weapons training].--As used in this act [the Lethal Weapons Training Act]:

* * *

"Full-time police officer" means any employee of a city, borough, town, township or county police department assigned to law enforcement duties who works a minimum of two hundred days per year. The term does not include persons employed to check parking meters or to perform only administrative duties, nor does it include auxiliary and fire police. (Def. added Feb. 20, 1982, P.L.88, No.32)

* * *

(1974, P.L.705, No.235, § 3)

Section 3. Definitions [relating to solicitation of funds for charitable purposes].

The following words and phrases when used in this act [the Solicitation of Funds for Charitable Purposes Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Law enforcement personnel." Any person who is or represents or holds itself out to represent, aid, train or otherwise benefit any police officer, sheriff or deputy sheriff, constable or deputy constable, county detective, fire police or any other person who is empowered to make arrests, serve warrants, issue summons or otherwise enforce the laws of this Commonwealth to include retired law enforcement personnel and the families of law enforcement personnel.

* * *

(1990, P.L.1200, No.202, § 3)

§ 1202. Specific powers [of boroughs].

The powers of the borough shall be vested in the council. In the exercise of any specific powers involving the enactment of an ordinance or the making of any regulation, restriction or prohibition, the borough may provide for enforcement and penalties for violations. The specific powers of the borough shall include the following:

* * *

(24) To enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies or equipment and in performing governmental powers, duties and functions and in carrying into effect provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), and agreements with the proper authorities of municipal corporations, regional police or fire forces or other public safety or governmental entities created by two or more municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A, either for mutual aid or assistance in police and fire protection or any other public safety services, or for the furnishing to or receiving from the municipal corporations or governmental entities police and fire protection or any other public safety services, and to make appropriations for public safety services. In connection with agreements for police or fire protection or any other public safety services, it shall not be necessary to advertise for bids or receive bonds as required for contracts under existing law. When an agreement has been entered into, the police, firefighters, fire police or any other public safety services of the employing municipal corporation or governmental entity shall have the powers and authority conferred by law on police, firefighters, fire police or any other public safety services in the territory of the municipal corporation which has contracted to secure the service.

* * *

(8 Pa.C.S. § 1202)

§ 7431. Scope of subchapter [35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police)].

This subchapter applies to a volunteer fire company in any city, borough, town, township or home rule municipality.

(35 Pa.C.S. § 7431)

§ 7433. Nomination [of special fire police].

An entity under section 7431 (relating to scope of subchapter) may nominate any of its members as special fire police.

(35 Pa.C.S. § 7433)

§ 7434. Confirmation [of special fire police].

Special fire police nominated under this subchapter [35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police)] shall, before they enter upon their duties, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township or the chief executive officer of a home rule municipality, as the case may be.

(35 Pa.C.S. § 7434)

§ 7435. Powers [of special fire police].

(a) Specific powers.--When confirmed and sworn and displaying a badge of authority, special fire police shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise other police powers necessary to facilitate and prevent interference with the work of firemen in extinguishing fires. They shall also have the police powers necessary to perform their duties when functioning as special fire police at any function, event or parade conducted by and under the auspices of a volunteer fire company, or another event, function or parade conducted by an organization other than a volunteer fire company, provided that the request to perform these duties is made by the governing body of the city, borough, town, township or home rule municipality in which the event will be conducted, or when accidents, floods or any other emergencies require performance of traffic-control and crowd-control duties. The duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township or home rule municipality police authority and thereafter subject to direction of the police authority until the emergency no longer exists. A person functioning as special fire police and performing a duty under any of the conditions in this subsection shall be

deemed to be performing the duties of his employment.

(b) Identification.--Fire police performing the duties under this subchapter shall be identifiable by, at minimum, the wearing of a distinctive arm band, hat, uniform or insignia.

(c) Construction.--Under no circumstances shall this subchapter [35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police)] be construed to grant special fire police the right to use firearms or other weapons in the exercise of special fire police powers granted by this subchapter.

§ 7436. Power and authority [of special fire police] in places other than where appointed.

Whenever a volunteer fire company is in attendance on a fire or when the special fire police are on special duty as provided under this subchapter [35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police)], the special fire police in a city, borough, town or township, other than the one in which the fire company is organized, shall have the same power and authority in another city, borough, town or township as they would have where they were appointed.
(35 Pa.C.S. § 7436)

§ 7437. Badge of authority and subordination [of special fire police].

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, of a member of the Pennsylvania State Police.
(35 Pa.C.S. § 7437)

PART VI. HOLIDAYS AND OBSERVANCES

Section 3. [Display of State flag] It shall be lawful to display the flag of Pennsylvania over a memorial, a casket and at a funeral procession of a deceased individual who was a member or employe of a volunteer or municipal police department, fire department, ambulance service or rescue squad or a fire police organization.
(1913, P.L.419, No.276, § 3)

Section 1. Emergency medical services memorial flag.

(a) Establishment.--An emergency medical services memorial flag is established for this Commonwealth.

(b) Description.--The flag established in subsection (a) shall be created by the Bureau of Emergency Medical Services in the Department of Health in cooperation with the Pennsylvania Emergency Health Services Council.
(2014, P.L.743, No.57, § 1)

Section 2. Use of [emergency medical services memorial] flag.

The emergency medical services memorial flag may be displayed over emergency medical service memorials and emergency medical service funeral processions and from the poles of any public ground or political subdivision for a period of not more than seven days after the death of a member of any emergency medical service, and as further directed by the Director of Emergency Medical Services in the Department of Health.
(2014, P.L.743, No.57, § 2)

Section 3. Agency responsibility.

The Bureau of Emergency Medical Services in the Department of Health shall maintain the official flag and have the responsibility to implement the provisions of this act and oversee the production, acquisition and distribution of the flag.
(2014, P.L.743, No.57, § 3)

Section 4. Limitation.

Authorized utilization of the emergency medical services memorial flag by the Commonwealth or an entity of the Commonwealth shall not constitute a presumption of

eligibility or be admissible as evidence for a claim under the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act.
(2014, P.L.743, No.57, § 4)

Section 4. Composition [of Pennsylvania Commission for the United States Semiquincentennial, or America250PA].

The commission shall consist of the following members:

* * *

(4) The following individuals shall be ex officio nonvoting members of the commission:

* * *

(xii) The Director of Pennsylvania Emergency Management Agency.

* * *

(2018, P.L.136, No.28, § 4)

PART VII. LIABILITIES AND IMMUNITIES

Section 605. [Liability] A fire-warden shall not be personally liable for any act required or permitted to be done under the provisions of this law [the Forest Fire Protection Law], while acting within the scope of his duties as a fire-warden.
(1915, P.L.797, No.353, § 605)

Section 7. Liabilities.--(a) No physician, who in good faith gives instructions to a certified emergency medical technician or emergency medical technician paramedic, a registered nurse, or physician's assistant shall be liable for any civil damages as a result of issuing the instructions, unless guilty of gross or willful negligence.

(b) No certified emergency medical technician or emergency medical technician paramedic, registered nurse, or physician's assistant who in good faith attempts to render emergency care to any sick or injured person in or about a coal mine, shall be liable for civil damages as a result of any acts or omissions, unless guilty of gross or willful negligence.
(1976, P.L.931, No.178, § 7)

Section 301. Immunity from civil liability.

(a) General.--No Commonwealth agency, local agency, regional hazardous material organization, volunteer emergency service organization or hazardous material transporter, manufacturer, supplier or user that organized the certified hazardous material response team nor their elected officers, officials, directors and employees, and no certified hazardous material response team member, member of an industrial hazardous material response team, law enforcement officer, ambulance service or rescue squad member, firefighter or other emergency response or public works personnel engaged in any emergency service or response activities involving a hazardous material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property or the environment resulting from a response to a hazardous material release, except for any acts or omissions which constitute gross negligence or willful misconduct. Nothing in this section shall exempt any hazardous material transporter, manufacturer, supplier or user from liability for the death of or any injury to persons or loss or damage to property or the environment resulting from the release of any hazardous material.

(b) Council, local committees and mentoring council.--No member of the council, a local committee or a mentoring council shall be liable for the death of or any injury to persons or loss or damage to property or the environment or any civil damages resulting from any act or omission arising out of the performance of the functions, duties and responsibilities of the council, local committee or mentoring council, except for acts or omissions which constitute willful misconduct.

(c) Other.--No employee, representative or agent of a Commonwealth agency or local agency engaged in any emergency service or response activities involving a hazardous

material release at a facility or transportation accident site shall be liable for the death of or any injury to persons or loss or damage to property resulting from that hazardous material release, except for any acts or omissions which constitute willful misconduct.
(1990, P.L.639, No.165, § 301)

Section 12. Immunity from liability.

Notwithstanding any other provision of law to the contrary, any student or instructor of a vocational-technical school, any vocational-technical school or school district, agriculture and rural youth organization, emergency service provider, farm safety committee or other person, organization or group who provides farm safety and occupational health activities or services under this act [the Farm Safety and Occupational Health Act] shall not be liable on any cause of action or in any proceeding, civil or criminal, arising out of or based upon allegations and pleadings relating to the performance of such program activities or services under or in compliance with the requirements of this act. The immunity from liability provided under this section shall not, however, extend to any vocational-technical school student or instructor or such school or school district of such student or instructor or to any agriculture and rural youth organization, emergency service provider, farm safety committee or other person, group or organization who through gross negligence, recklessness or intentional misconduct or action causes bodily injury or death to a person or who had or should have had knowledge that such action was likely to result in bodily injury or death.
(1994, P.L.944, No.134, § 12)

Section 207. Miscellaneous provisions.

(a) Immunity from liability.--The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to members of a specialized regional counterterrorism response team, an urban search and rescue task force or a specialized Statewide response team and individuals who provide logistical, material or other forms of emergency response support to such a team or task force during activation or deployment of a team or task force to a potential or actual manmade or natural disaster or while engaged in a task force or team drill or training exercise.

(b) Effect on workers' compensation premiums.--Nothing in this act shall be construed to permit an insurer to raise workers' compensation premiums due to the participation or membership of a county, municipality, volunteer service organization, individual or employer on a regional counterterrorism task force, specialized regional counterterrorism response team, specialized Statewide response team or urban search and rescue task force.
(2002, P.L.1967, No.227, § 207)

Section 302. Immunity from liability.

The provisions of 42 Pa.C.S. § 8331 (relating to medical good Samaritan civil immunity), 8332 (relating to nonmedical good Samaritan civil immunity) or 8332.4 (relating to volunteer-in-public-service negligence standard) shall apply to any person who provides assistance in carrying out the provisions of this chapter [Chapter 3 (relating to public health emergency measures)].
(2002, P.L.1967, No.227, § 302)

§ 4306. Newborn protection.

(a) General rule.--A parent of a newborn shall not be criminally liable for any violation of this title solely for leaving a newborn in the care of a hospital, a police officer at a police station pursuant to 23 Pa.C.S. Ch. 65 (relating to newborn protection) or an emergency services provider on the grounds of an entity employing the emergency services provider or otherwise providing access to the emergency services provider pursuant to 23 Pa.C.S. Ch. 65 if the following criteria are met:

(1) The parent expresses, either orally or through conduct, the intent to have the hospital, police officer or emergency services provider accept the newborn pursuant to 23

Pa.C.S. Ch. 65.

* * *

(a.1) Incubator.--A parent of a newborn shall not be criminally liable for any violation of this title solely for leaving a newborn in an incubator if the newborn is not a victim of child abuse or criminal conduct and the incubator is located:

* * *

(3) on the grounds of an entity employing the emergency services provider or otherwise providing access to the emergency services provider pursuant to 23 Pa.C.S. Ch. 65.

(b) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

* * *

"Emergency services provider." An emergency medical responder, emergency medical technician, advanced emergency medical technician or a paramedic as defined in 35 Pa.C.S. § 8103 (relating to definitions).

* * *

(18 Pa.C.S. § 4306)

§ 7601. [Emergency Management Assistance] Compact enacted.

The Emergency Management Assistance Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

* * *

Article VI
Liability

Officers or employees of a party state rendering aid in another state pursuant to this compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this article shall not include willful misconduct, gross negligence or recklessness.

* * *

(35 Pa.C.S. § 7601)

§ 7704. Immunity from civil liability.

(a) General rule.--Neither the Commonwealth nor any political subdivision thereof nor other agencies nor, except in cases of willful misconduct, the agents, employees or representatives of any of them engaged in any emergency services activities, nor, except in cases of willful misconduct or gross negligence, any individual or other person under contract with them to provide equipment or work on a cost basis to be used in disaster relief, nor, except in cases of willful misconduct or gross negligence, any person, firm, corporation or an agent or employee of any of them engaged in disaster services activities, while complying with or attempting to comply with this part [35 Pa.C.S. Pt. V (relating to emergency management services)] or any rule or regulation promulgated pursuant to the provisions of this part, shall be liable for the death of or any injury to persons or loss or damage to property as a result of that activity.

(b) Real estate owners.--Any person, organization or authority owning or controlling real estate or other premises, who voluntarily and without compensation, grants a license or privilege or otherwise permits the designation or use of the whole or any part or parts of the real estate or premises for any emergency services purpose, shall, together with his successors in interest, if any, not be civilly liable for negligently causing the death of or injury to or loss or damage to the property of any person who is upon the real estate or other premises for that purpose.

(c) Other benefits unaffected.--This section does not affect the right of any person to receive benefits to which he would otherwise be entitled under this part or under the workmen's

compensation laws or under any pension law, nor the right of any person to receive any benefits or compensation under any Federal law.
(35 Pa.C.S. § 7704)

§ 8151. Limitations on liability.

The following shall apply:

(1) No medical command physician, medical command facility medical director or medical command facility, which in good faith provides a medical command to an EMS provider or student enrolled in an EMS course of instruction approved by the department [of Health], shall be liable for civil damages as a result of issuing the instruction, absent a showing of gross negligence or willful misconduct.

(2) No EMS agency, EMS agency medical director or EMS provider who in good faith attempts to render or facilitate emergency medical care authorized by this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] shall be liable for civil damages as a result of an act or omission, absent a showing of gross negligence or willful misconduct. This paragraph shall also apply to students enrolled in approved courses of instruction and supervised pursuant to rules and regulations.

(3) No approved EMS training institute nor any entity participating as part of any approved educational program offered by the institute as authorized by this chapter shall be liable for any civil damages as a result of primary and continuing educational practice by duly enrolled students under proper supervision, absent a showing of gross negligence or willful misconduct.

(4) No EMS provider who in good faith attempts to render emergency care authorized by this chapter at an emergency scene while en route to a place of employment shall receive any form of reprimand or penalty by an employer as a result of late arrival at the place of employment. An employer may require written verification from the EMS provider who shall obtain the written verification from either the police officer or other person who is in charge at the emergency scene.

(5) No EMS agency medical director or regional medical director who in good faith gives instructions to or provides primary and continuing educational training to an EMS provider shall be liable for civil damages for issuing the instructions, education or training, absent a showing of gross negligence or willful misconduct.

(6) Neither the department, the Commonwealth EMS Medical Director, a regional EMS council medical director nor any other official or employee of the department or a regional EMS council shall be liable for civil damages arising out of an EMS provider or a student enrolled in an EMS course of instruction approved by the department following protocols approved under this chapter.

(7) No EMS provider or EMS agency may be subject to civil liability based solely on failure to obtain consent in rendering EMS to any person, regardless of age, where the person is unable to give consent for any reason, including minority, and where there is no other person reasonably available who is legally authorized to give or refuse to give consent, if the EMS provider has acted in good faith and without knowledge of facts negating consent.

(8) No EMS provider or EMS agency may be subject to civil liability based solely on refusal to provide treatment or services requested by the patient or the person responsible for making medical care decisions for the patient if the treatment or services requested are not prescribed or authorized by Statewide or regional protocols established under this chapter and the EMS provider has:

(i) contacted a medical command physician who refused to authorize the requested treatment or service; or

(ii) made a good faith effort to contact a medical command physician and was unable to do so.

(9) No dispatcher of EMS who in good faith collects information about a patient from a caller or makes dispatch assignments based upon the information collected may be subject to civil liability based upon the information collected or a dispatch assignment,

absent a showing of gross negligence or willful misconduct.
(35 Pa.C.S. § 8151)

§ 8152. Peer review.

(a) Immunity from liability.--

(1) A person who provides information to a review organization shall have the same protections from civil and criminal liability as a person who provides information to a review organization under the act of July 20, 1974 (P.L.564, No.193), known as the Peer Review Protection Act.

(2) An individual who is a member or employee of a review organization or who furnishes professional counsel or services to the organization shall have the same protections from civil and criminal liability for the performance of any duty, function or activity authorized or required of the review organization as a person who performs the duty, function or activity under the Peer Review Protection Act.

(b) Confidentiality of review organization's records.--The proceedings and records of a review organization shall be held in confidence and shall have the same protections from discovery and introduction into evidence in civil proceedings as they would under the Peer Review Protection Act. A person who was in attendance at a meeting of a review organization shall be subject to the same testimony restrictions as a person who was in attendance at a meeting of a review organization under the Peer Review Protection Act.
(35 Pa.C.S. § 8152)

§ 8331. Medical good Samaritan civil immunity.

(a) General rule.--Any physician or any other practitioner of the healing arts or any registered nurse, licensed by any state, who happens by chance upon the scene of an emergency or who arrives on the scene of an emergency by reason of serving on an emergency call panel or similar committee of a county medical society or who is called to the scene of an emergency by the police or other duly constituted officers of a government unit or who is present when an emergency occurs and who, in good faith, renders emergency care at the scene of the emergency, shall not be liable for any civil damages as a result of any acts or omissions by such physician or practitioner or registered nurse in rendering the emergency care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving emergency care.

(b) Definition.--As used in this section "good faith" shall include, but is not limited to, a reasonable opinion that the immediacy of the situation is such that the rendering of care should not be postponed until the patient is hospitalized.
(42 Pa.C.S. § 8331)

§ 8332. Emergency response provider and bystander good Samaritan civil immunity.

(a) General rule.--Any person, including an emergency response provider, whether or not trained to practice medicine, who in good faith renders emergency care, treatment, first aid or rescue at the scene of an emergency event or crime or who moves the person receiving such care, first aid or rescue to a hospital or other place of medical care shall not be liable for any civil damages as a result of rendering such care, except in any act or omission intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving emergency care or being moved to a hospital or other place of medical care.

* * *

(c) Exception.--This section shall not relieve a driver of a vehicle, including an ambulance or other emergency rescue vehicle, from liability arising from an operation or use of such vehicle pursuant to subsection (a).

(d) Definition.--For the purposes of this section, the term "emergency response provider" includes Federal, State and local emergency public safety, law enforcement, emergency response, emergency medical services personnel, response teams, agencies and authorities, excluding hospital emergency facilities and related personnel.
(42 Pa.C.S. § 8332)

§ 8332.1. Manager, coach, umpire or referee and nonprofit association negligence standard.

(a) General rule.--Except as provided otherwise in this section, no person who, without compensation and as a volunteer, renders services as a manager, coach, instructor, umpire or referee or who, without compensation and as a volunteer, assists a manager, coach, instructor, umpire or referee in a sports program of a nonprofit association, and no nonprofit association, or any officer or employee thereof, conducting or sponsoring a sports program, shall be liable to any person for any civil damages as a result of any acts or omissions in rendering such services or in conducting or sponsoring such sports program, unless the conduct of such person or nonprofit association falls substantially below the standards generally practiced and accepted in like circumstances by similar persons or similar nonprofit associations rendering such services or conducting or sponsoring such sports programs, and unless it is shown that such person or nonprofit association did an act or omitted the doing of an act which such person or nonprofit association was under a recognized duty to another to do, knowing or having reason to know that such act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of such person or nonprofit association fell below ordinary standards of care.

(b) Exceptions.--

(1) Nothing in this section shall be construed as affecting or modifying the liability of such person or nonprofit association for any of the following:

(i) Acts or omissions relating to the transportation of participants in a sports program or others to or from a game, event or practice.

(ii) Acts or omissions relating to the care and maintenance of real estate unrelated to the practice or playing areas which such persons or nonprofit associations own, possess or control.

(2) Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any person not covered by the standard of negligence established by this section.

(c) Assumption of risk or contributory fault.--Nothing in this section shall be construed as affecting or modifying the doctrine of assumption of risk or contributory fault on the part of the participant.

(d) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Nonprofit association." An entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of this Commonwealth or the United States or any entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of this Commonwealth, including, but not limited to, youth or athletic associations, volunteer fire, ambulance, religious, charitable, fraternal, veterans, civic, county fair or agricultural associations, or any separately chartered auxiliary of the foregoing, if organized and operated on a nonprofit basis.

* * *

(42 Pa.C.S. § 8332.1)

§ 8332.2. Officer, director or trustee of nonprofit organization negligence standard.

(a) General rule.--Except as provided otherwise in this section, no person who serves without compensation, other than reimbursement for actual expenses, as an officer, director or trustee of any nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1954 (68A Stat. 3, 26 U.S.C. § 501(c)(3)) shall be liable for any civil damages as a result of any acts or omissions relating solely to the performance of his duties as an officer, director or trustee, unless the conduct of the person falls substantially below the standards generally practiced and accepted in like circumstances by similar persons performing the same or similar duties, and unless it is shown that the person did an act or omitted the doing of an act which the person was under a recognized duty to another to do, knowing or having reason to know

that the act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of the person fell below ordinary standards of care.

(b) Exception.--Nothing in this section shall be construed as affecting or modifying any existing legal basis for determining the liability, or any defense thereto, of any nonprofit association.

(42 Pa.C.S. § 8332.2)

§ 8332.3. Volunteer firefighter civil immunity.

Volunteer firefighters shall be treated as public employees as defined in section 8501 (relating to definitions). This section shall not be construed to reduce or eliminate any other immunity provided to volunteer firefighters by law.

(42 Pa.C.S. § 8332.3)

§ 8336. Civil immunity for assistance upon request in incidents involving the transportation of hazardous substances.

(a) General rule.--During the course of transportation, including the loading and unloading thereof, of hazardous substances, no person shall be liable in civil damages when his conduct consists solely of action or inaction taken or omitted in the course of rendering care, assistance or advice, voluntarily and upon request of any police agency, fire department, rescue or emergency squad, any other governmental agency, the person responsible for preventing, mitigating or cleaning up the danger to person, property or environment or the owner or manufacturer of the hazardous substance involved, with respect to an incident creating a danger to person, property or environment as a result of spillage, leakage, seepage, fire, explosion or other accidental or potential accidental release of hazardous substances.

(b) Exclusions.--The immunities provided in this section shall not apply to any person who:

(1) is under a legal duty to respond to the incident;

(2) received remuneration beyond reimbursement for out of pocket expenses for services in rendering such care, assistance or advice in connection therewith or had the expectation of receiving such remuneration from the recipient of such care, assistance or advice or from someone acting on his behalf; or

(3) does not personally possess or does not provide personnel who possess the skill, training or knowledge with regard to the safe handling of hazardous substances, their effects and incidents involving the transportation of hazardous substances in order to render the care, assistance or advice requested.

(c) Persons not affected.--This section shall not be construed to affect any immunity otherwise granted by statute to any police agency, fire department, rescue or emergency squad or any other governmental agency.

(d) Gross negligence or willful misconduct.--Nothing in this section shall be construed to limit or otherwise affect or preclude the liability of any person resulting from such person's gross negligence or intentional misconduct. Reckless, willful or wanton misconduct shall constitute gross negligence.

(e) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Hazardous substances." All substances which are defined as hazardous in the act of November 9, 1965 (P.L.657, No.323), known as the "Hazardous Substances Transportation Act," or any subsequent amendment thereto.

"Person." Any individual, partnership, corporation, association or other entity.

(42 Pa.C.S. § 8336)

§ 8338.1. Liability for damages from donated vehicles or equipment to volunteer fire companies.

(a) General rule.--A person is not subject to civil liability arising from the nature or condition of vehicles or equipment which were reasonably believed to be in good condition, donated in good faith to a volunteer fire company and for which all known defects were

disclosed by the person to the volunteer fire company. Any person donating vehicles or equipment shall reveal all known defects to the donee. This section does not apply to an injury or death to any person that results from an act or omission of the donor constituting gross negligence, recklessness or intentional misconduct.

(b) Nonliability.--This section shall not be construed as establishing any liability.

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Donate." To give or distribute without requiring anything of monetary value from the ultimate recipient. For purposes of this section, a volunteer fire company may donate to another volunteer fire company, notwithstanding that the donor has charged a processing fee to the donee, provided the ultimate recipient or user is not required to give anything of monetary value.

"Person." An individual, corporation, partnership, organization, association or government entity. In the case of a corporation, partnership, organization, association or governmental entity, the term also includes, but is not limited to, an officer, director, partner, deacon, trustee, council member or other elected or appointed individual responsible for the governance of such entity.

"Volunteer ambulance service." Any nonprofit chartered corporation, association or organization which is located in this Commonwealth and which is regularly engaged in the service of providing emergency medical care and transportation of patients.

"Volunteer fire company." Any nonprofit chartered corporation, association or organization which is located in this Commonwealth and which provides fire protection services and other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue service." Any nonprofit chartered corporation, association or organization which is located in this Commonwealth and which provides rescue services in this Commonwealth.

(42 Pa.C.S. § 8338.1)

§ 8501. Definitions [relating matters affecting government units].

The following words and phrases when used in this chapter [42 Pa.C.S. Ch. 85 (relating to matters affecting government units)] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Employee." Any person who is acting or who has acted on behalf of a government unit whether on a permanent or temporary basis, whether compensated or not and whether within or without the territorial boundaries of the government unit, including any volunteer fireman and any elected or appointed officer, member of a governing body or other person designated to act for the government unit. Independent contractors under contract to the government unit and their employees and agents and persons performing tasks over which the government unit has no legal right of control are not employees of the government unit.

* * *

(42 Pa.C.S. § 8501)

§ 1901. Definitions [relating to intergovernmental relations].

The following words and phrases when used in this chapter [62 Pa.C.S. Ch. 19 (relating to intergovernmental relations)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Local public procurement unit." A political subdivision, public authority, tax-exempt, nonprofit educational or public health institution or organization, nonprofit fire company, nonprofit rescue company, nonprofit ambulance company and, to the extent provided by law, any other entity, including a council of governments or an area government, which expends public funds for the procurement of supplies, services and construction.

"Public procurement unit." A local public procurement unit or a purchasing agency.
(62 Pa.C.S. § 1901)

§ 1911. Immunity.

A public procurement unit which provides personnel, property, supplies or services to another public procurement unit shall be immune from liability for any damages which arise out of the use of such personnel, property, supplies or services provided under this chapter [62 Pa.C.S. Ch. 19 (relating to intergovernmental relations)].
(62 Pa.C.S. § 1911)

PART VIII. POLITICAL SUBDIVISIONS

Chapter 1. Counties Generally

Subchapter A. General Provisions

Section 1953. Appointment [of fire marshals and assistants in counties].--The county commissioners of any third through eighth class county may appoint a fire marshal and assistant fire marshals deemed necessary to perform such duties relating to the prevention and control of fire as the county commissioners shall deem to be in the best interests of the county. Any fire marshal or assistant fire marshals so appointed shall not be assigned duties which will conflict with fire marshals or municipal fire marshals or powers relating to the control of fires conferred by law upon the Pennsylvania State Police. Compensation for the fire marshal and assistant fire marshals shall be set by the county salary board.
(1955, P.L.323, No.130, § 1953)

Section 1. Authorization of County Commissioners to Make Appropriations [to County Firemen's Associations].--The board of commissioners may pay out of the county funds, not otherwise appropriated and upon proper vouchers being given, a sum of money, annually, to county firemen's associations, considered necessary to assist in paying the running expenses of conducting a program on fire prevention education. When any such association is comprised of residents of more than one county, the commissioners of said respective counties may, jointly, pay said sum in such proportion as they shall agree.
(1963, P.L.115, No.73, § 1)

Section 2. Qualification of [County Firemen's] Association.--In order for any firemen's association to be entitled to the said appropriation, the conditions herein prescribed shall have been first complied with. It shall have been organized at least one year, incorporated by the proper authority, and have an active membership of one hundred or more persons, each of whom shall have paid into the treasury of said association a yearly membership fee of at least one dollar ($1) for the support of the same; it shall hold at least four public meetings, yearly, whereat papers shall be read or discussions held on fire prevention and fire protection; it shall have a committee to disseminate literature and exhibits to schools and public gatherings on fire prevention and fire protection; and it shall have adopted a constitution and code of by-laws and elected proper officers to conduct its business.
(1963, P.L.115, No.73, § 2)

§ 2314. Distribution of [Unconventional Gas Well] fee.

* * *

(g) Use of funds.--A county or municipality receiving funds under subsection (d) shall use the funds received only for the following purposes associated with natural gas production from unconventional gas wells within the county or municipality:

* * *

(3) Emergency preparedness and public safety, including law enforcement and fire services, hazardous material response, 911, equipment acquisition and other services.

* * *

(58 Pa.C.S. § 2314)

Subchapter B. Bingo

Section 3. Definitions [relating to bingo].

The following words and phrases when used in this act [the Bingo Law] shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Association." A volunteer fire company or an ambulance, religious, charitable, fraternal, veterans, civic, county fair or agricultural association, or any separately chartered auxiliary of any of the above associations, organized as a nonprofit organization which shall have existed, and conducted business in furtherance of their written constitution, charter, articles of incorporation or bylaw express purpose, for two years prior to application for a license: Provided, however, That an association whose membership consists exclusively of elderly residents of a senior citizen housing project may apply for a license immediately upon its being organized as such and need not meet the two-year waiting requirement: and Provided, further, That the two-year waiting requirement shall not apply to a bona fide consolidated volunteer fire company if at least one of the fire companies included in the merger or consolidation establishing the consolidated entity holds a valid and current bingo license. A consolidated entity may apply for a bingo license immediately upon it being determined and verified to be a bona fide consolidated volunteer fire company. This term shall not be interpreted to include political organizations as associations eligible for a bingo license. An association shall not be denied a bingo license because its name denotes affiliation with a political organization if in fact the association is not a political organization as evidenced by its written constitution, charter, articles of incorporation or bylaw express purpose.

* * *

"Bona fide member." Any individual who holds a full membership in the association as defined by the association's constitution, charter, articles of incorporation or bylaws. The term shall also include those individuals who are members of an auxiliary or recognized junior affiliate of the parent association.

* * *

"Consolidated entity." A bona fide consolidated volunteer fire company.

"Consolidated volunteer fire company" or "bona fide consolidated volunteer fire company." Two or more volunteer fire companies that merge or consolidate their use of facilities, equipment, firefighters and services to provide fire protection or rescue services and that may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a consolidated volunteer fire company may include voluntary ambulance and voluntary rescue services. (Def. added Dec. 22, 2017, P.L.1213, No.66)

* * *

"Licensing authority." The county treasurer, or in any home rule county or city of the first class, where there is no elected treasurer, the designee of the governing authority.

* * *

(1981, P.L.214, No.67, § 3)

Section 4. Associations permitted to conduct bingo.

Any association, for a charitable or civic purpose, when licensed pursuant to this act [the Bingo Law], may conduct the game of bingo as herein defined.

(1981, P.L.214, No.67, § 4)

Section 5. Rules for licensing and operation.

(a) Issuance and fee.--

(1) Except as provided in paragraph (2), the licensing authority shall license, upon application, any association as defined in section 3 to conduct the game of bingo at one location in the county. The license fee to be charged to each nonprofit association shall be $100 per annum except to those recognized senior citizens' groups who conduct bingo for

their members only the fee shall be $50 per annum. The license fee to be charged to each agricultural association or county fair shall be $100 per annum. Associations which conduct bingo only one period each year for not more than three consecutive days shall be charged $15 for the issuance of their license. The fees collected pursuant to this section shall be paid by the licensing authority into the general fund of the county and used for county purposes. All records retained by the licensing authority relating to the issuance of bingo licenses and bingo permits shall be public information.

(2) Notwithstanding the single location requirement of paragraph (1), if it is determined that the applicant is a bona fide consolidated volunteer fire company, the consolidated volunteer fire company is authorized to conduct the game of bingo at two locations in the county.

(b) Display.--Licenses issued pursuant to this section shall be publicly displayed at games conducted by licensees.

(c) Operation.--Each licensed association shall comply with the following restrictions and rules governing the operation of bingo:

(1) No person under the age of 18 shall be permitted to play bingo unless accompanied by an adult.

* * *

(3) Prizes awarded shall not exceed a value of $500 for any one game of bingo, except for jackpot games which shall not exceed a value of $4,000 for one such game. In addition, no more than $8,000 in prizes shall be awarded in any calendar day.

(4) Only associations licensed to conduct bingo shall be permitted to advertise their bingo games. Such advertisements shall contain the date, time, location, whether cash or merchandise prizes will be awarded and the name of the association licensed to conduct the bingo game and the name of the individual in charge of the operation of the game. An association may advertise any prize, its dollar value and any guaranteed prize dollar value.

(5) The association shall own the equipment used in playing bingo or shall sign a written agreement leasing the equipment from another licensed association for a fee which is not determined by the amount of receipts realized from the playing of bingo or the number of people attending bingo games. Joint ownership of bingo equipment shall be permitted only if both owners of the equipment are licensed associations. This paragraph shall not apply to associations contracting charitable organizations or outside operators to conduct bingo at expositions, carnivals or fairs.

(6) The association shall own both the premises upon which bingo is played and the personal property used in the conduct of the game, or if it does not, the association shall sign a written agreement leasing such premises or personal property from the owner thereof for a fee which is not determined by either the amount of receipts realized from the playing of bingo or the number of people attending bingo games. An association shall not lease such premises or personal property from any person who has been convicted of a felony or a violation of this act [the Bingo Law].

(7) Each association shall keep written records of the moneys and merchandise collected and distributed for each day they conduct bingo. These records shall indicate the total proceeds collected, the total prize money distributed, the total value of all merchandise awarded as a prize and the amount of moneys paid as rentals or wages and to whom such rentals or wages were paid. All prizes awarded having a value greater than $250 shall be specifically described in the association's records.

(8) Each association shall deposit with a financial institution all proceeds for each day's bingo game in an account in the association's name. This deposit shall be made before any of the proceeds may be used for any other purpose, except for payment of prize money and compensation to members employed in the operation of the game.

(9) Except as provided in paragraph (13), no association shall permit any person who is not a bona fide member of the association or who has been convicted of a felony or a violation of this act to manage, set up, supervise or participate in the operation of the association's bingo games. Nothing contained in this act shall be construed to prohibit individuals under 18 years of age from participating in the operation of the game and being

compensated therefor if written permission is obtained from their parent or guardian.

(10) Associations which obtain a license for the purpose of conducting bingo at an exposition, carnival or fair for a period not exceeding ten days shall be permitted to contract a charitable organization to manage, set up, supervise or participate in the operation of the bingo game provided only merchandise prizes are awarded. Except as provided in paragraph (13), only bona fide members of the contracted charitable organization shall be permitted to participate in the operation of the bingo game. If no charitable organizations are available, the association may contract an outside operator to conduct the game for merchandise at the exposition, carnival or fair site. The provisions of this paragraph shall not be construed to allow bingo games to be ordinarily carried out on a commercial basis in this Commonwealth.

* * *

(12) No supplier of merchandise nor any person who has been convicted of a felony or a violation of this act shall have a pecuniary interest in the operation or proceeds of the bingo game.

(13) An association or a charitable organization may permit a person who is not a bona fide member of the association or charitable organization and who has not been convicted of a felony or violation of this act to announce numbers during the conduct of bingo if the person is under the supervision of a bona fide member of the association or charitable organization. A person who is not a bona fide member of the association or charitable organization must be approved by the association or charitable organization prior to announcing numbers according to the association's or charitable organization's constitution, charter, articles of incorporation or bylaws.

(d) Application for license.--Each association shall apply to the licensing authority for a license on a form to be prescribed by the Secretary of the Commonwealth. Said form shall contain an affidavit to be affirmed by the executive officer or secretary of the association stating that:

(1) No person under the age of 18 will be permitted by the association to play bingo unless accompanied by an adult.

(2) The facility in which any game of bingo is to be played does have adequate means of ingress and egress and adequate sanitary facilities available in the area.

(3) The association is the sole or joint owner with a licensed association of the equipment used in playing bingo or it leases the equipment from another licensed association under a written agreement for a fee which is not determined by the amount of receipts realized from the playing of bingo or the number of people attending bingo games. This paragraph shall not apply to associations contracting with charitable organizations or outside operators to conduct bingo at expositions, carnivals or fairs.

(4) The association is the owner of both the premises upon which bingo is played and the personal property used in the conduct of the game or, if it is not, that the association is not leasing such premises or personal property from the owner thereof under an oral agreement, nor is it leasing such premises or personal property from the owner thereof under a written agreement at a rental which is determined by either the amount of receipts realized from the playing of bingo or the number of people attending bingo games, nor is it leasing such premises or personal property from a person who has been convicted of a felony or a violation of this act.

* * *

(6) The association in any calendar day will not award a total of more than $8,000 in prizes.

(7) The association is a nonprofit association as defined in this act.

(e) Limitation on compensation.--No person may be employed in the operation or the actual running of a bingo game for compensation greater than $50 per day, except employees of outside operators under section 5(c)(10), and any person compensated shall be paid individually by check or by cash, in which case the payee shall sign a written receipt therefor. In addition, no person shall receive compensation from more than one source for services rendered in the operation of a bingo game.

(f) Investigation of association.--The licensing authority may request an investigation to verify the statements made in any application for a license.
(1981, P.L.214, No.67, § 5)

Section 6. Revocation of licenses.

(a) Grounds.--The licensing authority shall revoke or refuse to renew the license of any association whenever the district attorney finds upon investigation that:

(1) Any of the funds derived from the operation of the game of bingo are used for any purpose which does not support the nonprofit purposes of the association.

(2) Any person under the age of 18 unaccompanied by an adult is playing bingo as herein defined.

(3) The facility in which any game of bingo is played does not have adequate means of ingress and egress or does not have adequate sanitary facilities available in the area.

(4) Greater compensation than is herein authorized has been paid to or received by any person, or that a person or persons other than those authorized in section 5 have been involved in managing, setting up, operating or running the game.

(5) The association conducts bingo using bingo equipment which it does not own solely or jointly with another licensed association or which it leases in violation of the statement contained in its license application provided by section 5(d)(3).

(6) The association conducts bingo upon premises which it does not own or with personal property it does not own and is either:

(i) leasing such premises or personal property used in the conduct of the game from the owner thereof under an oral agreement;

(ii) leasing such premises or personal property from the owner thereof under a written agreement at a rental which is determined by either the amount of receipts realized from the playing of bingo or the number of people attending bingo games; or

(iii) leasing such premises or personal property from a person who has been convicted of a felony or a violation of this act [the Bingo Law].

(7) False or erroneous information was provided in the original notarized application.

(8) An association has been convicted of a violation of this act as evidenced by a certified record of the conviction.

(b) Production of records.--The district attorney may require the licensees to produce their books, accounts and records relating to the conduct of bingo in order to determine whether a license should be revoked or renewal thereof denied. Licensees shall also be required to produce their license, books, accounts and records relating to the conduct of bingo to other law enforcement officials upon proper request.

(c) Possible revocation.--The licensing authority may revoke the license of any association if he finds that the association has knowingly employed any person in the operation of their bingo game who has been convicted of a violation of this act.
(1981, P.L.214, No.67, § 6)

Section 6.1. Special permits to conduct bingo for entertainment.

(a) Issuance and fee.--Upon application each year, the licensing authority may issue to community recognized nonprofit organizations a special permit to conduct bingo for entertainment purposes only. No fee shall be charged for the issuance of a special permit.

(b) Operation.--Organizations issued special permits shall not conduct bingo for the purpose of making a profit. All prizes awarded shall be of nominal value. No person who has been convicted of a felony or a violation of this act [the Bingo Law] shall be permitted to manage, set up, supervise or participate in the operation of the bingo game.

(c) Application for permit.--Each organization shall apply to the licensing authority on a form to be prescribed by the Secretary of the Commonwealth. Said form shall contain an affidavit to be affirmed by the executive officer or secretary of the organization stating that:

(1) The organization is a nonprofit community recognized organization.

(2) No person under the age of 18 will be permitted by the organization to play bingo unless accompanied by an adult.

(3) The organization is conducting bingo for entertainment purposes only and all prizes awarded will be of nominal value.

(d) Limitation on compensation.--No person shall be compensated for services rendered in the operation of bingo played for entertainment purposes pursuant to this section.
(1981, P.L.214, No.67, § 6.1)

Section 6.2. Revocation of special permits.

(a) Grounds.--The licensing authority shall revoke or refuse to renew the special permit of any organization whenever the district attorney finds upon investigation that:

(1) The organization is conducting bingo for purposes of making a profit.

(2) Any person under the age of 18 unaccompanied by an adult is playing bingo as herein defined.

(3) Compensation prohibited by this act [the Bingo Law] has been paid to or received by any person.

(4) False or erroneous information was provided in the original notarized application.

(5) The organization has been convicted of a violation of this act as evidenced by a certified record of the conviction.

(b) Possible revocation.--The licensing authority may revoke the special permit of any organization if it finds that the organization has knowingly employed any person in the operation of their bingo game who has been convicted of a violation of this act.
(1981, P.L.214, No.67, § 6.2)

Section 6.3. Service of food or drink.

It shall be unlawful to serve food or drink, with or without charge, at the location of an association's bingo game unless there has been compliance with the health laws and regulations of the Commonwealth and its political subdivisions.
(1981, P.L.214, No.67, § 6.3)

Subchapter C. Small Games of Chance

Section 101. Short title [of Local Option Small Games of Chance Act].

This act shall be known and may be cited as the Local Option Small Games of Chance Act.
(1988, P.L.1262, No.156, § 101)

Section 102. Legislative intent.

The General Assembly hereby declares that the playing of games of chance for the purpose of raising funds, by certain nonprofit associations, for the promotion of charitable or civic purposes, is in the public interest. In some cases, the proceeds from games of chance may be utilized to support certain operating expenses of certain organizations.

The General Assembly hereby declares that raising public funds from games of chance in licensed restaurants and protecting the competitiveness of these restaurants is also in the public interest.

It is hereby declared to be the policy of the General Assembly that all phases of licensing, operation and regulation of games of chance be strictly controlled, and that all laws and regulations with respect thereto as well as all gambling laws should be strictly construed and rigidly enforced.

The General Assembly recognizes the possibility of association between commercial gambling and organized crime, and wishes to prevent participation by organized crime and prevent the diversion of funds from the purposes herein authorized.
(1988, P.L.1262, No.156, § 102)

Section 103. Definitions [relating to local option small games of chance].

The following words and phrases when used in this act [the Local Option Small Games of Chance Act] shall, except as provided under section 902, have the meanings given to them in this section unless the context clearly indicates otherwise:

"50/50 drawing." A game in which:

(1) A participant buys a ticket for a chance to win a prize where the winner is determined by a random drawing of corresponding tickets sold for that drawing.

(2) The prize paid to the winner is comprised of one-half of the money collected from tickets from the drawing and the remaining money retained by the eligible organization for distribution in accordance with this act.

* * *

"Bona fide member." Any individual who holds a membership in the eligible organization as defined by that organization's constitution, charter, articles of incorporation or bylaws.

"Charitable organization." A not-for-profit group or body of persons which is created and exists for the purpose of performing a humane service; promoting the good and welfare of the aged, poor, infirm or distressed; combating juvenile delinquency; or advancing the spiritual, mental, social and physical improvement of young men and women.

"Civic and service association." Any Statewide or branch, lodge or chapter of a nonprofit national or State organization which is authorized by its written constitution, charter, articles of incorporation or bylaws to engage in a civic or service purpose within this Commonwealth, which shall have existed in this Commonwealth for one year. The term also means a similar local nonprofit organization, not affiliated with a national or State organization, which is recognized by a resolution adopted by the governing body of the municipality in which the organization conducts its principal activities. The term shall include Statewide or local bona fide sportsmen's and wildlife associations, federations or clubs, volunteer fire companies, volunteer rescue squads and volunteer ambulance associations and senior citizens organizations. In the case of bona fide senior citizens organizations, the licensing authority may accept alternative documentation for proof of purposes when there are no bylaws or articles of incorporation in existence. The term shall also include nonprofit organizations which are established to promote and encourage participation and support for extracurricular activities within the established primary and secondary public, private and parochial school systems. Such organizations must be recognized by a resolution adopted by the appropriate governing body. In the case of organizations associated with the public school system, the governing body shall be the school board of the school district. In the case of private or parochial school organizations, that body shall be either the board of trustees or the Archdiocese.

* * *

"Eligible organization." A charitable, religious, fraternal or veterans' organization, club, club licensee or civic and service association. In order to qualify as an eligible organization for purposes of this act, an organization shall have been in existence and fulfilling its purposes for one year prior to the date of application for a license. The term shall include an affiliated nonprofit organization licensed under section 307.

* * *

"Public interest purpose." One or more of the following:

* * *

(6) Activities relating to the provision of volunteer fire, ambulance or rescue services.

* * *

(1988, P.L.1262, No.156, § 103)

Section 301. Games of chance permitted.

Every eligible organization to which a license has been issued under the provisions of this chapter [Chapter 3 (relating to games of chance)] may conduct games of chance for the purpose of raising funds for public interest purposes. Except as provided in Chapter 5 [(relating to club licensees)], all proceeds of a licensed eligible organization shall be used exclusively for public interest purposes, for the purchase of games of chance or for the payment of the license fee, as required by this act. An eligible organization whose primary purpose is the promotion of a public interest may utilize the proceeds from small games of chance to fulfill that purpose.
(1988, P.L.1262, No.156, § 301)

Section 302. Prize limits.

(a) Individual prize limit.--Except as provided under subsections (d) and (d.1), the maximum prize which may be awarded for any single chance shall be $2,000.

(b) Aggregate prize limit.--No more than $35,000 in prizes shall be awarded from games of chance by a licensed eligible organization in any seven-day period.

(c) Raffle prize limit.--Up to $15,000 in prizes may be awarded in raffles in any calendar month.

(c.1) Total limit.--All prizes awarded under this section shall be subject to the aggregate prize limits under subsection (b).

(d) Exception for raffles.--Notwithstanding subsection (b) or (c), a licensed eligible organization may conduct a raffle under section 308 [(relating to special permits)] and award a prize or prizes valued in excess of $3,000 each only under the following conditions:

(1) The licensing authority has issued a special permit for the raffle under section 308.

(2) A licensed eligible organization shall be eligible to receive no more than ten special permits in any licensed term except that a volunteer fire, ambulance, rescue or conservation organization that is not a club licensee shall be eligible to receive 12 special permits in any licensed term.

(3) Only one raffle may be conducted under each special permit issued under section 308.

(4) Except as provided under subsection (d.1), the total of all prizes awarded under this subsection shall be no more than $150,000 per calendar year, which shall not be subject to the aggregate limit under subsection (b) or (c).

(d.1) Additional award.--A volunteer fire, ambulance**,** rescue or conservation organization may, in addition to the total under subsection (d)(4), award up to $100,000 from raffles which shall not be subject to the aggregate limit under subsection (b), (c) or (d).

* * *

(f) Daily drawing carryover.--The prize limitation contained in subsections (a) and (b) may be exceeded by a daily drawing under the following circumstances: a daily drawing may award a prize in excess of $2,000 if such prize is the result of a carryover of a drawing which resulted from the winning number in such drawing not being among the eligible entrants in such drawings. Nothing contained herein shall authorize the prize limitation as contained in subsections (a) and (b) to be exceeded as a result of a failure to conduct a drawing on an operating day during which chances were sold for a daily drawing or for a daily drawing for which chances were sold in excess of $1 or for which more than one chance was sold to an eligible participant. ((f) amended Nov. 27, 2013, P.L.1062, No.92)

(g) Additional exception.--When a daily drawing or weekly drawing is set up or conducted in such a manner as to pay out or award 100% of the gross revenues generated from such drawing, the limitation contained in subsection (b) shall not apply.

(h) Weekly drawing carryover exception.--Weekly drawings shall be governed by the prize limitation contained in subsection (b). The prize limitation contained in subsection (b) may be exceeded by a weekly drawing under the following circumstances: a weekly drawing may award a prize where the cash value is in excess of $35,000 if such prize is the result of a carryover of a drawing or drawings which resulted from the winning number or numbers in such drawing or drawings not being among the eligible entrants in such drawings. Nothing contained in this chapter shall authorize the prize limitation under subsection (b) to be exceeded as a result of a failure to conduct a drawing for a week during which chances were sold for a weekly drawing or for a weekly drawing for which chances were sold in excess of $1. ((h) amended Nov. 27, 2013, P.L.1062, No.92)

(i) Concurrent operation.--Nothing under this act shall prohibit the concurrent operation of daily or weekly drawings.

(1988, P.L.1262, No.156, § 302)

Section 307. Licensing of eligible organizations.

(a) License required.--The following shall apply:

(1) An eligible organization shall not conduct or operate games of chance unless the

eligible organization has obtained a valid license as follows:

(i) A regular license which must be renewed annually.

(ii) A monthly license which permits the eligible organization to conduct games of chance for a 30-consecutive-day period.

(2) An auxiliary group of a licensed eligible organization may conduct games of chance using the license issued to the eligible organization if the auxiliary group is listed on the application and license of the eligible organization. An auxiliary group shall not be eligible to obtain a license. No additional licensing fee shall be charged for an auxiliary group. If the eligible organization is a club licensee, the games of chance conducted by the auxiliary group must be held on the club's licensed premises.

(b) Issuance.--The licensing authority shall issue a license within 30 days of the submission of an application by an eligible organization that meets the requirements under this chapter.

(b.1) Fee.--The license fee to be charged to each eligible organization for a regular license shall be $125. The license fee to be charged for a monthly license shall be $25. A regular license must be renewed annually. The fee shall be used by the licensing authority to administer this act.

(b.2) Location.--An eligible organization that holds a license under subsection (a) and that is not a club licensee may conduct small games of chance in the county where the license is issued at a premises which is the operating site of the eligible organization or at a premises or other location not prohibited by local ordinance, and for which the treasurer has been notified. The following shall apply:

(1) No more than three licensees, including the licensee that owns or leases the premises, may conduct small games of chance simultaneously at a premises or location.

(2) A licensee shall ensure that the conduct of small games of chance by different organizations are separate and clearly identified within a premises or location.

(3) A licensee that is not a club licensee may conduct games of chance simultaneously with the conduct of games of chance by a club licensee on not more than three occasions covering a total of seven days during the year.

(4) The following shall apply:

(i) Notwithstanding paragraph (1), if a club licensee is unable to conduct games of chance at the location listed on its application and license due to natural disaster, fire or other circumstance that renders the location unusable, the club licensee may submit a written request to the district attorney to conduct games of chance in a different location, including the licensed premises of another eligible organization.

(ii) A request under subparagraph (i) must include the change in the location and the dates and times the games of chance will be operated at the alternative location.

(iii) The district attorney shall approve or deny the request and shall establish a limit on the duration of the authorization to conduct games of chance at the alternative location. Following the expiration of the authorization period, the club licensee must return to the location specified in its application and license or apply to the licensing authority for a new permanent location. The district attorney may stipulate additional requirements as a condition of approval.

(iv) If a club licensee permits another club licensee to use its licensed premises under this paragraph to conduct games of chance, the host club licensee must cease its operation of games of chance during the time the club licensee utilizing its premises is conducting its games of chance.

* * *

(b.4) Gambling facility prohibited.--It shall be unlawful for a person, corporation, association, partnership or other business entity to offer for rent or offer for use a building or facility to be used exclusively for the conduct of games of chance. It shall also be unlawful for any eligible organization to lease under any terms a building or facility which is used exclusively for the conduct of games of chance.

(c) Display.--Licenses issued pursuant to this section shall be publicly displayed at the site where games of chance are conducted.

(d) Operation.--Each licensed eligible organization shall be prohibited from the following:

(1) Permitting any person under 18 years of age to operate or play games of chance.

(2) Permitting any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act to manage, set up, supervise or participate in the operation of games of chance.

(3) Paying any compensation to any person for conducting any games of chance. Games of chance may only be conducted by managers, officers, directors, bar personnel and bona fide members of the eligible organization. This paragraph shall not apply to the sale of a raffle or raffle auction ticket.

(4) Conducting games of chance on any premises other than on the licensed premises or as otherwise provided by this chapter.

(5) Leasing the licensed premises under either an oral or a written agreement for a rental which is determined by either the amount of receipts realized from the playing of games of chance or the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal. An eligible organization shall not lease such premises from any person who has been convicted of a violation of this act or the Bingo Law within the past ten years.

(6) Purchasing games of chance, other than raffles, 50/50 drawings, daily drawings and weekly drawings, from any person other than a registered manufacturer or licensed distributor approved by the department.

(d.1) Bank account and records.--An eligible organization with proceeds of games of chance that exceed $40,000 per year shall maintain a bank account, which shall be separate from all other funds belonging to the licensed eligible organization. Account records shall show all expenditures and income and shall be retained by the licensed eligible organization for at least two years.

(e) Application for license.--Each eligible organization shall apply to the licensing authority for a license on a form to be prescribed by the Secretary of Revenue. For a club license, the application and each renewal application shall include the most recent annual report filed by the club licensee under Chapter 5 [(relating to club licensees)]. The form shall contain an affidavit to be affirmed by the executive officer or secretary of the eligible organization stating that:

(1) No person under 18 years of age will be permitted by the eligible organization to operate or play games of chance.

(2) The facility in which the games of chance are to be played has adequate means of ingress and egress and adequate sanitary facilities available in the area.

(3) The eligible organization is not leasing such premises from the owner thereof under an oral agreement, nor is it leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance or by the number of people attending, except that an eligible organization may lease a facility for a banquet where a per head charge is applied in connection with the serving of a meal.

(e.1) Proceedings.--Proceedings before the licensing authority are subject to 2 Pa.C.S. Chs. 5 Subch. B (relating to practice and procedure of local agencies) and 7 Subch. B (relating to judicial review of local agency action).

(f) List of licensees.--The licensing authority, on a semiannual basis, shall send a copy of all licensees to the department.

(g) List of municipalities.--The licensing authority shall include with any license or renewal license issued to an eligible organization, an up-to-date listing of those municipalities within the licensing county which have approved the referendum question on small games of chance.

* * *

(1988, P.L.1262, No.156, § 307)

Section 501. Club licensee.

(a) Report.--

(1) Beginning in 2014, a club licensee with proceeds in excess of $20,000 in a calendar year shall submit annual reports to the department for the preceding 12-month period on a form and in a manner prescribed by the department.

(2) The report under paragraph (1) must be filed under oath or affirmation of an authorized officer of the club licensee and shall include all of the following information:

(i) The proceeds received by the club licensee from each game of chance conducted, itemized by week.

(ii) The amount of prizes paid from all games of chance, itemized by week.

(iii) Other costs incurred related to the conduct of games of chance.

(iv) Verification and itemization of amounts distributed for public interest.

(v) (Deleted by amendment)

(vi) (Deleted by amendment)

(vii) Other information or documentation required by the department.

(b) Distribution.--The department shall provide a copy of the report to the Bureau of Liquor Control Enforcement.

(c) Posting.--The reports under subsection (a) shall be published on the department's Internet website.

(1988, P.L.1262, No.156, § 501)

Section 502. Distribution of proceeds.

(a) Distribution.--The proceeds from games of chance received by a club licensee shall be distributed as follows:

(1) No less than 60% of the proceeds shall be paid for public interest purposes within one year of the end of the calendar year in which the proceeds were obtained.

(2) No more than 40% of the proceeds obtained in a calendar year may be retained by a club licensee.

(a.1) Amounts retained.--

(1) Notwithstanding subsection (a), if in a calendar year beginning January 1, 2013, the proceeds from a game of chance for a club licensee are $40,000 or less, the licensee shall be eligible to retain the first $20,000 in proceeds in the following calendar year before subsection (a) applies.

(2) Amounts retained by a club licensee under subsection (a)(2) shall be expended within one year of the end of the calendar year in which the proceeds were obtained unless the club licensee notifies the department that funds are being retained for a substantial public interest purchase or project.

(b) Prohibition.--

(1) Proceeds shall not be used for the payment of any fine levied against the club licensee.

(2) An officer or employee of a club licensee who operates the game of chance shall not participate in the game. This paragraph shall not apply to a raffle.

(1988, P.L.1262, No.156, § 502)

Section 503. Records.

A club licensee shall maintain records as required by this act or by the department, including invoices for games of chance purchased. Records necessary to enforce this act or to conduct random audits shall be made available to the Bureau of Liquor Control Enforcement, the department [of Revenue] or any other entity authorized to enforce or conduct audits under this act.

(1988, P.L.1262, No.156, § 503)

Section 505. Weekly drawings.

A club licensee shall maintain records relating to the printing or purchase of materials to be used for weekly drawings. Records shall include a receipt or invoice from the place of purchase that shows the cost and number or amount of materials purchased.
(1988, P.L.1262, No.156, § 505)

Section 505.1. Affiliated clubs.

(a) Applicability.--This section shall apply to a club licensee that meets any of the following:

(1) Is affiliated with a veterans organization or volunteer fire company.

(2) Uses the name of a veterans organization or volunteer fire company or holds itself out as being affiliated or directly associated with a veterans organization or volunteer fire company.

(3) Has a licensed premises that is connected to the premises of a veterans organization or volunteer fire company.

(b) Proceeds.--A club licensee under subsection (a) may provide funds from proceeds under section 502(a)(1) to a veterans organization or volunteer fire company or an organization affiliated with a veterans organization or volunteer fire company that conducts activities that include public interest activities.
(1988, P.L.1262, No.156, § 505.1)

Section 506. Applicability.

This chapter [Chapter 5 (relating to club licensees)] shall only apply to eligible organizations that have a club license.
(1988, P.L.1262, No.156, § 506)

Section 701. Revocation of licenses.

(a) Grounds.--The following shall be grounds for suspension, revocation or nonrenewal of a license:

(1) Any of the proceeds derived from the operation of games of chance by an eligible organization are used for any purpose other than for:

(i) public interest purposes;

(ii) the purchase of games of chance; or

(iii) a purpose permitted by Chapter 5 [(relating to club licensees)].

(1.1) Any of the funds derived from the operation of games of chance by a club licensee are used in a manner that does not comply with section 502.

(2) Any person under 18 years of age is operating or playing games of chance.

(3) The eligible organization has permitted any person who has been convicted of a felony in a Federal or State court within the past five years or has been convicted in a Federal or State court within the past ten years of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act, to manage, set up, supervise or participate in the operation of games of chance.

(4) The facility in which the games of chance are played does not have adequate means of ingress and egress and does not have adequate sanitary facilities available in the area.

(5) Any person or persons other than a manager, officer, director, bar personnel or a bona fide member of an eligible organization have been involved in managing, setting up, operating or running games of chance. This paragraph shall not apply to the sale of a raffle or raffle auction ticket.

(6) Any person has received compensation for conducting games of chance.

(7) Any prize has been awarded in excess of the limits permitted under this act.

(8) The eligible organization has violated any condition of a special permit issued pursuant to section 308.

(9) The eligible organization conducts the games of chance under a lease which calls for:

(i) leasing such premises from the owner thereof under an oral agreement; or

(ii) leasing such premises from the owner thereof under a written agreement at a rental which is determined by the amount of receipts realized from the playing of games of chance.

(10) False or erroneous information was provided in the original application or in any information provided to the licensing authority or the department in any report.

(11) An eligible organization has been convicted of a violation of this act as evidenced by a certified record of the conviction.

(12) The eligible organization has permitted another eligible organization to conduct games of chance on its licensed premises without suspending its own operation of games of chance during the period that the other licensed eligible organization is conducting its games on the premises.

(13) A club licensee has failed to file an accurate report under section 501(a).

(14) A club licensee has failed to comply with section 502.

(15) Failure to file reports under section 501.

(b) Production of records.--The district attorney may require licensees to produce their books, accounts and records relating to the conduct of games of chance in order to determine if a violation of this act has occurred. Licensees shall also be required, upon request, to provide their license, books, accounts and records relating to the conduct of games of chance to the licensing authority, the Bureau of Liquor Control Enforcement or to a law enforcement agency or official. A club licensee shall retain records for a period of five years.
(1988, P.L.1262, No.156, § 701)

Section 703. Local option.

* * *

(d) Applicability.--This act applies only to those eligible organizations located in municipalities which have adopted the provisions of this act by an affirmative vote in a municipal referendum in accordance with the provisions of this section.

(e) Withdrawal of approval.--The referendum procedure contained in this section shall also be available to withdraw the approval of the issuance of such licenses within such municipality which was granted through a prior referendum.

(f) Special exception.--Notwithstanding any other provision of this act to the contrary, in any municipality except a city of the first class where an election was held pursuant to this section on May 16, 1989, and a majority of the electors voted "NO" on the question, the municipality shall be able to resubmit the question, in accordance with the procedures set forth in this section, at the general election immediately following July 11, 1990.
(1988, P.L.1262, No.156, § 703)

Section 704. Advertising.

It shall be unlawful for any eligible organization or person to advertise the prizes or their dollar value to be awarded in games of chance, provided that prizes may be identified on raffle tickets. Notwithstanding the prohibition of advertising contained within this section, an eligible organization may advertise prizes and values thereof in periodic publications which are limited in their circulation to members of the eligible organization.
(1988, P.L.1262, No.156, § 704)

Section 705. Certain persons prohibited.

No licensed distributor nor any person who has been convicted of a felony or of a violation of the act of July 10, 1981 (P.L.214, No.67), known as the Bingo Law, or of this act [the Local Option Small Games of Chance Act] or of any comparable State or Federal law shall have a pecuniary interest in the operation or in proceeds.
(1988, P.L.1262, No.156, § 705)

Section 706. Civil penalties.

(a) Penalty.--An eligible organization, other than a club licensee, that violates the

provisions of this act shall be subject to the following civil penalties:

(1) For an initial violation, up to $500.

(2) For a second violation, up to $1,000.

(3) For a third or subsequent violation, up to $1,500.

(b) Club licensee.--A club licensee that violates the provisions of this act shall be subject to the following civil penalties:

(1) For an initial violation, up to $800.

(2) For a second violation, up to $1,000.

(3) For a third or subsequent violation, up to $2,000.

(c) Records.--The intentional or willful failure of a club licensee to provide accurate records shall result in a license suspension of a minimum of six months.

(1988, P.L.1262, No.156, § 706)

Section 707. Criminal penalties.

(a) Eligible organizations and club licensees.--Any eligible organization violating the provisions of this act shall be guilty of a summary offense and, upon conviction thereof, shall be sentenced to pay a fine not exceeding $1,000 for a first offense and $1,500 for a subsequent offense. In addition:

(1) For a first offense, the eligible organization shall forfeit the license to conduct games of chance issued to the eligible organization for a period of not more than 30 days.

(2) For a second offense, the eligible organization shall forfeit its license for a period of not less than 30 days nor more than 180 days.

(3) For a third or subsequent offense within three years of the first offense, the eligible organization shall forfeit its license and be ineligible for a license renewal for 30 months thereafter.

(b) Individuals.--Any person who conducts or assists in the conducting of games of chance in violation of the provisions of this act is guilty of a summary offense for a first violation. A second violation of this act shall be punishable as a misdemeanor of the third degree. A third or subsequent violation shall be punishable as a misdemeanor of the first degree.

(c) Distributors and manufacturers.--Any person who distributes games of chance without a license or in violation of any provision of this act or applicable regulations, and any manufacturer of games of chance who delivers games of chance for sale or distribution in this Commonwealth who fails to register and obtain a permit therefor is guilty of a misdemeanor of the first degree, provided that no license or permit shall be required for the manufacture or distribution of raffle tickets.

(d) Rigging.--A person commits a misdemeanor of the first degree if, with intent to prevent a game of chance from being conducted in accordance with the requirements of this act or the rules and usages governing the game of chance, he:

(1) confers or offers or agrees to confer any benefit upon or threatens any injury to a participant or other person associated with the game of chance;

(2) tampers with any person or game of chance; or

(3) solicits, accepts or agrees to accept any benefit.

(e) Contingent fees.--Any person who distributes, manufactures or operates a small game of chance and who requires, for equipment furnished or to play a game of chance, payment equal to a percentage of the total winnings of any game of chance commits a misdemeanor of the first degree.

(1988, P.L.1262, No.156, § 707)

Section 3. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Public interest purpose." One or more of the following:

(1) The activities and operations of a nonprofit organization that provides a benevolent, charitable, religious, educational, philanthropic, humane, scientific, patriotic,

social welfare, social advocacy, public health, public safety, emergency response, environmental, historic or civic objective.

* * *

(6) Activities relating to the provision of volunteer fire, ambulance or rescue services.

* * *

(2019, P.L.366, No.56, § 3)

Section 4. Athletic event drawing.

* * *

(e) Distribution.--The prize amount of an athletic event drawing shall be 50% of the total amount collected from the sale of athletic event drawing tickets. Except as provided under subsection (f), the other 50% of the total amount collected from the sale of athletic event drawing tickets shall be donated within seven days from the date of the drawing by the affiliated nonprofit organization conducting the athletic event drawing to one or more designated charitable organizations for which the drawing was conducted and shall be used exclusively for public interest purposes.

* * *

(h) Eligibility.--

* * *

(3) An institution of higher education that is qualified for an exemption under section 501(c)(3) of the Internal Revenue Code of 1986 and meets the eligibility requirements under paragraph (1)(i) may conduct an athletic event drawing as the affiliated nonprofit organization and may receive the proceeds therefrom as the designated charitable organization at any home game or charitable event of any of its own collegiate athletic teams provided that the proceeds are used exclusively for public interest purposes or for purposes permitted under subsection (f).

(4) Notwithstanding paragraph (1)(ii), an institution of higher education that is qualified for an exemption under section 115 of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 115) and meets the eligibility requirements under paragraph (1)(i) may conduct an athletic event drawing as the affiliated nonprofit organization and may receive the proceeds therefrom as the designated charitable organization at any home game or charitable event of any of its own collegiate athletic teams, provided that the proceeds are used exclusively for public interest purposes or for purposes permitted under subsection (f).

* * *

(2019, P.L.366, No.56, § 4)

Chapter 2. Municipalities Generally

Subchapter A. Personnel

Section 1. [Regulations governing paid operators of fire apparatus] The appointment, promotion and reduction in rank, suspension and removal of paid operators of fire apparatus in boroughs, incorporated towns and townships of the first class, shall be regulated by this act [the act of June 1, 1945, P.L.1232, No.427] only in boroughs, incorporated towns and townships of the first class having two paid operators of fire apparatus, if a civil service commission created under the act, approved the fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws, eighty-four), has been appointed; or in boroughs, incorporated towns and townships of the first class having three or more paid operators of fire apparatus, if no civil service commission under the act, approved the fifth day of June, one thousand nine hundred forty-one (Pamphlet Laws, eighty-four), has been appointed.
(1945, P.L.1232, No.427, § 1)

Compiler's Note: The two section 1's in Act 1945-427 are errors in numbering.

Section 1. [Appointments] (a) Appointments, etc., As Operators of Fire Apparatus in Boroughs, Incorporated Towns and Townships of the First Class.--Hereafter each and every appointment as a fire apparatus operator in every borough, incorporated town and township of the first class (hereinafter referred to as a municipality), shall be made only according to qualifications and fitness to be ascertained by examination, which shall be competitive as hereinafter provided.

No person shall hereinafter be suspended, removed or reduced in rank as a paid operator of fire apparatus of any municipality, except in accordance with the provisions of this act [the act of June 1, 1945, P.L.1232, No.427].
(1945, P.L.1232, No.427, § 1)

Compiler's Note: The two section 1's in Act 1945-427 are errors in numbering.

Section 11. General Provisions Relating to Examinations.--(a) Each commission shall make rules and regulations to be approved, as provided in section six hereof, providing for the examinations of applicants for positions as fire apparatus operators and for promotion thereof, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and passing grades. All examinations for promotions, or positions as fire apparatus operators of any municipality, shall be practical in character and shall relate to such matters, and include such inquiries as will test the merit and fitness of the persons examined to discharge the duties of the employment sought by them.

All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination shall:

(1) be subject to the regulations adopted by the commission;

(2) either before or after the written examination, be required to submit to a physical fitness or agility examination that is job related and consistent with business necessity; and

(3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section nineteen of this act [the act of June 1, 1945, P.L.1232, No.427].

(b) Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication, once in a newspaper of general circulation in the municipality, or in a newspaper circulating generally in the municipality at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

(c) The commission shall post in its office the eligibility list containing the names and grades of those who have passed the examination for a position.
(1945, P.L.1232, No.427, § 11)

Section 13. Rejection of Applicant; Hearing.--(a) The commission may refuse to examine any applicant, or if examined, may refuse to certify, after examination, any person who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically unfit for the performance of the duties of the position to which he seeks employment, or who is illegally using a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802), or who has been guilty of any crime involving moral turpitude, or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose policies or activities are subversive to the form of government set forth in the Constitutions and laws of the United States and Pennsylvania.

(b) If any applicant or person is aggrieved by refusal of the commission to examine or certify the applicant, or to certify him as eligible after examination, the commission shall, at the request of the applicant, within ten days, appoint a time and place for a public hearing, with or without counsel, at which time the commission shall take testimony and review its refusal to provide examination or certification. The decision of the commission shall be final.
(1945, P.L.1232, No.427, § 13)

Section 14. Eligibility List and Manner of Filling Appointments.--(a) At the completion of the testing process, including any background, physical agility or other examinations, with the exception of physical and psychological medical examinations pursuant to section nineteen of this act [the act of June 1, 1945, P.L.1232, No.427], the commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list shall be valid for one year from the date the commission ranks all passing applicants, assigns veterans' preference points and formally adopts the eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire at the end of the original one-year period.

(b) Every position or employment, unless filled by promotion, reinstatement or reduction, shall be filled only in the following manner:

The appointing officer or body of the municipality shall notify the commission of any vacancy as a fire apparatus operator which is to be filled and shall request the certification of an eligibility list. The commission shall certify the names of the three persons on the eligibility list who have received the highest average in the last preceding examination for each vacancy. The appointing officer or body shall make a conditional appointment from the three names certified, based solely on the merits and fitness of the candidates, unless the appointing officer or body makes an objection to the commission regarding one or more of the persons on the eligibility list for any reason provided under section thirteen of this act. Should an objection be sustained by the commission, as provided in section thirteen of this act, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in section nineteen of this act, the commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list. As each subsequent vacancy occurs in the same or another position precisely the same procedure shall be followed.

(1945, P.L.1232, No.427, § 14)

Section 16. Probationary Period.--All original appointments to positions as fire apparatus operators shall be for a probationary period of six months, but during the probationary period an appointee may be dismissed only for a cause specified in section thirteen of this act [the act of June 1, 1945, P.L.1232, No.427] or because of incapacity for duty due to the use of alcohol or drugs. If at the close of the probationary period the conduct or fitness of the probationer has not been satisfactory to the appointing body or officer, the probationer shall be notified in writing that he will not receive a permanent appointment, and the appointment shall cease. If the probationer is not notified or dismissed in accordance with this section, his retention shall be equivalent to a permanent appointment.

(1945, P.L.1232, No.427, § 16)

Section 17. Provisional Appointments.--Whenever there are urgent reasons for the filling of a vacancy in any position, and there are no names on the eligible list for such appointment, the appointing officer or body may nominate to the commission for noncompetitive examination, and if such nominees shall be certified by the commission as qualified after such noncompetitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made, after competitive examination, in the manner prescribed in this act [the act of June 1, 1945, P.L.1232, No.427]. No such provisional appointment shall continue for a period longer than three months, nor shall a successive provisional appointment be made to the same position. It shall thereafter be the duty of the commission to hold a competitive examination and certify the names of a list of eligibles and a regular appointment shall then be made from the names or name submitted by the

commission: Provided, however, That nothing herein contained shall prevent the temporary appointment without examination of persons as fire apparatus operators in emergency cases.
(1945, P.L.1232, No.427, § 17)

Section 18. Promotions.--Promotions shall be based on merits to be ascertained by examination to be prescribed by the commission. All questions relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion. The appointing officer or body shall notify the commission of a vacancy in the police force which is to be filled by promotion and shall request the certification of an eligibility list. The commission shall certify for each existing vacancy the names of the three persons on the eligibility list who have received the highest average score in the last preceding promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The appointing officer or body shall make an appointment from the names certified based solely on the merits and fitness of the candidate unless the appointing officer or body makes objections to the commission regarding any of the persons on the eligibility list for any reason provided under section thirteen of this act [the act of June 1, 1945, P.L.1232, No.427].

The appointing body or officer shall have power to determine whether an increase in salary shall constitute a promotion.
(1945, P.L.1232, No.427, § 18)

Section 19. Physical and Psychological Medical Examinations.--(a) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

(b) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(c) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the appointing officer or body shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all of the essential functions of the position.

(d) If, at the conclusion of the interactive discussion under subsection (c), the appointing officer or body determines that the conditional appointee is not qualified, the appointing officer or body shall give written notice to the conditional appointee and the commission.

(e) Nothing in this act [the act of June 1, 1945, P.L.1232, No.427] shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) As used in this section, the following definitions shall apply:

"Medical examination" shall mean an examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

"Physician" shall have the meaning given to it in 1 Pa.C.S. § 1991 (relating to definitions).

"Qualified medical professional" shall mean an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

(1) as a physician assistant pursuant to the act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985," or the act of October 5, 1978 (P.L.1109, No.261),

known as the "Osteopathic Medical Practice Act"; or

(2) as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

(1945, P.L.1232, No.427, § 19)

Section 20. Removals.--No person employed as a fire apparatus operator of any political subdivision shall be suspended, removed or reduced in rank except for the following reasons: (a) physical or mental disability affecting his ability to keep in service, in which cases the person shall receive an honorable discharge from service; (b) neglect or violation of any official duty; (c) violation of any law of this Commonwealth, which provided that such a violation constitutes a felony; (d) inefficiency, neglect, intemperance, disobedience of orders or conduct unbecoming a public servant; (e) intoxication while on duty; (f) participation in the conducting of any political or election campaign otherwise than to exercise his own right of suffrage. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed.

If for reasons of economy or other reasons it shall be deemed necessary by any municipality to reduce the number of paid employes of fire apparatus operators, then such political subdivision shall apply the following procedure: (a) if there are any employes eligible for retirement under the terms of any retirement or pension law, then such reduction in number shall be made if the party to be retired exceeds the maximum age as defined in the act of October 27, 1955 (P.L.744, No.222), known as the "Pennsylvania Human Relations Act"; (b) if the number of paid employes is insufficient to effect the necessary reduction, or if there are no persons eligible for retirement, or if no retirement or pension fund exists, then the reduction shall be effected by furloughing the man or men including probationers last appointed as fire apparatus operators. Such furloughing shall be effected by furloughing in numerical order from the last man appointed until such reduction shall have been accomplished.

In the event the said fire apparatus operators shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the service.

(1945, P.L.1232, No.427, § 20)

Section 24. Penalty.--Any councilman or township commissioner, who by his vote, causes to be appointed any person as a fire apparatus operator of any municipality contrary to the provisions of this act [the act of June 1, 1945, P.L.1232, No.427], or any councilman, township commissioner or members of the commission, who wilfully refuses to comply with, or conform to the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof shall be sentenced to pay a fine not exceeding one hundred dollars ($100), or suffer imprisonment not exceeding three (3) months, or both.

(1945, P.L.1232, No.427, § 24)

Section 25. Military Service.--If any operator of fire apparatus be called, or enter the armed service of this country, he shall be reinstated upon his return.

In the event that a retirement, or pension act or system is in effect, the time spent in the armed service shall count towards said retirement or pension.

(1945, P.L.1232, No.427, § 25)

Section 27. Repeal and Construction.--Except as provided in section one of the act, approved the twenty-first day of May, one thousand nine hundred forty-three (Pamphlet Laws, four hundred ninety-two), providing for the relaxation of civil service requirements during the war emergency and six months thereafter, all other acts and parts of acts inconsistent with this act are hereby repealed.

It is the purpose of this act [the act of June 1, 1945, P.L.1232, No.427] to furnish a complete and exclusive system for the appointment, promotion, reduction, or suspension or removal of operators of fire apparatus in every borough, incorporated town and township of the first class within the Commonwealth which maintains fire apparatus.

(1945, P.L.1232, No.427, § 27)

Section 28. Fire Apparatus Operators Defined.--"Fire apparatus operators" as used in this act [the act of June 1, 1945, P.L.1232, No.427] shall mean any person who operates fire apparatus and devotes his normal working hours to operating any piece of fire apparatus, or other services directly connected with fire protection work and who are paid a stated salary or compensation for such work, directly or indirectly, by the municipality.
(1945, P.L.1232, No.427, § 28)

§ 2314. Distribution of [Unconventional Gas Well] fee.

* * *

(g) Use of funds.--A county or municipality receiving funds under subsection (d) shall use the funds received only for the following purposes associated with natural gas production from unconventional gas wells within the county or municipality:

* * *

(3) Emergency preparedness and public safety, including law enforcement and fire services, hazardous material response, 911, equipment acquisition and other services.

* * *

(58 Pa.C.S. § 2314)

Subchapter B. Municipal Retirement

Section 102. Definitions [relating to Pennsylvania municipal retirement].--As used in this act [the Pennsylvania Municipal Retirement Law]:

* * *

"Compensation" means remuneration actually received for services rendered as a municipal employee, municipal fire fighter or municipal police officer, excluding reimbursement for expenses incidental to employment. The following apply:

(1) Compensation shall be adjusted as appropriate to comply with the terms of any contract entered into between the board and the applicable municipality under Article IV.

(2) For members who are enrolled in a plan that has adopted the provisions of section 414(h) of the Internal Revenue Code (26 U.S.C. § 414(h)), the term includes a contribution designated as a pickup contribution.

(3) Notwithstanding any provision of this act to the contrary, a member's compensation shall not exceed the limitations under section 401(a)(17) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)), as adjusted in accordance with section 401(a)(17)(B) of the Internal Revenue Code (26 U.S.C. § 401(a)(17)(B)).

(i) The adjustment in effect for a calendar year applies to a period:

(A) which begins in the calender year;

(B) which does not exceed twelve months; and

(C) over which compensation is determined.

(ii) If a determination period consists of fewer than twelve months, the compensation limit shall be multiplied by a fraction:

(A) the numerator of which is the number of months in the determination period; and

(B) the denominator of which is twelve.

* * *

"Fund" means the Pennsylvania Municipal Retirement Fund created by this act.

* * *

"Member" means an individual that is:

(1) a municipal officer, employe, fireman or policeman; or

(2) an employe of a municipal government association who is an active member, inactive member, annuitant, disability annuitant or vested member.

* * *

"Municipal fireman" means a person holding a full-time position in the fire department of a municipality and who works for a stated salary or compensation.

* * *

"New member" means a municipal officer, employe, fireman or policeman, or an employe of a municipal government association who first becomes a member after the date the municipality by which he is employed joined the retirement system created by this act.

"Original member" means a municipal officer, employe, fireman or policeman, or an employe of a municipal government association who was employed by the municipality at the date the municipality joined the system.

* * *

"Prior service" means all service as a municipal employe, municipal fireman or municipal policeman completed at the time the municipality by which he is or was employed elected to join the system or the same municipality under a prior name or classification, unless the municipality has elected to limit the period of such service for municipal employes enrolled in a plan under Article II or Article IV of this act.

* * *

(1974, P.L.34, No.15, § 102)

Section 203. Existing Local Retirement Systems and Compulsory and Optional Membership.--Where a municipality elects to join the system established by this act [the Pennsylvania Municipal Retirement Law], and is then maintaining a retirement or pension system or systems covering its employes in whole or in part, those employes so covered, and employes thereafter eligible to join such pension system, shall not become members of the retirement system established by this act, unless at the time the municipality elects to join the system, the members of each such existing retirement or pension system shall, by the affirmative vote of seventy-five per cent of all the members of each pension system, elect to be covered by the retirement system established by this act. At any time thereafter, within a period of three years after the municipality has elected to join the system, but not thereafter, the members of an existing retirement or pension system may, in like manner, elect to join the system established by this act. In any such case, provisions may be made for the transfer of moneys and securities in its retirement or pension fund or funds, in whole or in part, to the fund established by this act. Securities so transferred shall be only those acceptable to the board. Securities not so acceptable shall be converted into cash, and said cash transferred to the fund created by this act. In any such transfer, provision shall be made to credit the accumulated deductions of each member, at least the amount he has paid into the retirement or pension system of the municipality, which moneys shall be credited against the prior service contributions of such member, or a municipality may turn over to the retirement system created by this act any existing local pension system on a completely funded basis, as to pensioners and pension credits of members related to prior service to the date of transfer, or on a partially funded basis if the municipality pays annually into the retirement system amounts sufficient to completely liquidate the municipality's liability for prior service within a period not to exceed thirty years.

No liability, on account of retirement allowances or pensions being paid from any retirement or pension fund of the municipality, shall attach against the fund, except as provided in the agreement, making a transfer of an existing system in accordance with this section. The liability to continue payment of pensions not so transferred shall attach against the municipality, which shall annually make appropriations from its tax revenues sufficient to pay the same. In cases where workers covered by an existing retirement or pension system elect to join the system created by this act, the election to join shall be deemed to have been made at the time the municipality elected to join the system, and the liabilities of the municipality shall be fixed accordingly.

If a municipality elects to join the system under the provisions of this Article II, then each officer other than elected officers, and each municipal employe employed on a full-time basis, except one who is not eligible for Federal Social Security coverage and except one who is covered by an existing retirement or pension system and is exempted as outlined above, shall be required to become a member of the system. Each municipality shall determine whether membership in said system for elected officials and employes hired on a temporary, seasonal

or part-time basis shall be compulsory, optional or prohibited. Where membership may be optional with an elected officer or an employe hired on a temporary, seasonal or part-time basis, an election to join the system must be made within one year after the municipality elected to join the system or within one year after the officer or temporary, seasonal or part-time employe first entered the service of the municipality. Officers and employes paid only on a fee basis shall not be eligible to join the system.

When a municipality has established a policy of placing new employes on a probationary status it may elect to refrain from enrolling such employes into the system for a period of up to one year from the date the probationary employe first entered the service of the municipality. In such cases service credits shall not be earned by the employe for probationary time served prior to enrollment.

Notwithstanding any other provision herein, the board may, in its discretion, entertain a request from a municipality to join the system established by this act for those employes who are excluded from local pension plan coverage by virtue of the collective bargaining process or otherwise. The request to join the system must be accompanied by an affirmative vote of no less than three-fourths of those employes not covered by the local pension plan. The benefits to be established may be in accordance with the provisions of this article or any other relevant pension law covering that class of municipality. The other requirements of this section for joining this system shall be observed.

(1974, P.L.34, No.15, § 203)

Section 306. Determination of Municipal Liability.--* * *

The payments made by the State Treasurer to the treasurer of the municipality from moneys received from taxes paid upon premiums by foreign fire insurance companies for purposes of pension, retirement or disability benefits for municipal firemen shall be used as follows: (i) to reduce the unfunded liability or, after such liability has been funded, (ii) to apply against the annual obligation of the municipality for future service and disability reserve costs. It shall be the duty of the governing body to apply such payments in accordance with the provisions of this act [the Pennsylvania Municipal Retirement Law].

The payments made by the State Treasurer to the treasurer of the municipality from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension, retirement or disability benefits for municipal policemen shall be used as follows: (i) to reduce the unfunded liability or, after such liability has been funded, (ii) to apply against the annual obligation of the municipality for future service and disability reserve costs. It shall be the duty of the governing body to apply such payments in accordance with the provisions of this act.

* * *

(1974, P.L.34, No.15, § 306)

Section 402. Existing Local Retirement Systems and Compulsory and Optional Membership.--Where a municipality elects to join the [Pennsylvania Municipal Retirement] system established by this act [the Pennsylvania Municipal Retirement Law], and is then maintaining a retirement or pension system or systems covering its employes in whole or in part, those employes so covered, and employes thereafter eligible to join such pension system, shall not become members of the retirement system established by this act, unless at the time the municipality elects to join the system, the members of each such existing retirement or pension system shall, by the affirmative vote of seventy-five per cent of all the members of each pension system, elect to be covered by the retirement system established by this act. At any time thereafter, within a period of three years after the municipality has elected to join the system, but not thereafter, the members of an existing retirement or pension system may, in like manner, elect to join the system established by this act. In any such case, provisions may be made for the transfer of moneys and securities in its retirement or pension fund or funds, in whole or in part, to the fund established by this act. Securities so transferred shall be only those acceptable to the board. Securities not so acceptable shall be converted into cash, and said cash transferred to the fund created by this act. In any such transfer, provision shall be made to

credit the accumulated deductions of each member, at least the amount he has paid into the retirement or pension system of the municipality, which moneys shall be credited against the prior service contributions of such member, or a municipality may turn over to the retirement system created by this act any existing local pension system on a completely funded basis, as to pensioners and pension credits of members related to prior service to the date of transfer, or on a partially funded basis if the municipality pays annually into the retirement system amounts sufficient to completely liquidate the municipality's liability for prior service within a period not to exceed thirty years.

No liability, on account of retirement allowances or pensions being paid from any retirement or pension fund of the municipality, shall attach against the fund, except as provided in the agreement, making a transfer of an existing system in accordance with this section. The liability to continue payment of pensions not so transferred shall attach against the municipality, which shall annually make appropriations from its tax revenues sufficient to pay the same. In cases where workers covered by an existing retirement or pension system elect to join the system created by this act, the election to join shall be deemed to have been made at the time the municipality elected to join the system, and the liabilities of the municipality shall be fixed accordingly.

If a municipality elects to join the system under the provisions of this Article IV, it shall first negotiate a contract with the board, acceptable to both the municipality and the board, which shall set forth all the specific details of municipal and member contribution rates and benefits. The municipality shall then pass an ordinance or resolution electing to join the system, and confirming the terms of the contract by reference thereto. Separate contracts and separate resolutions shall be executed for each class of employes, namely municipal employes, municipal firemen and municipal police in those cases where the municipality elects to bring more than one class of its employes into the system.

When a municipality elects to enroll its municipal employes into the system, then each officer other than elected officers, and each municipal employe thereof, employed on a full-time basis, shall be required to become a member of the system. Each municipality shall determine whether membership in said system for elected officials and employes hired on a temporary, seasonal or part-time basis shall be compulsory, optional or prohibited. Where membership may be optional with an elected officer or an employe hired on a temporary, seasonal or part-time basis, an election to join the system must be made within one year after the municipality elected to join the system or within one year after the officer or temporary, seasonal or part-time employe first entered the service of the municipality. Officers and employes paid only on a fee basis shall not be eligible to join the system.

When a municipality elects to enroll its municipal firemen or its municipal police into the system, then each municipal fireman or each municipal policeman, as defined in section 102 of this act, shall be required to become a member of the system.

When a municipality has established a policy of placing new employes on a probationary status it may elect to refrain from enrolling such employes into the system for a period of up to one year from the date the probationary employe first entered the service of the municipality. In such cases service credits shall not be earned by the employe for probationary time served prior to enrollment. Notwithstanding any other provision herein, the board may, in its discretion, entertain a request from a municipality to join the system established by this act for those employes who are excluded from local pension plan coverage by virtue of the collective bargaining process or otherwise. The request to join the system must be accompanied by an affirmative vote of no less than three-fourths of those employes not covered by the local pension plan. The benefits to be established may be in accordance with the provisions of this article or any other relevant pension law covering that class of municipality. The other requirements of this section for joining this system shall be observed.
(1974, P.L.34, No.15, § 402)

Section 404. Determination of Municipal Liability.--The [Pennsylvania Municipal Retirement] board shall, as soon as may be, determine the present value of the liability of each municipality for any prior service credits it has elected to extend to its original members, and

shall establish an amount payable annually over a period not exceeding thirty years, through which payments such prior service liability may be funded. Each municipality shall have the option to spread the payment of such prior service liability over such period of years.

The municipal liability shall be based upon credit for those years of prior service toward the municipal annuity of each original member, for which the municipality has agreed to pay, plus any liability for payment of the member's contributions for the prior service or any portion thereof of each original member which the municipality has agreed to pay.

The board shall also determine, from time to time, the amount which shall be contributed annually by each municipality for service credits of original and new members subsequent to the time the municipality joined the [Pennsylvania Municipal Retirement] system, and the additional amount which shall be contributed annually by each municipality toward a reserve account for disability allowance payable to original and new members, in order that all future service liability may be fully funded on an actuarial basis.

The amounts so determined by the board may be expressed in a percentage of the payroll of the municipality covering its contributing members.

The payments made by the State Treasurer to the treasurer of the municipality from moneys received from taxes paid upon premiums by foreign fire insurance companies for purposes of pension, retirement or disability benefits for municipal firemen shall be used as follows: (i) to reduce the unfunded liability or, after such liability has been funded, (ii) to apply against the annual obligation of the municipality for future service and disability reserve costs, and (iii) to reduce member contributions. It shall be the duty of the governing body to apply such payments in accordance with the provisions of this act.

The payments made by the State Treasurer to the treasurer of the municipality from the moneys received from taxes paid upon premiums by foreign casualty insurance companies for purposes of pension, retirement or disability benefits for municipal policemen shall be used as follows: (i) to reduce the unfunded liability or, after such liability has been funded, (ii) to apply against the annual obligation of the municipality for future service and disability reserve costs, and (iii) to reduce member contributions. It shall be the duty of the governing body to apply such payments in accordance with the provisions of this act.

The cost of making the valuations required by this section and in the transfer of any existing pension system of any municipality, shall be part of the costs of administration of this act.

(1974, P.L.34, No.15, § 404)

Subchapter C. Municipal Pension Plan Funding Standard and Recovery

Section 102. Definitions [relating to municipal pension plan funding standard and recovery].

Except as provided in Chapter 7 [(relating to foreign fire insurance tax distribution)], the following words and phrases when used in this act [the Municipal Pension Plan Funding Standard and Recovery Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Firefighter." A municipal employee who holds a position or an office in the fire department of the municipality and has retirement coverage provided by the firefighters pension plan.

* * *

(1984, P.L.1005, No.205, § 102)

Section 402. Revision of financing from State revenue sources; General Municipal Pension System State Aid Program.

(a) Establishment of program.--There is hereby established a General Municipal Pension System State Aid Program. Notwithstanding any applicable provision of the act of June 28, 1895 (P.L.408, No.289), referred to as the Foreign Fire Insurance Premium Tax Allocation Law, the act of May 12, 1943 (P.L.259, No.120), referred to as the Foreign Casualty Insurance Premium Tax Allocation Law, or the act of March 4, 1971 (P.L.6, No.2), known as the Tax

Reform Code of 1971, to the contrary, the provisions of this section and sections 607 and 706 shall govern with respect to the insurance premium taxes on foreign fire insurance companies and foreign casualty insurance companies for allocation pursuant to the General Municipal Pension System State Aid Program.

* * *

(d) Eligible recipients of general municipal pension system State aid.--Any county of the second class which, prior to the effective date of this chapter [Chapter 4 (relating to revisions applicable to municipal pension fund financing)], received allocations for its police pension fund pursuant to the act of May 12, 1943 (P.L.259, No.120), or any city, borough, incorporated town or township or any home rule municipality formerly classified as a city, borough, incorporated town or township which employs one or more full-time municipal employees and provides pension coverage for that employee or those employees by a pension plan which was established and maintained on the effective date of this act [the Municipal Pension Plan Funding Standard and Recovery Act] or which was established subsequent to the effective date of this act and has been maintained for at least three plan years, shall be entitled to receive general municipal pension system State aid.

(e) Allocation of general municipal pension system State aid.--

* * *

(2) The applicable number of units shall be attributable to each active employee who was employed on a full-time basis for a minimum of six consecutive months prior to December 31 preceding the date of certification and who was participating in a pension plan maintained by that municipality, provided that the municipality maintains a generally applicable pension plan for that type of employee which was either established on or prior to December 31, 1984, or, if established after December 31, 1984, has been maintained by that municipality for at least three plan years. For the purpose of computing and reporting the applicable number of units, a DROP participant shall not be reported to the Auditor General as an active employee. The applicable number of units per employee attributable to each eligible recipient county of the second class shall be two units for each police officer. The applicable number of units attributable to each eligible recipient city, borough, incorporated town and township shall be as follows:

(i) Police officer - two units.

(ii) Firefighter - two units.

(iii) Employee other than police officer or firefighter - one unit.

* * *

(4) For the period ending with the distribution made during calendar year 1995, each eligible municipality shall be entitled to receive as general municipal pension system State aid the greater of the following amounts:

(i) The adjusted amount of general municipal pension system State aid per unit multiplied by the number of units certified by that municipality and an additional amount necessary for the total to equal the lesser of the total amount of any foreign casualty insurance premium tax allocation and any foreign fire insurance premium tax allocation attributable to paid firefighters which the municipality was entitled to receive during the regular allocation occurring in calendar year 1982, or the aggregate actual financial requirement of any police or paid fire pension plans maintained by the municipality less the amount of aggregate annual member or employee contributions during the plan year as reported in the most recent complete actuarial report filed with the commission.

* * *

(6) The revised amount of general municipal pension system State aid per unit shall be determined by the following procedure:

* * *

(iii) The number of units attributable to the municipalities which are entitled to receive an aid amount calculated pursuant to paragraph (4)(i) or (5)(i), whichever is applicable, the number of units attributable to the municipalities or municipality to which the limitation provided in subsection (f)(1) applies and the number of units

attributable to the municipalities included in the potential distribution pursuant to paragraph (7) shall be totaled.

* * *

(f) Maximum general municipal pension system State aid amount.--

(1) No municipality shall be entitled to receive an allocation of general municipal pension system State aid in an amount greater than 25% of the total amount of the general municipal pension system State aid available.

(2) No municipality shall be entitled to receive an allocation of general municipal pension system State aid in an amount which exceeds the aggregate actual financial requirements of any municipal pension plans for police officers, paid firefighters or employees other than police officers or paid firefighters maintained by that municipality, less the amount of any aggregate annual member or employee contributions during the next succeeding plan year, as reported in the most recent complete actuarial report filed with the commission.

(3) In the case of any municipal pension plan which is not a defined benefit plan in whole or in part and for which no provision of law, municipal ordinance or municipal resolution requires a particular annual contribution on the part of the municipality of a specific identifiable per employee dollar or percentage amount which is or will be applicable for a period longer than 12 calendar months, the aggregate financial requirement of the plan shall be equal to the average normal cost requirement for all police and paid firefighters pension plans of the same class of municipality if the municipal pension plan is either a police or a paid firefighters pension plan or for all pension plans for employees other than police officers and paid firefighters of the same class of municipality if the municipal pension plan is other than a police or a paid firefighters pension plan. The average normal cost requirement shall be determined by the commission, expressed as a percentage of payroll and applied to the covered payroll applicable to the municipal pension plan.

* * *

(h) Certification of employees by eligible recipient municipalities.--Each eligible recipient county of the second class shall certify annually to the Auditor General the number of police officers and each other eligible recipient municipality shall certify annually to the Auditor General the number of police officers, firefighters and municipal employees other than police officers and firefighters who meet the qualification requirements specified in subsection (e)(2), and whatever additional information the Auditor General requires to verify the number of units attributable to the municipality. No unit or units shall be attributable to any municipal employee who is not certified to the Auditor General in a timely manner.

* * *

(1984, P.L.1005, No.205, § 402)

Section 701. Short title [of Foreign Fire Insurance Tax Distribution Law].

This chapter [Chapter 7 (relating to foreign fire insurance tax distribution)] shall be known and may be cited as the Foreign Fire Insurance Tax Distribution Law.

(1984, P.L.1005, No.205, § 701)

Section 702. Definitions [relating to foreign fire insurance tax distribution].

The following words and phrases when used in this chapter [Chapter 7 (relating to foreign fire insurance tax distribution)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fund." The net amount received by the Commonwealth from the tax on gross premiums paid by foreign fire insurance companies pursuant to section 902 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

"Governing body." The council of a city, borough or incorporated town, the commissioners of a township of the first class, the supervisors of a township of the second class or any similar body in home rule charter municipalities.

"Municipality." Any city, borough, incorporated town, township or other similar unit of

government created pursuant to the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law, and the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act.

"Treasurer." The elected or appointed treasurer in any city, borough, incorporated town, township or other similar officer in home rule charter municipalities.
(1984, P.L.1005, No.205, § 702)

Section 703. Payment by State Treasurer to municipalities.

Moneys in the fund shall be paid by the State Treasurer to the treasurer of each municipality in the Commonwealth in accordance with sections 704 and 705.
(1984, P.L.1005, No.205, § 703)

Section 704. Distribution formula.

Except as provided in section 705, the amount to be paid to each municipality shall be determined as follows:

(1) fifty percent of the fund shall be distributed based on the population of each municipality in proportion to the population of the entire Commonwealth, based upon the latest national population census as reported by the United States Bureau of Census; and

(2) fifty percent of the fund shall be distributed based on the market value of real estate of each municipality in proportion to the market value of real estate for the entire Commonwealth, based upon the most recent statistics from the State Tax Equalization Board.

(1984, P.L.1005, No.205, § 704)

Section 705. Conditions on first five payments.

For the first five years of [foreign fire insurance tax] distributions pursuant to this chapter [Chapter 7 (relating to foreign fire insurance tax distribution)], payments shall, notwithstanding the formula contained in section 704, be subject to the following conditions:

(1) No municipality shall receive less than an amount equal to the average of the distribution which it received in 1981, 1982 and 1983.

(2) Municipalities entitled under section 704 to an amount larger than the average referred to in paragraph (1) shall receive the former amount, reduced by such uniform percentage as is necessary to avoid any deficit in the fund.

(3) Notwithstanding any other provisions of this section, if tax revenues in any year are insufficient to fund all municipalities in at least the amount referred to in paragraph (1), then payments to all municipalities shall be reduced by such uniform percentage as is necessary to avoid any deficit in the fund.

(1984, P.L.1005, No.205, § 705)

Section 706. Use of foreign fire insurance tax moneys.

(a) Certification of service to municipalities by paid and volunteer firefighters.--

(1) Each municipality served solely by paid firefighters shall annually certify that fact to the Auditor General in order to determine the ultimate distribution of the foreign fire insurance premium tax amount applicable to that municipality pursuant to subsection (b)(1).

(2) Each municipality served solely by volunteer firefighters shall annually certify that fact to the Auditor General in order to determine the distribution of the foreign fire insurance premium tax pursuant to subsection (b)(2).

(3) Each municipality served by both paid firefighters and volunteer firefighters shall annually certify to the Auditor General the proportion of the actual fire protection service in the municipality provided by the paid firefighters and the proportion of the actual fire protection service in the municipality provided by the volunteer firefighters in order to determine the distribution of the foreign fire insurance premium tax pursuant to subsection (b)(3).

(4) The certification to the Auditor General shall be by an action initiated or ratified

by the governing body of the municipality and shall be in a form prescribed by the Auditor General.

(b) Distribution of foreign fire insurance tax moneys.--

(1) The foreign fire insurance premium tax amount applicable to a municipality served solely by paid firefighters shall be allocated no later than September 30 to the General Municipal Pension System State Aid Program established pursuant to Chapter 4 for ultimate distribution pursuant to section 402.

(2) The foreign fire insurance premium tax amount applicable to a municipality served solely by volunteer firefighters shall be paid to the municipality, which shall within 60 days of the date of the receipt of the moneys from the State Treasurer pay the amount received to the relief association fund of the fire department or departments, or fire company or companies, now existing or hereafter organized, inside or outside of the municipality, which is or are actively engaged in the service of the municipality and duly recognized by the governing body of the municipality.

(3) The foreign fire insurance premium tax amount applicable to a municipality served by both paid firefighters and volunteer firefighters shall be divided into the portion applicable to paid firefighters and the portion applicable to volunteer firefighters. The division of the amount shall be based on the proportion of the actual fire protection service in the municipality provided by each type of firefighter as certified by the municipality, except that in no event shall the portion applicable to paid firefighters be less than the smaller of the amount of foreign fire insurance premium tax applicable to the municipality or $1,100 per paid firefighter. The ultimate distribution of the portion applicable to paid firefighters shall be governed by paragraph (1). The distribution of the portion applicable to volunteer firefighters shall be governed by paragraph (2).

(1984, P.L.1005, No.205, § 706)

Subchapter D. Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment

Section 101. Short title [of Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act].

This act shall be known and may be cited as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act.

(1988, P.L.1192, No.147, § 101)

Section 102. Definitions [relating to special ad hoc municipal police and firefighter postretirement adjustment].

The following words and phrases when used in this act [the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Active employment." The situation of an individual, other than an independent contractor, who performs for compensation regular services for a municipality and who is regularly entered on the payroll of the municipality.

"Chief administrative officer." The person who has the primary responsibility for the execution of the administrative or management affairs of a municipal retirement system or the designee of that person.

"Firefighter." A municipal employee who holds a full-time position in the firefighting service of a municipality and has retirement coverage provided by a retirement system.

"Municipality." A borough, city, county of the second class, incorporated town or township, however constituted, whether operating under a legislative charter; a municipal code; an optional charter adopted under the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law; a home rule charter or an optional plan adopted under the act of April 13, 1972 (P.L.184, No.62), known as the Home Rule Charter and Optional Plans Law; or other arrangement; or an association of these municipalities cooperating under the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law.

"Police officer." A municipal employee who holds a full-time position in the police service of a municipality and has retirement coverage provided by a retirement system.

"Postretirement adjustment." An increase in or change in the amount of a retirement annuity, retirement benefit, service pension or disability pension benefit granted or effective after active employment ceases.

"Public employee retirement system." An entity, whether a separate entity or part of a governmental entity, that collects retirement and other employee benefit contributions from government employees and employers; holds and manages the resulting assets as reserves for present and future retirement annuity, retirement benefit, service pension, or disability pension benefit payments; and makes provision for these payments to qualified retirees and beneficiaries.

"Retirement benefit." The amount paid on a regular basis to a retired or disabled police officer or firefighter by a municipal retirement system established for police officers or firefighters.

"Retirement system." A public employee retirement system.

* * *

"Special ad hoc municipal police and firefighter postretirement adjustment," "special ad hoc adjustment" or "special ad hoc postretirement adjustment." An increase in the amount of a retirement benefit as provided for under this act.

"Years of service." The number of whole years of active, full-time employment as a police officer or firefighter credited under the retirement system.

"Years on retirement." The number of whole years that a police officer or firefighter has been retired as of January 1, 2001.

(1988, P.L.1192, No.147, § 102)

Section 301. Entitlement to 1989 special ad hoc adjustment.

A municipal retirement system shall pay a retired police officer or firefighter a special ad hoc municipal police and firefighter postretirement adjustment under this chapter [Chapter 3 (relating to special ad hoc municipal police and firefighter postretirement adjustment)] if all of the following apply:

(1) The retiree has terminated active employment with the municipality as a police officer or firefighter.

(2) The retiree is receiving a retirement annuity, retirement benefit, service pension or disability pension benefit from a municipal retirement system on the basis of active employment with a municipality as a police officer or firefighter.

(3) The retiree began receiving the retirement annuity, retirement benefit, service pension or disability pension benefit before January 1, 1985.

(1988, P.L.1192, No.147, § 301)

Section 302. Amount of 1989 special ad hoc adjustment.

(a) General rule.--Except as provided in subsection (b), a municipal retirement system shall pay a retired police officer or firefighter a special ad hoc municipal police and firefighter postretirement adjustment under section 301, as follows:

(1) The sum of $25 a month, if on January 1, 1989, the retiree has been retired at least five years but less than ten years.

(2) The sum of $50 a month, if on January 1, 1989, the retiree is totally disabled and has been retired less than ten years.

(3) The sum of $75 a month, if on January 1, 1989, the retiree has been retired at least ten years but less than 20 years.

(4) The sum of $150 a month, if on January 1, 1989, the retiree has been retired at least 20 years.

(b) Limitation.--If, under section 301, a retiree is entitled to be paid a special ad hoc municipal police and firefighter postretirement adjustment by more than one municipal retirement system, the amount of the special ad hoc adjustment under subsection (a) shall be reduced so that the total of all these adjustments paid to the retiree does not exceed the

amount specified in subsection (a).

* * *

(d) Construction.-- Subsection (b) shall not be construed to reduce the amount of any retirement benefit payable to a retiree immediately prior to February 12, 1989.
(1988, P.L.1192, No.147, § 302)

Section 303. Payment of 1989 special ad hoc adjustment.

The special ad hoc adjustment is effective on the date of the first payment of the retiree's retirement annuity, retirement benefit, service pension or disability pension benefit due after December 31, 1988. The municipal retirement system shall pay this as soon as practicable after that and shall include in the first payment any omitted amount payable between the effective date of the adjustment and the date of the first payment.
(1988, P.L.1192, No.147, § 303)

Section 401. Entitlement to 2002 special ad hoc postretirement adjustment.

A municipal retirement system shall pay a retired police officer or firefighter a special ad hoc postretirement adjustment under this chapter [Chapter 4 (relating to 2002 special ad hoc municipal police and firefighter postretirement adjustment)] if all of the following apply:

(1) The retiree has terminated active employment with the municipality as a police officer or firefighter.

(2) The retiree is receiving a retirement benefit from a municipal retirement system on the basis of active employment with the municipality as a police officer or firefighter.

(3) The retiree began receiving the retirement benefit before January 1, 1996.
(1988, P.L.1192, No.147, § 401)

Section 402. Amount of 2002 special ad hoc postretirement adjustment.

(a) General rule.--Except as provided in subsections (b) and (c), a municipal retirement system shall pay a retired police officer or firefighter a monthly special ad hoc postretirement adjustment under section 401 that shall be calculated as follows:

(1) The base adjustment shall be determined by multiplying 15¢ by the years of service and then multiplying that product by the years on retirement.

(2) The longevity factor shall be determined as the sum of the products calculated by multiplying 0.025 by the years on retirement and 0.05 by the years on retirement in excess of 25, if any.

(3) The longevity adjustment shall be determined by multiplying the base adjustment calculated under paragraph (1) by the longevity factor calculated under paragraph (2).

(4) The special ad hoc postretirement adjustment payable under section 401 shall be the sum of the base adjustment calculated under paragraph (1) and the longevity adjustment calculated under paragraph (3).

(b) Limitation.--If, under section 401, a retiree is entitled to be paid a special ad hoc postretirement adjustment by more than one municipal retirement system, the amount of the special ad hoc postretirement adjustment under subsection (a) shall be reduced so that the total of all these adjustments paid to the retiree does not exceed the amount specified in subsection (a).

(c) Modification in amount of 2002 special ad hoc postretirement adjustment.--The amount of the special ad hoc postretirement adjustment calculated under subsection (a) shall be reduced annually by 65% of the total amount of any postretirement adjustments provided to the retiree under the municipal retirement plan after December 31, 1988, and before January 1, 2002, and paid in the immediately preceding year.
(1988, P.L.1192, No.147, § 402)

Section 701. Special account created.

There is hereby created in the Municipal Pension Aid Fund a Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Account. This account shall be established as soon as practicable following the effective date of this act [the Special Ad Hoc Municipal Police

and Firefighter Postretirement Adjustment Act].
(1988, P.L.1192, No.147, § 701)

Section 702. Deposits into special account.

Notwithstanding any applicable provision of the act of May 12, 1943 (P.L.259, No.120), referred to as the Foreign Casualty Insurance Premium Tax Allocation Law, or any applicable provisions of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, or the provisions of sections 402(b) and 803(c) of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, beginning on January 1, 1990, prior to the deposit of the proceeds of the insurance premium tax on foreign casualty insurance premiums into the General Municipal Pension System State Aid Program revenue account, an amount sufficient to provide for the Commonwealth's reimbursement payments and reimbursable amounts to municipalities for special ad hoc adjustments under this act [the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act] shall be deposited in the separate account created under section 701.
(1988, P.L.1192, No.147, § 702)

Section 901. Municipal retirement system certification of adjustments paid and of reimbursable amounts.

* * *

(b) Certification form.--

(1) Not later than February 1 of the year in which the form is due, the Auditor General shall send the retirement system the proper form on which to make the certification under subsection (a)(1).

(2) Not later than February 1 of each year, the Auditor General shall send each municipality maintaining a retirement system for police officers or firefighters a notice of the filing requirement for the certification of the reimbursable amount under section 502.1(a), which shall include a detailed description of the formula for determining the reimbursable amount and the proper form on which to make the certifications under subsection (a)(2).

(1988, P.L.1192, No.147, § 901)

Section 904. Administration by Auditor General.

The Auditor General shall administer the special ad hoc municipal police and firefighter postretirement adjustment reimbursement payments. Under the act of July 31, 1968 (P.L.769, No.240), referred to as the Commonwealth Documents Law, and 2 Pa.C.S. (relating to administrative law and procedure), the Auditor General shall promulgate regulations necessary for the efficient administration of these reimbursement payments and shall specify the form and content of any forms applicable to the reimbursement payments. The Auditor General, as deemed necessary, shall make an audit in accordance with generally accepted governmental auditing standards of every municipality that receives a reimbursement payment under this act and of every municipal retirement system that pays a special ad hoc adjustment under this act.
(1988, P.L.1192, No.147, § 904)

Section 1101. Limitation of prior act.

To the extent that a special ad hoc municipal police postretirement adjustment granted by the Commonwealth causes the calculation of total benefits to be paid to a member of a police force receiving retirement benefit to exceed the limitations contained in the act of May 29, 1956 (1955 P.L.1804, No.600), referred to as the Municipal Police Pension Law, the police pension fund may exceed the limitations therein provided to pay the adjustment to the retired or disabled member.
(1988, P.L.1192, No.147, § 1101)

Subchapter E. Volunteer Firefighters

§ 7401. Scope of chapter [35 Pa.C.S. Ch. 74 (relating to volunteer firefighters)].

This chapter relates to volunteer firefighters.
(35 Pa.C.S. § 7401)

§ 7403. Insurance and compensation.

A city, borough or township may expend out of the public funds of the municipality an amount necessary to secure insurance or compensation for volunteer firemen killed or injured while going to, returning from or attending fires in the municipality or territory adjacent thereto.
(35 Pa.C.S. § 7403)

§ 7411. Scope of subchapter [35 Pa.C.S. Ch. 74 Subch. B (relating to relief association)].

This subchapter relates to relief associations.
(35 Pa.C.S. § 7411)

§ 7412. Definitions [relating to relief association].

The following words and phrases when used in this subchapter [35 Pa.C.S. Ch. 74 Subch. B (relating to relief association)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fire service." The service of organized groups of individuals, not only in training for and in active duty in the protection of the public against fire, but also in the training for and the performance of such other activities as are commonly undertaken by fire companies and their affiliated organizations, including, but not limited to, fire prevention, first aid, rescue and salvage, ambulance service, fire police work, radio communications, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and participation in public celebrations, parades, demonstrations and fundraising campaigns.

"Volunteer firefighter." A person who is a member of:

(1) a fire company organized and existing under the laws of this Commonwealth;

(2) a fire police unit, rescue squad, ambulance corps or other like organization affiliated with one or more fire companies; or

(3) a fire company or affiliated organization which participates in the fire service but does not look to that service as his or her primary means of livelihood.

A person does not lose status as a volunteer firefighter solely because he or she may also be a paid firefighter, so long as the person is acting within the scope of his or her responsibilities as a member of a volunteer fire company at the pertinent time and not within the scope of his or her responsibilities as a paid firefighter.

"Volunteer firefighters' relief association." An organization formed primarily to afford financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more fire companies and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.
(35 Pa.C.S. § 7412)

§ 7413. Statement of purpose.

The purpose of this subchapter [35 Pa.C.S. Ch. 74 Subch. B (relating to relief association)] is to encourage individuals to take part in the fire service as volunteer firefighters by establishing criteria and standards for orderly administration and conduct of affairs of firefighters' relief associations to ensure, as far as circumstances will reasonably permit, that funds shall be available for the protection of volunteer firefighters and their heirs in order to provide:

(1) Financial assistance to volunteer firefighters who may suffer injury or misfortune by reason of their participation in the fire service.

(2) Financial assistance to the widow, children and other dependents of volunteer firefighters who lose their lives as a result of their participation in the fire service.

(3) For payment, either by insurance or by operation of a beneficial fund, of a sum certain to designated beneficiaries of a participating member following the death of a member for any cause and to establish criteria which members must meet in order to qualify as participants in a death benefit fund.

(4) Safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the fire service.

(5) Financial assistance to volunteer firefighters who, after having actively participated in the fire service for a specified minimum term, are no longer physically able to continue participation and are in need of financial assistance.

(6) Funds to aid rehabilitation of volunteer firefighters who have suffered an impairment of their physical capacity to continue to perform their normal occupations.

(7) Sufficient funds to ensure the efficient and economic handling of the business of firefighters' relief associations in accomplishing the objectives of this section.

(35 Pa.C.S. § 7413)

§ 7414. Construction [of 35 Pa.C.S. Ch. 74 Subch. B (relating to relief association)].

This subchapter shall be:

(1) Construed, applied and interpreted, so far as circumstances permit, as justifying the actions of the officers and members of volunteer firefighters' relief associations affected by it, when the actions appear to have been taken in good faith and in a bona fide belief that they were in furtherance of the purposes of this subchapter.

(2) Strictly construed and applied against persons responsible:

(i) for actions taken in willful disregard of the purposes of this subchapter or with reckless indifference to those purposes; and

(ii) if an action which has been called into question results, has resulted or was likely to result in an unmerited personal benefit to one or more of the persons responsible for taking that action.

(35 Pa.C.S. § 7414)

§ 7415. Structure [of relief association].

(a) General rule.--A volunteer firefighters' relief association may be a body corporate, governed by a charter and bylaws or an unincorporated association of individuals governed by bylaws and a constitution. In either case, it must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

(b) Constitution or charter.--The constitution or charter shall:

(1) State the name, purposes and form of the organization.

(2) Designate the class or classes of persons eligible for membership and procedures to be followed in making amendments.

(c) Bylaws.--The bylaws shall:

(1) Specify the requirements for securing membership, voting rights of different classes of members, if there be different classes, and conditions under which membership may be terminated.

(2) State the notice requirements and procedure to be followed in calling meetings, as well as quorum requirements for regular and special meetings of the membership and for regular and special meetings of the body which governs the operations of the association between membership meetings, and shall designate that body, whether it be a board of directors, trustees or any similar body such as an executive committee. Unless otherwise provided for in the bylaws, powers and duties of officers, directors and trustees shall be those which normally pertain to such positions in nonprofit corporations.

(3) Require that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

(4) Require that the disbursing officer, whether designated treasurer, comptroller, financial secretary or otherwise, shall be bonded by corporate surety for faithful

performance of duty. The amount of the bond shall be at least as great as the maximum cash balance in current funds of the association at any time during the fiscal year, and the premium on the bond shall be a proper charge against funds of the association.

(5) State the procedure to be followed in nominating and electing officers, trustees, directors and members of the executive committee, according to the provisions which have been made for establishment of those positions.

(6) Establish procedures for the approval and payment of expenditures, investment of funds and sale of investments.

(7) Set out the procedure to be followed in amending bylaws.

(8) Specify notice required with respect to proposed bylaw amendments, including the time, place and date when the proposed amendments shall be considered.

(9) Be faithfully preserved, along with amendments thereto and the effective date of the amendments, in permanent form.

(10) Contain such other provisions as may, to the membership, seem appropriate or necessary to the orderly conduct of affairs of the association.

(d) Standing procedures.--In addition to adopting bylaws, an association may adopt standing procedures, which shall be such matters as the membership may regard to be of a routine nature. Standing procedures may be adopted, modified or repealed by motion and majority vote but shall not be inconsistent with the bylaws, and they shall be recorded as an appendix to the bylaws.

(e) Charitable corporation.--A volunteer firefighters' relief association organized or conducted in accordance with the requirements of this section shall be regarded as a charitable corporation for all purposes, including the right to establish exemption from the operation of certain taxes.

(35 Pa.C.S. § 7415)

§ 7416. Funds.

(a) General rule.--A volunteer firefighters' relief association may solicit and receive gifts and contributions from any source, including municipal corporations, but shall not have the right to receive any portion of the money distributed to political subdivisions of this Commonwealth under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, unless and until the governing body of at least one political subdivision shall have certified to the Auditor General that the association is a bona fide volunteer firefighters' relief association, affiliated with a fire company which affords protection against fire to all or a portion of the political subdivision.

(b) Deposit.--Funds of a volunteer firefighters' relief association may be deposited in any bank, trust company or other banking establishment accredited by the Commonwealth or insured by the Government of the United States.

(c) Investments.--All or any part of the funds of a volunteer firefighters' relief association may be invested:

(1) In any form of investment named in 20 Pa.C.S. Ch. 73 (relating to municipalities investments). First mortgages insuring repayment of loans by relief associations shall provide for a minimum interest payment of 3% and not exceed 80% of the appraised value of real property covered by the mortgage.

(2) In any obligation of a political subdivision, having the power to levy or collect taxes.

(3) In any obligation of an incorporated fire company, provided that the obligation is:

(i) Secured by assets of the company having capital value equal to at least 150% of the amount of the obligation at the time it is made.

(ii) Subject to provisions which amortize the loan at a rate ensuring that the depreciated value of the assets pledged shall continue to be at least 150% of the balance due.

(d) Limitation.--No investment shall be acquired, encumbered or sold except pursuant to resolution duly enacted by the governing body of the association.

(e) Income from investments.--Income from investments may be invested or spent in the

same way as any other income.

(f) Use.--Funds of any volunteer firefighters' relief association may be spent:

(1) To pay for such normal and reasonable running expenses as may be appropriate to the businesslike conduct of the affairs of the association, including legal fees, rental or purchase of offices, payment of reasonable compensation of employees and purchase of office equipment and supplies.

(2) To purchase contracts of insurance which, at a minimum, shall afford financial assistance to active members of the fire service represented by the association against losses due to injury suffered in the fire service and may also provide, in the order named:

(i) for payments to the surviving spouse or other dependents of a member in the event of the member's death;

(ii) for protection of active firefighters against disease;

(iii) for replacement or purchase of prosthetic devices such as visual aids, hearing aids, dentures, braces, crutches and the like, where those devices have been lost or damaged while the owner was engaged in the fire service or where the need for those devices arose because of functional impairment attributable to participation in the fire service;

(iv) for repair or replacement, if necessary, of articles of clothing or pocket pagers damaged or lost in the course of participation in the fire service; and

(v) for disability incurred after service for a minimum of 20 years as a volunteer firefighter.

(3) To maintain a beneficiary or death benefit fund and to pay a sum certain from that fund to the beneficiary of a participant in that fund upon death. If a beneficiary is not designated or a designated one has predeceased the participant, the sum certain shall be paid to the estate of the participant.

(4) To pay in full or in part for damage or loss in any of the categories mentioned in paragraph (2) in a specific case where:

(i) no policy of insurance is in force covering the risk; or

(ii) the amount payable under insurance policies in force is inadequate to cover the loss.

(5) To pay the cost of procuring and forwarding tokens of sympathy and goodwill to a volunteer firefighter who may be ill or hospitalized as a result of participation in the fire service or who may die or who may be seriously ill for any reason.

(6) To make cash payments to families in distressed circumstances by reason of age, infirmity or other disability suffered by one of the family members in the course of participation in the fire service as a volunteer firefighter.

(7) To acquire and to maintain membership in any Statewide association or corporation which extends advice and assistance to firefighters' relief associations and to pay to a duly elected delegate the reasonable expenses of travel and maintenance for attending a meeting of the Statewide association or corporation. If two or more fire companies share a firefighters' relief association, each fire company may send a duly elected delegate to represent his individual company and each delegate may have his reasonable expenses of travel and maintenance paid for with relief funds.

(8) To contribute to or to purchase contracts of insurance which will contribute to the cost of rehabilitating and retraining volunteer firefighters who, by reason of their participation in the fire service, have suffered a major impairment of the ability to continue their vocation.

(9) To pay for medical and surgical bills arising from injuries sustained by volunteer firefighters while engaged in activities of a fire company to the extent that the bills are not covered by insurance provided by the relief association.

(10) To pay reasonable expenses actually and necessarily incurred for attending bona fide firefighters' training schools.

(11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service.

(12) To secure insurance against legal liability of volunteer firefighters for loss and

expense from claims arising out of performance of official and authorized duties while going to, returning from or attending fires or performing their duties as special fire police.

(13) To maintain comprehensive health, physical fitness and physical monitoring programs that provide for physical fitness activities, nutrition education and instruction and health and fitness evaluation and monitoring, provided that the programs have been approved by the nearest State-licensed health care facility which is authorized to provide that service.

(14) To purchase exercise and fitness equipment for use by volunteer firefighters, except that expenditures for exercise and fitness equipment shall not exceed $2,000 in any two-year period.

(15) To purchase fire hoses and nozzles.

(16) To purchase fire prevention materials for public distribution.

(17) To pay reasonable expenses actually and necessarily incurred for attending bona fide emergency medical technician or paramedic training schools.

(35 Pa.C.S. § 7416)

§ 7417. Cooperation agreements.

Two or more volunteer firefighters' relief associations may jointly cooperate to enter into agreements to make expenditures that are authorized under this subchapter [35 Pa.C.S. Ch. 74 Subch. B (relating to relief association)]. A joint cooperation agreement may be enforced by and against a volunteer firefighters' relief association.

(35 Pa.C.S. § 7417)

§ 7418. Audits.

(a) General rule.--The Office of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association receiving money under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter [35 Pa.C.S. Ch. 74 Subch. B (relating to relief association)]. Copies of all audits shall be furnished to the Governor.

(b) Findings.--If the Auditor General finds that any money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by this subchapter, the Auditor General shall immediately notify the Governor and shall decline to approve further requisitions calling for payment to the volunteer firefighters' relief association until the improperly expended amount has been reimbursed to the relief association fund.

(35 Pa.C.S. § 7418)

§ 7419. Dissolution [of volunteer fire company].

(a) Withdrawal.--If the voters elect to replace a volunteer fire company with a full-paid fire department or company and the volunteer company which has been replaced ceases to render fire service to any community, the volunteer company shall withdraw from the volunteer firefighters' relief association which had extended protection to its membership.

(b) Continuation.--Notwithstanding withdrawal of a company under subsection (a), the volunteer firefighters' relief association shall continue granting financial assistance to its remaining members and their families in death, sickness and distress suffered through the unfortunate elements of life.

(c) New members prohibited.--A volunteer firefighters' relief association continuing under subsection (b) shall not receive any new members.

(d) Application.--When the membership of a relief association functioning under subsection (b) diminishes to five members, the association shall apply to the local common pleas court for dissolution.

(e) Determination.--Upon receipt of an application under subsection (d), the court shall direct that:

(1) all bills, including the costs of dissolution, be paid; and

(2) the balance of funds in the treasury of the volunteer firefighters' relief association subject to dissolution be paid to the pension fund of the paid fire department created as set forth in subsection (a).

(35 Pa.C.S. § 7419)

§ 79A01. Scope of chapter [35 Pa.C.S. Ch. 79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)].

This chapter relates to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies.

(35 Pa.C.S. § 79A01)

§ 79A02. Purpose [of 35 Pa.C.S. Ch. 79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)].

The purpose of this chapter is to authorize municipalities to enact a tax credit against an active volunteer's tax liability as a financial incentive to:

(1) Acknowledge the value and the absence of any public cost for volunteer fire protection and nonprofit emergency medical services provided by active volunteers.

(2) Encourage individuals to volunteer or for former volunteers to consider rejoining as active volunteers in a volunteer fire company or nonprofit emergency medical services agency.

(35 Pa.C.S. § 79A02)

§ 79A03. Definitions [relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies].

The following words and phrases when used in this chapter [35 Pa.C.S. Ch. 79A (relating to incentives for municipal volunteers for fire companies and nonprofit emergency medical services agencies)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Active volunteer." A volunteer for a volunteer fire company or nonprofit emergency medical services agency who has complied with the requirements of the volunteer service credit program and who is certified under section 79A23 (relating to certification).

"Commissioner." The State Fire Commissioner of the Commonwealth.

"Earned income tax." A tax on earned income and net profits levied under Chapter 3 of the Local Tax Enabling Act.

"Governing body." A city council, borough council, incorporated town council, board of township commissioners, board of township supervisors, governing council of a home rule municipality or optional plan municipality or a governing council of any similar purpose government which may be created by statute after the effective date of this section and which has adopted a tax credit under this chapter.

"Individual." A volunteer.

"Local Tax Enabling Act." The act of December 31, 1965 (P.L.1257, No.511), known as The Local Tax Enabling Act.

"Municipality." Any city, borough, incorporated town, township, home rule municipality, optional plan municipality, optional charter municipality or any similar general purpose unit of government which may be created or authorized by statute.

"Nonprofit emergency medical services agency." An emergency medical services agency as defined in section 8103 (relating to definitions) and chartered as a nonprofit corporation.

"Tax credit." The tax credit granted under section 79A11 (relating to program authorization) or 79A13 (relating to real property tax credit).

"Volunteer." A member of a volunteer fire company or a nonprofit emergency medical services agency.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides fire protection services and may offer other voluntary emergency services within this Commonwealth.

"Volunteer service credit program." The program established under section 79A21 (relating to volunteer service credit program) to determine the active status of a volunteer.
(35 Pa.C.S. § 79A03)

§ 79A11. Program authorization [for tax credit].

(a) Establishment.--A municipality that levies an earned income tax may establish by ordinance a tax credit against an individual's liability imposed under Chapter 3 of the Local Tax Enabling Act [the act of 1965, P.L.1257, No.511] for active service as a volunteer.

(b) Amount.--A municipality shall set forth in the ordinance the total amount of the tax credit that will be offered to an individual. If an individual's earned income tax liability is less than the amount of the tax credit offered, the individual's tax credit must equal the individual's tax liability.

(c) Public notice.--At least 30 days prior to adoption of the ordinance or resolution, the governing body shall give public notice of its intent to adopt an ordinance or resolution to establish a tax credit and conduct at least one public hearing on the issue.

(d) Specific notice.--A municipality that establishes a tax credit under this chapter [35 Pa.C.S. Ch.79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)] shall notify the [State Fire] commissioner in the manner prescribed by the commissioner.
(35 Pa.C.S. § 79A11)

§ 79A12. Claim [for tax credit].

(a) Eligibility.--An individual who satisfies all of the following criteria may claim a tax credit established under this chapter [35 Pa.C.S. Ch. 79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)]:

(1) The individual is subject to a tax of a municipality that has established a tax credit under this chapter.

(2) The individual is certified under section 79A23 (relating to certification).

(b) Return.--An active volunteer may claim a tax credit provided for under this chapter when filing a joint return. The tax return form shall provide a mechanism for separating the liability of an individual for any earned income tax imposed by the school district of residence from the liability of an individual for any earned income tax imposed by the municipality.
(35 Pa.C.S. § 79A12)

§ 79A13. Real property tax credit.

The governing body of a municipality may provide, by ordinance, for a tax credit against real property tax to be granted to an active volunteer. The tax credit shall apply to tax levied on residential real property owned and occupied by an active volunteer who is certified under section 79A23 (relating to certification). The amount of the tax credit authorized by an ordinance shall not exceed 20% of the tax liability of the active volunteer.
(35 Pa.C.S. § 79A13)

§ 79A14. Limitations [on tax credit].

A tax credit established under this chapter [35 Pa.C.S. Ch.79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)] may be used against the active volunteer's tax liability for the current taxable year and every year thereafter. The tax credit established under this chapter shall remain in effect until the governing body of the municipality repeals the tax credit.
(35 Pa.C.S. § 79A14)

§ 79A21. Volunteer service credit program.

(a) Establishment.--The governing body may establish a volunteer service credit program that establishes the annual requirements for the certification of a volunteer in active service at a volunteer fire company or a nonprofit emergency medical services agency.

(b) Activities.--The volunteer service credit program shall consider the following activities

in determining credit toward a certification of active service:

(1) The number of emergency calls to which a volunteer responds.

(2) The level of training and participation in formal training and drills for a volunteer.

(3) The total amount of time expended by a volunteer on administrative and other support services, including fundraising and facility or equipment maintenance.

(4) The involvement in other events or projects that aid the financial viability, emergency response or operational readiness of a volunteer fire company or a nonprofit emergency medical services agency.

(c) Guidelines.--The governing body shall, with the advice of the chief of a volunteer fire company and the supervisor or chief of a nonprofit emergency medical services agency or their designees, adopt guidelines, including forms and applications, necessary to implement this section.

(d) Eligibility list.--A notarized list of eligible active volunteers shall be submitted to the governing body, no later than 45 days before tax notices are to be distributed, by the following:

(1) The chief of a volunteer fire company, where applicable.

(2) The supervisor or chief of a nonprofit emergency medical services agency, where applicable.

(35 Pa.C.S. § 79A21)

§ 79A22. Service record.

(a) Log.--The chief of a volunteer fire company or the supervisor or chief of a nonprofit emergency medical services agency or their designees shall establish and maintain a service log that documents the activities of each volunteer that qualify for credit toward active service under the volunteer service credit program and the calculation of the total credits earned for each volunteer in the volunteer fire company or nonprofit emergency medical services agency.

(b) Review.--Service logs established and maintained by volunteer fire companies or nonprofit emergency medical services agencies shall be subject to periodic review by the [State Fire] commissioner, the Auditor General, the governing body where the volunteer fire company or nonprofit emergency medical services agency is located and the governing body where the volunteer fire company or nonprofit emergency medical services agency provides services.

(35 Pa.C.S. § 79A22)

§ 79A23. Certification.

(a) Self-certification.--The active volunteer shall sign and submit an application for certification to the chief of the volunteer fire company or the supervisor or chief of the nonprofit emergency medical services agency where the volunteer serves.

(b) Injured volunteer.--An active volunteer who was injured during a response to an emergency call and can no longer serve as an active volunteer because of the injury and who would otherwise be eligible for a tax credit shall be eligible for the tax credit for the succeeding five tax years.

(c) Local sign-off.--The chief and another officer of the volunteer fire company and the supervisor or chief and another officer of the nonprofit emergency medical services agency shall sign the application attesting to the individual's status as an active volunteer or that the individual can no longer serve as an active volunteer due to injury. The application shall then be forwarded to the municipality, as appropriate, for final review and processing.

(35 Pa.C.S. § 79A23)

§ 79A24. Rejection [of tax credit claim] and appeal.

(a) General rule.--A governing body that establishes a tax credit under this chapter [35 Pa.C.S. Ch. 79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)] shall adopt, by ordinance, a process for rejecting a claim by an active volunteer who does not satisfy all of the criteria established under this chapter for each type of tax credit provided under this chapter.

(b) Appeal.--An active volunteer shall have the right to appeal a claim that has been rejected by a governing body. The governing body shall establish, by ordinance, the procedure

by which a rejected claim can be appealed.
(35 Pa.C.S. § 79A24)

§ 79A31. Penalties for false reporting.

The following shall apply:

(1) Any person who knowingly makes or conspires to make a false service record report under this chapter [35 Pa.C.S. Ch. 79A (relating to incentives for municipal volunteers of fire companies and nonprofit emergency medical services agencies)] commits a misdemeanor of the first degree punishable by a fine of $2,500.

(2) Any person who knowingly provides or conspires to provide false information that is used to compile a service record report under this chapter commits a misdemeanor of the first degree punishable by a fine of $2,500.

(35 Pa.C.S. § 79A31)

Subchapter F. Employment Sanctions

§ 7421. Scope of subchapter [35 Pa.C.S. Ch. 74 Subch. C (relating to employment sanctions)].

This subchapter relates to employment sanctions.
(35 Pa.C.S. § 7421)

§ 7422. Definitions [relating to employment sanctions].

The following words and phrases when used in this subchapter [35 Pa.C.S. Ch. 74 Subch. C (relating to employment sanctions)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Discipline." The taking of an action against an employee which adversely affects his regular pay to an extent greater than permitted by section 7425 (relating to lost time), his job status, his opportunity for promotion or his right to any benefit granted by the employer to other similarly situated employees.

"Discriminate." To discharge or to discipline in a manner inconsistent with the employer's treatment of other similarly situated employees who are injured in the course of their employment or related activities.

"Employer." An individual, partnership, association, corporation, business trust or a person or group of persons acting directly or indirectly in the interest of an employer in relation to any employee.

"Line of duty." Going to, coming from or during fire prevention and safety activities which includes fire prevention, first aid, rescue and salvage, ambulance service, fire police work, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and other activities as are commonly undertaken by fire companies, ambulance services or rescue squads or their affiliated organizations.
(35 Pa.C.S. § 7422)

§ 7423. Prohibition on termination and discipline.

No employer shall terminate or discipline an employee who is a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad and, in the line of duty, has responded to a call prior to the time he was due to report for work resulting in a loss of time from his employment.
(35 Pa.C.S. § 7423)

§ 7424. Prohibition on discrimination.

No employer shall discriminate against an employee because the employee has been injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad, nor shall an employer

discriminate against an employee injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad who subsequently returns to work after receiving workers' compensation benefits under the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.
(35 Pa.C.S. § 7424)

§ 7425. Lost time.

Time lost from employment as provided in section 7423 (relating to prohibition on termination and discipline) may be charged to the regular pay of the employee.
(35 Pa.C.S. § 7425)

§ 7426. Statements.

An employee losing time as provided in section 7423 (relating to prohibition on termination and discipline) shall supply his employer with a statement from the chief executive officer of his volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that he responded to a call and the time of the call.
(35 Pa.C.S. § 7426)

§ 7427. Violations.

(a) Employers.--An employer who willfully and knowingly violates this subchapter [35 Pa.C.S. Ch. 74 Subch. C (relating to employment sanctions)] shall be required to revoke a disciplinary action and any penalty attached thereto or to reinstate such employee to his former position and shall be required to pay the employee all lost wages and benefits for the period between termination and reinstatement and reasonable attorney fees incurred in an action to recover lost wages and benefits.

(b) Statute of limitations.--An action to enforce this subchapter shall be commenced within two years of the date of violation, and the action shall be commenced in the court of common pleas of the county in which the employer is located.
(35 Pa.C.S. § 7427)

Subchapter G. Miscellaneous Provisions

Section 301. Preparation of Comprehensive Plan.--(a) The municipal, multimunicipal or county comprehensive plan, consisting of maps, charts and textual matter, shall include, but need not be limited to, the following related basic elements:

* * *

(4) A plan for community facilities and utilities, which may include public and private education, recreation, municipal buildings, fire and police stations, libraries, hospitals, water supply and distribution, sewerage and waste treatment, solid waste management, storm drainage, and flood plain management, utility corridors and associated facilities, and other similar facilities or uses.

* * *

(d) The municipal, multimunicipal or county comprehensive plan may identify those areas where growth and development will occur so that a full range of public infrastructure services, including sewer, water, highways, police and fire protection, public schools, parks, open space and other services can be adequately planned and provided as needed to accommodate growth.
(1968, P.L.805, No.247, § 301)

Chapter 3. Counties of the Second Class and Second Class A

Section 1502. Exclusive System.--No member of the police force and no firemen or fire inspectors shall be appointed, promoted, reduced in rank, suspended, furloughed, discharged or reinstated, except in accordance with provisions of this article [Article XV of the Second Class County Code].

(1953, P.L.723, No.230, § 1502)

Section 1509. General Provisions Relating to Examinations.--

(a) Each [civil service] commission shall make rules and regulations, to be approved as herein prescribed, providing for the examination of applicants for positions in the police force or fire department or as a fire inspector and promotions therein. The rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades.

(b) All examinations for positions or promotions in the police force and for positions or promotions as firemen or fire inspectors shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations, but in no case shall an applicant for promotion in the police force be considered until such applicant shall have first served three years in the police force in which he seeks promotion. Each applicant for examination shall be subject to the rules adopted by the commission, and shall be required to submit to a physical examination.

(c) Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper or papers of general circulation in the county at least two weeks prior to each examination. A copy of the notice shall be prominently posted in the office of the commission or other public place.

(d) The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination for positions under this article [Article XV of the Second Class County Code].

(e) In cases of applications for position to the police force or for positions as firemen or fire inspectors, soldiers, as defined by the act, approved the twenty-second day of May, one thousand nine hundred forty-five (Pamphlet Laws 837), entitled, as amended, "An act providing for and requiring in certain cases preference in appointments to and retention in public position or on public works for honorably discharged persons who served in the military or naval service during any war in which the United States engaged; and in certain cases for the widows and wives of such persons," shall be entitled to all the preferences and benefits therein provided, so far as applicable.

(1953, P.L.723, No.230, § 1509)

Section 1510. Application for Examination for Appointment to the Police Force or as Fireman or Fire Inspector [in Counties of the Second Class].--Each person desiring appointment to the police force or as a fireman or fire inspector shall apply to the [civil service] commission for examination, and shall file with the commission a formal application, as provided by it, and shall state, under oath or affirmation, (1) his full name and residence or post office address, (2) his citizenship, place and date of birth, (3) his condition of health and physical capacity for public service, (4) his business or employment and his residence for the past five years, and (5) such other information as may be required by the commission's rules and regulations, showing the applicant's qualifications for the position for which he is being examined.

No person shall be eligible to apply for examination unless he is more than eighteen years of age and, with respect to applicants for the police force not over thirty-five years of age at the date of application, and has been a resident of the county for at least two years immediately preceding his application unless no resident applicants are available.

(1953, P.L.723, No.230, § 1510)

Section 1710. Employes Eligible for Retirement Allowances.--* * *

(b) (1) Every county employe hired prior to the effective date of paragraph (2), other than a member of the police force or the fire department or a fire inspector or a sheriff or deputy sheriff, who has reached the age of sixty years or upwards and who has to his or her credit a period of service of twenty years or more, and every county employe who is a member of the

police force or the fire department or a fire inspector, and who shall have been a county employe during a period of twenty or more years and has reached the age of fifty years or upwards shall, upon application to the board, be eligible for retirement from service, and shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1712. Every county officer or employe who is a sheriff, deputy sheriff, prison guard or probation officer who shall have been a county officer or employe during a period of twenty or more years and has reached the age of fifty-five years or upward, shall, upon application to the board, be eligible for retirement from service and shall thereafter receive, during life, except as hereafter provided, a retirement allowance in accordance with section 1712. The time spent in the employ of the county or county institution district need not necessarily have been continuous: Provided, That when any county employe has twenty or more years service, not necessarily continuous, and has not reached the age of sixty years or upwards, and shall be separated from the service of the county or county institution district by reason of no cause or act of his or her own, upon application to the board he or she shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1713. The aforesaid retirement allowance plus a service increment if any, shall be subject to a suspension thereof in accordance with the provisions of subsection (h) of this section 1710 and subsection (c) of section 1712.

(2) Every county employe hired on or after the effective date of this paragraph, other than a member of the police force or the fire department or a fire inspector or a sheriff or deputy sheriff, prison guard or probation officer, who has reached the age of sixty years or upwards and who has to his or her credit a period of service of twenty-five years or more, and every county employe who is a member of the police force or the fire department or a fire inspector, and who shall have been a county employe during a period of twenty-five or more years and has reached the age of fifty years or upwards shall, upon application to the board, be eligible for retirement from service, and shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1712. Every county officer or employe who is a sheriff, deputy sheriff, prison guard or probation officer who shall have been a county officer or employe during a period of twenty-five or more years and has reached the age of fifty-five years or upwards shall, upon application to the board, be eligible for retirement from service and shall thereafter receive, during life, except as hereafter provided, a retirement allowance in accordance with section 1712. The time spent in the employ of the county or county institution district need not necessarily have been continuous: Provided, That when any county employe has twenty-five or more years service, not necessarily continuous, and has not reached the age of sixty years or upwards, and shall be separated from the service of the county or county institution district by reason of no cause or act of his or her own, upon application to the board, he or she shall thereafter receive, during life, except as hereinafter provided, a retirement allowance plus a service increment if any, in accordance with the provisions of section 1713. The aforesaid retirement allowance plus a service increment, if any, shall be subject to a suspension thereof in accordance with the provisions of subsection (h) of this section 1710 and subsection (c) of section 1712.

* * *

(1953, P.L.723, No.230, § 1710)

Section 3101. Appointments; Qualifications; Salaries; Duties of Deputy Fire Marshals [in Counties of the Second Class].--The county commissioners shall, on the fourth Monday of March, in the year one thousand nine hundred forty-three, and every fourth year thereafter, appoint a citizen of such county to serve as fire marshal and such number of citizens of said county as the county commissioners may deem necessary to serve as deputy fire marshals. In making such appointments, the county commissioner representing the minority political party in the county shall name one of the deputy fire marshals, and as vacancies occur the commissioner representing the minority party shall name the successor to any deputy fire marshal selected by a commissioner representing the minority party. The fire marshal and

deputy fire marshals shall serve at the pleasure of the board of county commissioners. The fire marshal shall report to and be subject to the supervision of the superintendent of county police or his authorized designee. The deputy fire marshals shall report to and be subject to the supervision of the fire marshal. No person shall be appointed fire marshal unless he shall have had ten years active service as a member of a fire department, and no person shall be appointed a deputy fire marshal unless he has had five years experience as an active member of a fire department. The salary of the fire marshal and the deputy fire marshals appointed under the authority of this act [the Second Class County Code] shall be fixed by the salary board and shall be in lieu of all other salary or compensation from any source whatsoever. The deputy fire marshals appointed as aforesaid shall have the same powers and shall perform the same duties as those prescribed for the fire marshal.

The salary herein authorized shall be provided for by the county commissioners and paid semi-monthly out of the county treasury.
(1953, P.L.723, No.230, § 3101)

Section 3102. Offices and Supplies [in Counties of the Second Class].--The county commissioners shall provide the fire marshal and deputy fire marshals with suitable offices, and shall pay or cause to be paid out of the treasury all the costs of maintenance thereof, including clerk and stenographic hire, and all necessary supplies, stationery, postage and other incidental expenses.
(1953, P.L.723, No.230, § 3102)

Section 3103. Oath of Office and Bond [in Counties of the Second Class].--Before entering on the duties of his office, the fire marshal and deputy fire marshals shall take an oath of office and furnish bond as is now provided by law in the case of other county officers.
(1953, P.L.723, No.230, § 3103)

Section 3104. Attendance at Fires; Duties and Powers; Aid and Assistance; Investigations [in Counties of the Second Class].--The fire marshal or one of his assistants shall attend, if practicable, all fires occurring in the county, and shall endeavor to save and protect from the fire all property in danger therefrom and to protect such property from loss by pillage and theft and from injury and destruction in any manner, and he shall have power to take any measures he may deem proper and expedient for that purpose, and he shall also have power to call upon any constable, policeman or citizen of any city, ward, borough or township in the county to aid and assist him in protecting and saving property, as aforesaid, and to aid and assist in carrying into execution any measures he may deem proper and expedient, as aforesaid, and he shall investigate and, if possible, ascertain the origin and cause of every fire occurring in the county, the nature and value of the property injured or destroyed thereby, whether said property was insured or not, and if insured, the amount of such insurance, by whom effected, for whose benefit and by whom the risk was taken, the names and places of residence of the owner or owners and of all parties interested in the property injured or destroyed and the nature and amount of such interest.
(1953, P.L.723, No.230, § 3104)

Section 3104.1. Rules and Regulations; Permits and Fees; Notice of Fires [in Counties of the Second Class].--(a) The county commissioners shall adopt and enforce, except in cities of the second class, rules and regulations governing the having, using, storage, sale and keeping of gasoline, naphtha, kerosene or other substances of like character, as promulgated by the Pennsylvania State Police under the laws of the Commonwealth of Pennsylvania.

(b) The county commissioners may adopt and enforce rules and regulations not in conflict with local ordinances for the fire marshal, except in cities of the second class, governing the following:

(1) The requiring and placing of fire extinguishers, sprinkler systems and other fire preventive equipment in buildings, except in private homes, installation shall be made within

one year after notification.

(2) The requiring of reports of losses in an amount of one hundred dollars ($100) or more, as now provided by law and regulation to be made to the Pennsylvania State Police, to the fire marshal of said county, of fires and explosions by fire insurance companies operating or writing insurance on property located in said county. Such reports may be filed on behalf of such companies by an actuarial bureau or statistical organization.

(c) The county commissioners may adopt and enforce rules and regulations requiring permits for any matter or matters governed by the rules and regulations adopted pursuant to the provisions of this section and to collect reasonable fees therefor.

(d) Any person violating any of the rules and regulations formulated and adopted by the board of county commissioners pursuant to this section shall, upon conviction thereof at a summary proceeding, be sentenced to pay such fine as may be prescribed in such rules and regulations by the county commissioners, but not in excess of one hundred dollars ($100), to be paid to the use of the county, with costs of prosecution or to be imprisoned in the county jail for not more than thirty days.

(1953, P.L.723, No.230, § 3104.1)

Section 3105. Investigation, Transfer to County Police for Prosecution [in Counties of the Second Class].--If, in any investigation, it shall appear to the fire marshal or deputy fire marshal, from the evidence presented or obtained, that any building or other property in the county has been wilfully set on fire by any person or persons, the fire marshal or deputy fire marshal shall transfer the evidence presented or obtained during the course of the investigation to the county police evidence room technician, along with a recommendation to the superintendent of county police for criminal prosecution of the person or persons responsible for setting the fire.

(1953, P.L.723, No.230, § 3105)

Section 3106. Administration of Oaths; False Testimony; Subpoena and Attachment; Refusal to Testify or Produce Documents [in Counties of the Second Class].--The fire marshal or deputy fire marshal, in order to enable them to discharge the duties required in the foregoing section, shall have power to administer oaths and affirmations in the discharge of the duties of his office, and a wilful violation of any oath or affirmation so administered by him, or wilfully and knowingly giving false testimony before him, shall be perjury; and he shall have power to compel the attendance of any person whom he may desire to examine in relation to any fire by subpoena and attachment; and if any person shall refuse to be sworn or affirmed or to testify in relation to any of the matters in regard to which it is the duty of the fire marshal to make investigation, or shall refuse to produce before the fire marshal any books, papers or documents in their possession which the said marshal may deem necessary to enable him to ascertain the truth in any investigation then being made by him, the said marshal shall have the power, upon the approval of the superintendent of county police and the authorized representative of the district attorney's office, to commit such person to the county jail until such person shall be willing to and shall be sworn or affirmed or testify or produce the books, papers and documents, as the case may be, and no longer: Provided, That no testimony taken under oath or affirmation before the fire marshal, as aforesaid, shall be used in evidence against the party giving it in any civil or criminal proceedings whatsoever, except in prosecutions against such party for perjury.

(1953, P.L.723, No.230, § 3106)

Section 3107. Disobedience of Orders; Refusal to Execute Warrant; Hindering or Obstructing Marshal [in Counties of the Second Class].--Any constable, policeman, watchman or citizen who shall refuse or neglect to obey the orders or directions of the fire marshal when called upon by him to aid or assist in saving or protecting any property at any fire, or any person or persons who shall wilfully hinder or obstruct or attempt to hinder or obstruct the fire marshal in the performance of his duties, shall be guilty of a misdemeanor, and, upon conviction thereof in the court of common pleas of the county, shall be punished by a

fine not exceeding fifty dollars ($50) and imprisonment in the county jail for a term not exceeding one (1) year.
(1953, P.L.723, No.230, § 3107)

Section 3108. Examination of Buildings and Structures; Notice to Alter, Remove or Amend [in Counties of the Second Class].--Upon written request of the governing body of any municipality located within the county, the fire marshal or a deputy fire marshal shall have the power to examine the dwelling houses and any other buildings and structures in the county for the purpose of ascertaining whether, by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or inflammable substance, or existence of any other fire hazard, such buildings or structures are especially liable to fire, and upon finding any of them defective or dangerous, said marshal shall direct the owner or occupants, either by printed or written notice, to alter, remove or amend the same, in such manner or within such reasonable time as they may deem necessary, and in case of neglect or refusal to do so, the party offending shall forfeit and pay, upon conviction thereof before any justice of the peace, alderman or police magistrate of the county, any sum not exceeding twenty-five dollars ($25), for the use of the county, to be collected as fines and forfeitures are collected by law.
(1953, P.L.723, No.230, § 3108)

Section 3109. Expense of Removal, Alteration or Amendment; Combustible or Explosive Matter [in Counties of the Second Class].--The expense of any removal, alteration or amendment, as aforesaid, shall be paid in the first instance by the occupant, but shall be chargeable against the owner of such dwelling house or other building and shall be deducted from the rent of the same, unless such expenses be rendered necessary by the act or default of such occupant or unless there is a special agreement to the contrary between the parties, and said marshal or deputy marshal or either of them are hereby empowered at any and all times to enter into and examine all buildings, structures or places where any combustible or explosive matter may be lodged and give such directions, in writing, in the premises as may be deemed necessary relative to the removal thereof, and in case of neglect or refusal on the part of the possessor of such combustible materials or any of them to remove or secure the same within the time and manner directed, the party offending shall forfeit and pay, in addition to any penalty hereinbefore imposed, the sum of twenty-five dollars ($25), to be collected as heretofore provided for in this act [the Second Class County Code].
(1953, P.L.723, No.230, § 3109)

Section 3110. Records and Reports [in Counties of the Second Class].--The fire marshal shall keep a record of all fires occurring in the county, which record shall show the results of his investigation in relation to each fire and shall be open to the public for examination, and he shall also keep on file in his office all depositions and notes of testimony taken by him in the discharge of his duties, which any person desirous of so doing shall be permitted to examine and take copies of upon payment by them to the said marshal of a fee determined by the fire marshal for such examination, and he shall also, on the fourth Monday of March in each year, make report, in writing, to the county commissioners of his activities as fire marshal during the year preceding his report.
(1953, P.L.723, No.230, § 3110)

Section 3101-A. Appointment [of Fire Marshal and Assistant Fire Marshals in Counties of the Second Class A].--In counties of the second class A the county commissioners may appoint a fire marshal and assistant fire marshals deemed necessary to perform such duties relating to the prevention and control of fire as the county commissioners shall deem to be in the best interests of the county. Any fire marshal or assistant fire marshals so appointed shall not be assigned duties which will conflict with fire marshals or municipal fire marshals or powers relating to the control of fires conferred by law upon the Pennsylvania State Police. Compensation for the fire marshal and assistant fire marshals shall be set by the county salary board.

(1953, P.L.723, No.230, § 3101-A)

Chapter 4. Counties of the Seventh and Eighth Classes

Section 1951. Counties of Seventh and Eighth Classes; Appropriations to Borough Fire Departments and Volunteer Fire Companies.--The board of county commissioners of any county of the seventh or eighth class may make an appropriation annually to the fire department of any borough in the county or to any volunteer fire company located within a borough in said county which actually gives fire protection to approximately all parts of the county. All moneys appropriated to any such fire department or fire company shall be used for the purchase, maintenance and repair of fire fighting equipment. This section shall not authorize the appropriation of any money to any fire department or fire company which receives contributions or appropriations from any township in the county.
(1955, P.L.323, No.130, § 1951)

Chapter 5. Cities Generally

Section 1. [Prescribed hours of rest] Be it enacted, &c., That any city, except cities of the first class and second class A, having fire departments shall allow and permit every member of such fire departments to have at least twenty-four consecutive hours of rest in every calendar week, except in emergency cases for the suppression of riots or tumults, or the preservation of the public peace in times of war, riot, conflagration, or public celebrations, and to have an annual vacation of not less than fourteen days without diminution of the salary or compensation fixed by ordinance or resolution of such city.

This act [the act of April 25, 1935, P.L.82, No.36] shall become effective immediately upon its final enactment.
(1935, P.L.82, No.36, § 1)

Chapter 6. City of Philadelphia

Section 5. Injury or destruction of property or apparatus of fire companies

Any person or persons who shall wilfully and maliciously deface, injure or destroy any estate or apparatus of any fire company in the said city or districts [of Philadelphia], shall be deemed guilty of felony, and being thereof convicted, shall be sentenced to undergo an imprisonment at hard labor for a term not less than six months, or more than one year, and shall give security for future good behavior in such term and for such time, according to the nature and the enormity of the offence, as the court before whom such conviction shall take place may fix; and any person or persons who shall otherwise offend against the provisions of this act [the act of March 7, 1848, P.L.110, No.98], shall be deemed guilty of a misdemeanor, and being thereof convicted, shall be fined in a sum not exceeding one hundred dollars, for the use of the County of Philadelphia, or imprisonment not exceeding one year, or both, at the discretion of the court, and may be held to bail for future good behavior.
(1848, P.L.110, No.98, § 5)

Section 7. Seizures during fires

If any gunpowder or gun cotton, exceeding the quantity mentioned in this act [the act of March 20, 1856, P.L.137, No.161], shall be found in the possession or custody of any person or persons, in violation of the provisions herein contained, by any fireman of any company belonging to the fire department of the said city, during any fire therein, it shall be lawful for such fireman to seize the same without any warrant, and to immediately convey the same, and report such seizure, to the chief engineer of the fire department, or in his absence the acting assistant engineer; and the said chief engineer or assistant shall convey, or cause it to be conveyed, to any magazine for the storing of gunpowder, there to be detained until it be decided by due course of law, in accordance with the provisions of this act, whether such gunpowder or gun cotton be forfeited.

(1856, P.L.137, No.161, § 7)

Section 1. Right of fire marshal to enter on premises to investigate fires

The fire marshal [of the police department of the City of Philadelphia] shall, under the instructions and orders of the mayor, be authorized to enter any building or premises, wherein a fire has at any time occurred, for the purpose of making such examination as may be deemed necessary to ascertain the cause of the burning; and any person preventing or obstructing, or attempting to prevent or obstruct, said fire marshal, while in the discharge of the duty aforesaid, shall be guilty of a misdemeanor; and, on conviction thereof, shall be fined in a sum not exceeding fifty dollars, or undergo an imprisonment not exceeding three calendar months, or both, at the discretion of the court.
(1864, P.L.515, No.453, § 1)

Section 2. Subpoena and examination of witnesses [in City of Philadelphia in cases of arson or attempted arson]

The Mayor of the City of Philadelphia is hereby authorized, whenever in his judgment the occasion demands it, to issue subpoena, in the name of the State of Pennsylvania, to any person or persons, requiring them to attend before him, or the fire marshal, at such time and place as may be named in said subpoena, then and there to testify, under oath or affirmation, which the fire marshal, in the absence of the mayor, is hereby empowered to administer, as to the origin of any fire occurring within the bounds of the consolidated City of Philadelphia, and also as to any facts or circumstances that may be deemed important to secure the detection and conviction of any party or parties guilty of the offences of arson or attempted arson.
(1864, P.L.515, No.453, § 2)

Section 3. Direction and service of subpoenas

Such subpoena may be directed to any police officer of the city of Philadelphia, who is hereby empowered to serve the same.
(1864, P.L.515, No.453, § 3)

Section 1. Giving false fire alarm or injuring fire alarm apparatus [in City of Philadelphia]

If any person, or persons, shall wilfully give, or cause to be given, any false alarm or fire, from a fire alarm telegraph box, or boxes, or shall break, or cause to be broken, any fire alarm signal box, or any pole, post, or wire, connected with the police and fire alarm telegraph, within the City of Philadelphia, or shall injure, or in any manner interfere with, or interrupt, the working of the same, he, she, or they, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine, not exceeding five hundred dollars, for each offense, or by imprisonment, for a term not exceeding two years, or by both.
(1865, P.L.238, No.243, § 1)

Section 5. Building inspectors to enforce act [the act of March 14, 1867, P.L.440, No.415]; to be fined for neglect

The building inspectors of the City of Philadelphia are hereby authorized and required to carry out the provisions of this act, and shall, on complaint of any citizen of said city of the violation of any of its provisions, bring suit for the recovery of the penalty imposed for said violation; and one-half of said penalty, when enforced, to be paid to the informer, and one-half to the treasurer of the fund for the relief of disabled firemen, for the benefit of said fund.
(1867, P.L.440, No.415, § 5)

Section 1. Unauthorized possession or wearing of badge

Any person, except such as may be authorized by ordinance of the City of Philadelphia, who may be in possession or found wearing the badge of the philadelphia fire department, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not less than twenty nor more than one hundred dollars, or imprisoned for a term not exceeding six

months, or both, at the discretion of the court; all fines that may be imposed shall be for the use of the Philadelphia association for the relief of disabled firemen.
(1868, P.L.862, No.803, § 1)

Chapter 7. Cities of the First Class

Subchapter A. Fire Marshals

Section 1. [Fire marshal in cities of the first class] Be it enacted, &c., That in cities of the first class there shall be a fire marshal, to be subject to the direction of the Department of Public Safety, and shall have such assistants as may be necessary, whose salary shall be fixed by the councils of such city.
(1903, P.L.48, No.51, § 1)

Section 2. [Examining and reporting cause of fire] It shall be the duty of the fire marshal [in cities of the first class] or his assistants to examine into the cause, circumstances or origin of every fire occurring in any such city, by which any building, vessel, vehicle, or any personal property shall be burned, destroyed or damaged, wholly or partially; and inquire whether the fire was the result of carelessness or the act of an incendiary. Such fire marshall or his assistants may take the testimony, under oath, of all persons supposed to have any knowledge of the matter, reduce it to writing, and transmit the same to the mayor, with his report thereon; and shall report to the district attorney the facts he may have ascertained from such investigation when, in his opinion, there is evidence of arson, cause such person or persons to be arrested, and furnish to the district attorney the evidence with the names of witnesses.
(1903, P.L.48, No.51, § 2)

Section 3. [Examination of explosives or combustibles] The fire marshal [in cities of the first class] or his assistants may enter and examine all livery and other stables, hayboats or vessels, and any place where any powder, hemp, flax, tow, hay, rushes, firewood, boards, shingles, shavings, and any explosive or combustible material, may be stored or deposited; and to ascertain whether the provisions of the law relating to explosives or combustibles are violated; in which event he shall deliver to the occupant or owner of said premises a printed notice of the law in reference thereto, and a notice to remove or remedy the same, as the case be. The councils of such city shall provide by ordinance for the enforcement of the provisions of this act [the act of March 24, 1903, P.L.48, No.51)], and fix a fine for the violation thereof.
(1903, P.L.48, No.51, § 3)

Section 4. [Power to enter public buildings] The fire marshal [in cities of the first class] may enter all buildings of a public character, departmental stores and hotels, churches, theatres, public halls, and other structures used or intended to be used for the purpose of assemblies, amusement or instruction, and buildings used for manufacturing, where a large number of people congregate or are employed, and ascertain whether the hall doors, stairways, passageways and aisles thereof, furnishing egress, are kept clear and free from all obstructions during business hours or when any performance, service, exhibition, lecture or ball is going on; and shall serve a written or printed notice on the owner, lessee, manager or occupant of any such buildings or structure, violating any city ordinance or law in such case made and provided, directing such changes as may be proper or expedient to furnish full and free access to, and egress from, all aisles and exits to any fire-escapes, doors, hall, stairways and street entrances, in and about any such building or structure.
(1903, P.L.48, No.51, § 4)

Section 1. [Office of fire marshal established in cities of the first class] Be it enacted, &c., That there shall be established in the Department of Public Safety, in all cities of the first class in this Commonwealth, to be known as "the Office of Fire Marshal." That the Director of

Public Safety shall appoint, subject to the approval of select council, a suitable person, who shall be a citizen of the State and a qualified elector of said city, Fire Marshal, who shall devote his whole time to the duties of his office, and who shall hold office until his successor is appointed and qualified. The office of Fire Marshal shall be maintained at such place as may be designated by the Director of the Department of Public Safety: Provided, That whenever an officer of the Police Department, in any city of the first class, has heretofore been appointed as Fire Marshal, he shall continue to hold office and act as Fire Marshal, under the terms and provisions of this act [the act of June 8, 1911, P.L.705, No.281], until his term of office shall have expired, or until he shall have been removed for cause by the said Director of Public Safety.
(1911, P.L.705, No.281, § 1)

Section 2. [Assistant fire marshals in cities of the first class] The Director of Public Safety is hereby empowered and required to appoint such a number of assistant fire marshals as the city councils may allow, one of the said assistants to be designated as chief assistant. The duties of said chief assistant and assistants shall be to assist the Fire Marshal, and such appointees may be removed for cause by the said Director of Public Safety.
(1911, P.L.705, No.281, § 2)

Section 3. [Vacancy or absence] In the event of a vacancy in the office of Fire Marshal [in cities of the first class], or during the absence or disability of that officer, the chief assistant marshal shall perform the duties of the office, or, in his absence, one of the assistants to be designated by the Director of Public Safety.
(1911, P.L.705, No.281, § 3)

Section 4. [Appointment of office assistants] The Director of Public Safety [in cities of the first class] is hereby empowered to appoint such office assistants as the city council may allow, as being necessary for the proper and efficient conduct of his office: Provided, nevertheless, That all rules and regulations heretofore made by councils, at any city of the first class, for the regulation and conduct of the office of Fire Marshal, not inconsistent with the terms of this act [the act of June 8, 1911, P.L.705, No.281], shall be valid and binding.
(1911, P.L.705, No.281, § 4)

Section 5. [Inspection by fire marshal] The fire marshal [in cities of the first class] may order the inspection of all buildings used for business or private purposes, and all buildings used for public purposes,--meetings, exhibitions, or theatrical or operatic performances, or any amusement place,--and enforce all laws relating to the same, and no license shall be issued by the mayor until approved by the fire marshal. He and his assistant fire marshals shall have the power to enter and inspect buildings as aforesaid, including their contents and occupancies as provided under section nine of this act [the act of June 8, 1911, P.L.705, No.281], and it shall be the duty of such fire marshal to report to the Director of Public Safety any faulty or dangerous condition found; and no license under the provisions of any law may be necessary, to use said buildings for any purposes herein named, shall be issued, or, if issued, shall not be available for said use, until the faulty or dangerous condition is remedied; and said fire marshal shall, if he find any temporary property, to be used in any building for scenic or spectacular purposes, is made or composed of highly combustible material, he shall forbid its being taken in said building. No gasoline pumps or gasoline standpipes shall hereafter be erected or installed in such city, unless a permit therefor has been first issued by the fire marshal, approving the location of such pumps or pipes, and the kind and character of pump or pipe so to be erected or installed.
(1911, P.L.705, No.281, § 5)

Section 6. [Investigation; records open to public inspection] The Fire Marshal of every city of the first class of this Commonwealth shall make, or cause to be made, an investigation of the cause, origin, and circumstances of every fire occurring in such city, by which property

has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigations shall be begun immediately after the occurrence of such fire, and the Fire Marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fire shall forthwith notify said Fire Marshal, and shall within one week of the occurrence of fire furnish to the said Fire Marshal a written statement of all facts relating to the cause and origin of the fire, and such other information as may be called for,--the blanks provided by said Fire Marshal. The said Fire Marshal shall keep in his office a record of all fires occurring, together with all facts, statistics, and circumstances, including the origin of the fires, which may be determined by investigations provided by this act [the act of June 8, 1911, P.L.705, No.281]; such records shall at all times be open to the public inspection.
(1911, P.L.705, No.281, § 6)

Section 7. [Testimony] The Fire Marshal [in cities of the first class] shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony, on oath or affirmation, of all persons supposed to be cognizant of any facts or to have means of knowledge in relation to the matter as to which an examination is herein required to be made, and shall cause the same to be reduced in writing; and if he shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or of conspiracy to defraud, or criminal conduct, in connection with such fire, he shall cause such person to be arrested and charged with such offense, or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by him, including a copy of all pertinent and material testimony taken in the case; and shall report to the mayor, as often as such mayor shall require, the proceedings and the progress made in all prosecutions under this act [the act of June 8, 1911, P.L.705, No.281], and the result of all cases which are finally disposed of.
(1911, P.L.705, No.281, § 7)

Section 8. [Power to summon witnesses] The Fire Marshal [in cities of the first class] and the chief assistant fire marshal, and assistant fire marshals, shall each have the power to summon and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provision of this act [the act of June 8, 1911, P.L.705, No.281] a subject on inquiry and investigation, and may require the production of any book, paper, or document deemed pertinent thereto by them, or either of them. Said Fire Marshal, and chief assistant fire marshal and assistant fire marshals, are each hereby authorized and empowered to administer oaths and affirmations to any persons appearing as witnesses before them. Any witness who refuses to be sworn, or who refuses to testify, or who disobeys any lawful order of said Fire Marshal, chief assistant or assistant fire marshals, or who fails or refuses to produce any book, paper, or document touching any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them, or either of them, to appear before them or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor, and, on conviction before any magistrate, be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days. Said Fire Marshal and his subordinates, or either of them, shall have the authority at all times of day and night, in the performance of the duties imposed by the provisions in this act, to enter upon and examine any building, or premises adjoining or near the same.
(1911, P.L.705, No.281, § 8)

Section 9. [Right of entry] The Fire Marshal [in cities of the first class], and his chief assistant and his assistants, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any said officers shall find any building which, by reason of age and dilapidated condition or for any other cause, is especially liable to fire, and which is so situated as to endanger other buildings or property, or so occupied that fire would endanger persons or

property therein, and whenever any such officers shall find in any building or upon any premises highly combustible or explosive materials, oils, and greases, or conditions and combinations dangerous to the safety of said buildings or premises, they shall order the same to be removed or remedied, and such order shall be forthwith complied with by the owner or occupant of said buildings or premises: Provided, however, That if the said occupant or owner shall deem himself aggrieved by such order, he may appeal in writing to the Director of the Department of Public Safety within three (3) days after having received notice of the decision of the Fire Marshal, specifying in such appeal the reasons and ground therefor. The Director of Public Safety shall immediately refer such appeal to a commission, which shall consist of the Chief of the Fire Department, the Chief of the Bureau of Building Inspection, and the Secretary of the Philadelphia Fire Underwriters' Association. Said commission shall carefully consider said appeal and make decision thereon, and its decision shall be conclusive. The decision of any two shall be the decision of the commission. Failing to comply with the orders of the authorities above specified shall be deemed guilty of keeping and maintaining a nuisance detrimental to life and property, and, on conviction before any magistrate, be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days.
(1911, P.L.705, No.281, § 9)

Section 10. [Readiness] The Fire Marshal [in cities of the first class] shall not engage in any other business, and he or one of his assistants shall at all times be at the office of the Fire Marshal, ready for such duties as are required by this act [the act of June 8, 1911, P.L.705, No.281].
(1911, P.L.705, No.281, § 10)

Section 11. [Report of official actions] The Fire Marshal [in cities of the first class] shall submit annually as early as consistent with full and accurate preparation, and not later than the first day of January in each year, a detailed report of his official actions to the Mayor and councils, included in the annual report.
(1911, P.L.705, No.281, § 11)

Section 12. [Duties relating to fire escapes] The Fire Marshal [in cities of the first class], his chief assistant and inspectors, may examine all buildings upon which any fire-escapes may be erected, shall see that it is kept in good order and repair, and no person shall at any time, place any incumbrance of any kind whatsoever upon any of said fire-escapes or passageways constructed or intended for the escape of persons from the premises in case of fire. Any owner or occupant of buildings or premises, failing to comply with the orders of the authorities above specified, shall be deemed guilty of keeping and maintaining a nuisance detrimental to life and property, and on conviction before any magistrate be fined twenty-five dollars, or, in default of such payment, imprisoned in the county prison not more than thirty days.
(1911, P.L.705, No.281, § 12)

Subchapter B. Miscellaneous Provisions

Section 1. [First class city government, department of public safety] There shall be a department of public safety of which the director of public safety shall be the head. He shall be appointed by the mayor, by and with the advice and consent of the council, and shall hold office during the term for which the mayor appointing him was elected and until his successor is appointed and qualified.
(1919, P.L.581, No.274, Art. V, § 1)

Section 2. [Powers of director] The director of public safety shall have the power to appoint an assistant director, who, in the absence or incapacity of the director to act, shall possess all the powers and perform all the duties of the director until the incapacity or inability of the director is removed or until a new director is appointed and qualified as hereinbefore

provided. The director shall also appoint such other officers and employes as may be provided for by ordinance.
(1919, P.L.581, No.274, Art. V, § 2)

Section 3. [First class city government, police and fire forces] The department of public safety shall have the care, management, administration, and supervision of the police affairs and all matters relating to the fire and police forces, electrical service (except electrical lighting), erection of fire-escapes, and the inspection of buildings, elevators, engines, and boilers.
(1919, P.L.581, No.274, Art. V, § 3)

Section 4. [First class city government, appointees to department of public safety] No person shall be employed in the department of public safety as a policeman or fireman who is not a citizen of the United States, or who has been convicted of crime unless pardoned, or who cannot read or write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment.
(1919, P.L.581, No.274, Art. V, § 4)

Section 5. [Regulations regarding uniforms; misdemeanor] The department shall make suitable regulations under which the officers and members of the fire and police forces shall be required to wear appropriate uniforms.
(1919, P.L.581, No.274, Art. V, § 5)

Section 1. [Prescribed hours of rest] Be it enacted, &c., That all cities of the first class shall allow and permit every member of such fire departments to have at least twenty-four consecutive hours of rest in every calendar week, and shall rotate the members of the fire departments on a regular schedule, except in emergency cases for the suppression of riots or tumults, or in times of war, pestilence, conflagration, or public celebrations, without diminution of the salary or compensation, fixed by ordinances or resolutions of such cities: Provided, however, That no vacation or suspension period of a member of the fire department shall be increased or reduced by reason of the fact that, during such period, such member, if working, would have been entitled to one or more rest days under the provisions of this act [the act of July 10, 1935, P.L.639, No.224].
(1935, P.L.639, No.224, § 1)

Section 1. Platoon System; Hours of Service.--The director, or other officers of the department having charge of the fire bureau in each city of the first class, shall divide the officers and members of the companies of the uniformed fire protection forces in the employ of such cites, excepting the chief engineer and assistant chiefs and those employed subject to call, into two bodies or platoons. One to perform day service and the other to perform night service. The hours of day service shall not exceed ten commencing at eight o'clock in the morning, and the hours of night service shall not exceed fourteen commencing at six o'clock in the afternoon. The hours of day service shall not exceed thirty hours, and the hours of night service shall not exceed forty-two hours in the same calendar week. The employes of such fire forces shall be allowed to have at least twenty-four consecutive hours of rest in every calendar week exclusive of the change day, and to have an annual vacation of not less than fourteen days without diminution of, in either case, of the salary or compensation fixed by ordinance or resolution. But no vacation or suspension period shall be increased or reduced by reason of the fact that, during such period, such member, if working, would have been entitled to one or more rest days under the provisions of this act [the act of April 8, 1937, P.L.276, No.68]. In case of public celebrations, riots, serious conflagration, floods, times of war, pestilence or such emergencies, the chief engineer in charge of the bureau of fire or the assistant chief deputy or chief officer in charge at any fire, shall have the power to assign all members of the fire protection forces to continuous duty or to continue any members thereof on duty if necessary. No member of either said shifts, bodies or platoons shall be required to perform any longer day

duty than thirty hours of day service or forty-two hours of night service in the same calendar week, excepting as may be necessary to equalize the hours of duty and service, and also excepting in case of emergencies as above provided.
(1937, P.L.276, No.68, § 1)

Section 1. [Rate of pay following military service] In order that policemen, firemen and park guards of cities of the first class, who, after their appointment to such position, have entered the armed forces of the United States during the present hostilities shall not be put to a disadvantage because of such service after the effective date of this act [the act of May 15, 1945, P.L.545, No.215]; the rate of pay accorded to such policemen, firemen or park guards in cities of the first class shall be the same at the time of their honorable discharge from the armed services and their re-entry into the police, fire or park guard service as it would have been had such policemen, firemen or park guards in the cities of the first class been continuously employed as policemen, firemen or park guards for the days, months or years they served in the armed forces of the United States.
(1945, P.L.545, No.215, § 1)

Chapter 8. Cities of the First and Second Classes

Section 2. [Duties relating to fire drills in factories] The Fire Marshal and his assistants in cities of the first and second classes, and the Chief Factory Inspector and several deputy inspectors elsewhere in the Commonwealth, are hereby required to see that the provisions of this act [the act of June 7, 1911, P.L.677, No.267] are faithfully carried out.
(1911, P.L.677, No.267, § 2)

Section 3. [Penalties] Any person who violates or fails to comply with the provisions of this act [the act of June 7, 1911, P.L.677, No.267] shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and to undergo imprisonment in the county jail for not less than ten days nor more than sixty days, either or both.
(1911, P.L.677, No.267, § 3)

Chapter 9. Cities of the Second Class

Subchapter A. General Provisions

Section 1. [Department of public safety in cities of the second class] The department of public safety shall be under the charge of one director, who shall be the head thereof. The care, management, administration and supervision of the police affairs, and all matters relating to the public health, to the fire and police force, fire alarm telegraph, erection of fire-escapes, and the inspection of buildings and boilers, markets and food sold therein, and the construction, protection and repair of buildings erected for police and fire purposes, shall be in charge of this department.

No person shall be employed in this department as a policeman or fireman who is not a citizen of the United States, or who has been convicted of crime, unless pardoned, or who cannot read and write understandingly in the English language, or who shall not have resided within the State at least one year preceding his appointment.

No policeman shall be required to be on duty for more than nine out of any twenty-four consecutive hours, nor for more than forty-four hours in any calendar week, and every policeman shall be allowed to have at least forty-eight consecutive hours off duty in every calendar week, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of riot, conflagration, or public celebrations; and in such cases, council shall provide for the payment of extra compensation or time off at the same rate as paid for regular service. The existing salary or compensation of any policeman shall not be diminished because of the reduced number of hours of duty prescribed by this amendment.

The department shall make suitable regulations, under which the officers and members of the fire, telegraph and police force shall be required to wear an appropriate uniform. It shall be a misdemeanor, punishable by a fine not exceeding five hundred ($500) dollars and imprisonment not exceeding six (6) months, or either or both, in the discretion of the court, for any person to falsely personate by uniform, insignia or otherwise any officer or member of the department.

The city councils may provide by ordinance a fund for the care, maintenance, and relief of aged, retired, disabled, or injured policemen or firemen, and the families of such as may be injured or killed in the service.

No policeman appointed under this act [the Second Class City Law] shall be dismissed without his written consent, except by the decision of a court either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of not less than three and not more than five persons belonging to the police force, equal or superior in official position therein to the accused. Such decision shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person. The persons composing such court shall be appointed and sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the person concerned; or, of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service. The right of appeal of the decision of the trial board shall be made within five days to the civil service board.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay as such court shall afterward determine, but no trial shall be delayed for more than one month after charge has been made.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor.

The laws in relation to health, buildings and building inspection, remain unaffected by any of the provisions thereof, and the board of health and the building inspectors shall remain as heretofore, and shall be attached to the Department of Public Safety.
(1901, P.L.20, No.14, Art. III, § 1)

Section 3. [Powers of cities of the second class] Every city of the second class, in its corporate capacity, is authorized and empowered to enact ordinances for the following purposes, in addition to the other powers granted by this act [the Second Class City Law]:

* * *

XXXV. To purchase fire-engines, hooks, ladders, trucks, fire-alarms and other apparatus for the extinction of fires; to organize a fire department, with or without pay; to make the necessary appropriation for the maintenance of the same, and to prescribe rules and regulations for the government of the officers and companies belonging thereto; and, if a paid department, to provide by ordinance for the election or appointment of the officers and companies belonging thereto.

* * *

(1901, P.L.20, No.14, Art. XIX, § 3)

Section 12. [Exempt class, civil service appointments in cities of the second class] The following positions shall be included in the exempt class:--

First.--The superintendent of police and detectives, and the chief of the fire department.

Second.--One secretary and one confidential clerk to the mayor, and one confidential clerk to the director of each executive department.

Third.--In addition to the above, there may be included in the exempt class other offices or positions, except laborers, for the filling of which competitive or non-competitive examinations shall be found by the Civil Service Commission to be impracticable. But no office or position shall be deemed to be in the exempt class unless it is specifically named in such class in the rules; and the reason for each such exemption shall be stated, separately, in the annual reports of the said commission. Not more than one appointment shall be made to, or under the title of, any such office or position, unless a different number is specifically mentioned in the rules. No office or position shall be classified by the commission in the exempt class, except after public hearing by the commission, or any member thereof. Suitable public notice of such hearing shall be given by the said commission. At any such hearing any taxpayer of the city shall have the right to be heard, either in person or by counsel, either in opposition to or in favor of the proposed exemption. Appointments in the exempt class may be made without examination.
(1907, P.L.206, No.167, § 12)

Section 1. [Two-platoon system in cities of the second class] Be it enacted, &c., That the head of the department of public safety, or of the department having charge of or supervision over the fire department or bureau, in each city of the first, second and third class shall, from and after the first day of January, one thousand nine hundred twenty, divide the officers and members of companies of the uniformed fire force in the employ of such cities, or, in the case of a volunteer fire department, the firemen and drivers regularly employed and paid by the city, excepting the chief engineer and assistant chiefs, into two shifts, bodies or platoons,--one to perform day service, and the other to perform night service. The hours of day service shall not exceed ten, commencing at eight o-clock in the morning; the hours of night service shall not exceed fourteen, commencing at six o-clock in the afternoon. In cases of riot, serious conflagration, or other such emergency, the chief engineer of the bureau of fire, or the assistant chief deputy, or chief officer in charge at any fire, shall have the power to assign all the members of the fire force to continuous duty, or to continue any member thereof on duty, if necessary. No member of either of said shifts, bodies or platoons shall be required to perform continuous day service or continuous night service for a longer consecutive period than two weeks; nor be kept on duty continuously longer than ten hours in the day shift, body or platoon, or fourteen hours in the night shift, body or platoon, excepting as may be necessary to equalize the hours of duty and service, and also excepting in cases of riot, serious conflagration, or other such emergency, as above provided: Provided, however, That this act [the act of March 30, 1915, P.L.34, No.17] shall not apply to employes who are employed subject to call. In any consecutive period of two weeks, no member of either of said shifts, bodies or platoons, in any city of the second class, shall be kept on duty for a total period which shall average over fifty-five hours in any one week of the consecutive period of two weeks.
(1915, P.L.34, No.17, § 1)

Section 2. [Application of act] The provisions hereof shall not repeal or affect any law or ordinance relating to salaries, vacations, sick or disability leave, or pay of members of fire departments, in cities to which this act [the act of March 30, 1915, P.L.34, No.17] applies.
(1915, P.L.34, No.17, § 2)

Section 1. [Additional powers to prevent fire] Be it enacted, &c., That, in addition to the powers heretofore granted to cities of the second class, as provided for in an act, entitled "An act for the government of cities of the second class," approved the seventh day of March, one thousand nine hundred and one, and the supplements thereto, every city of the second class, in its corporate capacity, in order to decrease and prevent fire, the spread of fire, and fire waste, loss of life from fire, and loss of life or damage to property from unsafe or improper construction or design of buildings, is authorized and empowered, by ordinance,--

(a.) To provide for the inspection of the inside and outside of all buildings and premises at

any time.

(b.) To provide and require that the owner or occupant of any building shall alter, repair, or remove any buildings or structures, or part thereof, or shall remove any combustible or explosive matter or inflammable conditions, upon order of the Director of the Department of Public Safety, to safeguard life or property, and to provide for penalties for disobedience of such orders; and to provide that the said department may close the building or premises pending such repairs, and, if the owner or occupant fails to obey such order, may have the necessary work done at the expense of the city; said expense to be recovered as hereinafter provided in section three.

(c.) To require the installation and maintenance, in such buildings as shall be designated, of portable fire apparatus, such as axes, pikes, poles, hose-reels, ladders, chemical extinguishers, portable pumps, and other similar appliances.

(d.) To require the installation and maintenance, in such buildings as shall be designated, of standpipes, sprinkling systems, hose-lines, and other similar appliances.

(e.) To provide for the keeping of all halls, doors, stairways, passageways, aisles, fire-escapes, and exits in such repair, and so free from obstruction, as to provide, in case of fire, full, free, safe, and adequate means of escape for those people who use, frequent, or are employed in such buildings.

(f.) To provide, for the purpose of preventing fires, the spread of fire, fire waste, danger to life in case of fire, and loss of life or damage to property from unsafe or improper construction or design of buildings, regulations and specifications for the construction, equipment, arrangement, maintenance, alteration and inspection, heating, cooling and lighting, stairways, doorways, elevators, fire-towers, fire-escapes, exits, aisles, passageways, floor levels, seats, fire-alarms, and all other means of providing safe escape in case of fire, of all buildings which may hereafter be constructed for use as stores, manufacturing establishments, churches, theatres, dance-halls, lodging-houses, tenements, dwellings, stables, storage houses, office buildings, hospitals, asylums, hotels, colleges, schools, dry-cleaning establishments, garages, and all other buildings where a large number of people have homes, congregate, or are employed.

(g.) To provide regulations and specifications for the construction and arrangements, maintenance, alteration and inspection, of proper, adequate, and safe means and appliances to prevent the spread of fire, and to enable the occupants to escape safely in case of fire, in all existing buildings used for the purposes set forth in paragraph (f) of this section.

(h.) To provide regulations and specifications for the construction of all chimneys, stacks, flues, smoke-pipes, and ventilators.

(i.) To provide regulations for the manufacture, transportation, storage, sale, and use of all fireworks, gunpowder, dynamite, and other explosives, including gas under pressure; all inflammable substances, volatile, inflammable liquids, and all other inflammables and other products; drugs, chemicals, and, generally, all substances which may be dangerous or likely to cause fire or injury to life or property in case of fire.

(j.) To prohibit the manufacture of explosives and fireworks.

(k.) To regulate and prohibit the transportation, storage, sale, or use of nitro-glycerine.

(l.) To provide for the preparation and distribution by the Department of Public Safety of rules and regulations to minimize the danger of fire and lessen fire waste.

(1915, P.L.297, No.180, § 1)

Section 2. [Duties of director of Department of Public Safety] The Director of the Department of Public Safety shall execute and carry out the provisions of this act [the act of May 13, 1915, P.L.297, No.180], and of the ordinances enacted pursuant thereto; shall make an annual report to the council, with recommendation for means of further preventing fires, fire waste, and loss of life; and shall, when he deems it desirable, make investigations of any or all fires, and keep reports thereof.

(1915, P.L.297, No.180, § 2)

Section 4. [Inquiry] The director of the said department [of public safety] shall have the

power to summon and compel witnesses to attend and testify before him as to the cause, origin, and circumstances of any fire; and may require the production of any books, papers, or documents deemed pertinent or necessary to said inquiry; and shall have the power to administer oaths and affirmations, to any persons, appearing as witnesses; such inquiry to be public.

Any witness who refuses to obey a summons of the director of said department, or who refuses to be sworn or testify, or who disobeys any lawful order of the said director in relation to any such inquiry, or who fails or refuses to produce any books, papers, or documents touching any matter under investigation, or who is guilty of any contempt after being summoned to appear before him to give testimony in relation to any such inquiry as aforesaid, may be punished for contempt of court; and for this purpose application may be made to the court of common pleas within whose jurisdiction the contempt took place, for which purpose the courts of common pleas are given jurisdiction.
(1915, P.L.297, No.180, § 4)

Section 5.1. [Previous service; disability] Each person who shall become an employe of the city [of the second class] after having been employed by the city in the bureau of fire or the bureau of police, and who shall desire to have such previous service counted for eligibility to receive a pension under the provisions of section 3 of this act [the Second Class City Employe Pension Law], shall be required to pay to the fund an amount equal to five per centum of his or her total salary or wages theretofore received by him or her, but in no event contributing more than twenty-five dollars ($25) per month for each previous month of service for which he receives credit as an employe of the city in the bureau of fire or the bureau of police with interest at the rate earned by the fund during the period of such prior employment. Full payment of such amount shall be a condition precedent to the member receiving credit for all or any part of said period of previous service for eligibility to receive a pension. Such amount shall be collected from the monthly salary or wages of the member over the period of two years in the manner provided in section 5 of this act, or in such manner and period as the board of managers may determine. If, however, any such member shall be injured while in the actual performance of duty before he shall have made such full contribution for past service, so long as the disability continues, he or she shall be eligible to pension under this act, but any amount which he or she shall not yet have paid to the fund as a contribution for past services under this section at the date of his or her injury shall be paid, if the board, in its discretion, shall so determine, in such monthly payments as the board may determine, which amounts shall be deducted from his or her pension as and when monthly payments thereof shall be made.
(1915, P.L.596, No.259, § 5.1)

Section 1. [Classification] Be it enacted, &c., That hereafter, for the purpose of fixing their salary or compensation, the patrolmen, police operators, firemen, fire alarm operators, and other officers of the police and fire departments, employed by cities of the second class, shall be divided in classes and officers as follows:

Patrolmen, hosemen, and laddermen shall be divided into seven classes as follows:

The first class shall include all those serving in their first year.

The second class shall include all those serving in their second year.

The third class shall include all those serving in their third year.

The fourth class shall include all those serving in their fourth year.

The fifth class shall include all those serving in their fifth year.

The sixth class shall include all those serving in their sixth year.

The seventh class shall include all those serving in their seventh year or longer.

The officers of the police department shall be divided and classified as follows:

Superintendent, assistant superintendent, inspectors, sergeants, lieutenants, detectives, captains, and police operators.

The officers of the fire department shall be divided and classified as follows:

Chief deputy, chief battalion chiefs, training school instructors, captains, pumpmen, drivers, chiefs' aides, chief fire alarm operator, and fire alarm operators.

(1929, P.L.67, No.77, § 1)

Section 2. [Question to electors] In order that the corporate authorities of the several cities of the second class may ascertain the will of the electors of such city, as to the minimum salary or compensation to be paid to patrolmen, police operators, firemen, fire alarm operators, and other officers of the police and fire departments in cities of the second class, there shall be submitted to the electors of each city of the second class at the primary election in the year one thousand nine hundred and twenty-nine the following question:

"Do you favor the payment to patrolmen, police operators, firemen, and fire alarm operators and other officers of the police and fire departments of the city of ..... of annual salaries or compensation as follows:"

Patrolmen, hosemen and laddermen (first year service),	$1800.00
Patrolmen, hosemen and laddermen (second year service),	$1920.00
Patrolmen, hosemen and laddermen (third year service),	$2040.00
Patrolmen, hosemen and laddermen (fourth year service),	$2160.00
Patrolmen, hosemen and laddermen (fifth year service),	$2280.00
Patrolmen, hosemen and laddermen (sixth year service),	$2400.00
Patrolmen, hosemen and laddermen (seventh year or longer service),	$2520.00

POLICE DEPARTMENT OFFICERS

Superintendent,	$6500.00
Assistant superintendent,	$4500.00
Inspectors,	$3600.00
Sergeants,	$2700.00
Lieutenants,	$2940.00
Detectives,	$2940.00
Captains,	$3180.00
Police operators,	$2790.00

FIRE DEPARTMENT OFFICERS

Chief,	$6500.00
Deputy chief,	$4500.00
Battalion chiefs,	$3600.00
Training school instructors,	$3180.00
Captains,	$2940.00
Pumpmen,	$2700.00
Drivers,	$2604.00
Chiefs' aides,	$2604.00
Fire alarm operators,	$2940.00
Chief fire alarm operator,	$3000.00

Such question shall be printed on a separate ballot prepared by the county commissioners in the manner provided by law for the preparation of official ballots and one such ballot shall be given by the election officer to each voter who votes at the primary election in each such city in the year one thousand nine hundred and twenty-nine. The election officers shall make return of the votes cast on such question to the county commissioners, who shall compute such votes and make a certificate showing the number of votes for and against said question, which

certificate shall be forwarded to the president of the council of such city. The expenses of any such election shall be paid by the city.

The vote taken at such election shall be advisory only and shall not in any way interfere with the right of the corporate authorities of any such city to fix the compensation of patrolmen, police operators, firemen, and fire alarm operators, and other officers of the police and fire departments of the city.
(1929, P.L.67, No.77, § 2)

Subchapter B. Firefighter Relief

Section 1. [Firefighters' relief and pension fund created] Be it enacted, &c., That there is hereby created and established in every city of the second class in this Commonwealth a fund for the care, maintenance, and relief of aged, retired and disabled firemen in the bureau of fire of such city, which fund shall be known as the "Firemen's Relief and Pension Fund of the City of ....."
(1933, P.L.1050, No.242, § 1)

Section 2. [Fund sources] Such fund shall consist of, and to it shall be transferred--

(1) All moneys and securities held by similar boards existing by virtue of any law or ordinance in such city, which fund or funds were held for purposes similar to the purpose of the fund created by this act [the Second Class City Firemen Relief Law] with respect to the city employes covered by the provisions of this act.

(2) All fines imposed upon the firemen of such city, which, by virtue of any law or ordinance referring to such city, are required to be paid by the proper authorities to a fund of this nature.

(3) All donations of money from whatever source which have been or shall be made to the fund.

(4) The income from any and all trust funds which now or may hereafter be established by gift for the benefit of such persons as are eligible to be beneficiaries under the fund.

(5) The dues of the members of the fund, as hereinafter stipulated.

(6) Such moneys as the city shall pay into the fund from time to time, as provided by ordinance, and as may be necessary to carry out the provisions of this act.
(1933, P.L.1050, No.242, § 2)

Section 3. [Board of managers created] There is hereby created for the care, management, and control of such fund a board of managers, consisting of twelve members, to be known as the "Firemen's Relief and Pension Fund Board of the City of -----." The personnel thereof shall be as follows: The mayor or chief executive, the president of council, the city solicitor, the city controller, the director of the department of public safety, and the chief of the bureau of fire, who shall be ex officio members, and six elective members from among the following classes of the members and beneficiaries of such fund: One member to be elected from among the deputy chiefs, battalion chiefs, captains, and lieutenants; three members to be elected from among the other members of the fund; and two members to be elected by the beneficiaries of the fund.
(1933, P.L.1050, No.242, § 3)

Section 4. [Elections] Elections of representatives of the board shall be held annually on the second Monday of December, except that a special election of such representatives shall be held within ten days following the effective date of this act [the Second Class City Firemen Relief Law]; the time and place for holding of which special election shall be fixed by the existing board in such city. The time and place of holding the annual elections thereafter shall be designated and fixed by the board herein created.

If any member of the board shall resign or be dismissed from the service, or shall change from the classification under which he was elected, he shall immediately cease from being a member of the board.

In case of a vacancy caused by whatever means among the elective members of the board, such vacancy shall be filled by the board at its next meeting for the unexpired term.
(1933, P.L.1050, No.242, § 4)

Section 5. [Officers] The director of the department of public safety shall be the president of said board; the elected members of the board shall appoint a secretary-treasurer who shall be paid such compensation as may be fixed by the elected members of the board and the city solicitor shall be the attorney and legal counsel of said board, but shall receive no additional compensation therefor. The board shall elect from among its members a vice president, who shall serve without compensation and shall perform the duties of the president during his absence.
(1933, P.L.1050, No.242, § 5)

Section 6. [Meetings] The president shall preside at all meetings of the board. He shall appoint all committees, sign all necessary papers, approved by the board, requiring his signature, and perform such other duties as may be required by his office.

The secretary-treasurer shall keep minutes of all meetings of the board, receive and receipt for all payments to the fund, and keep accurate account between the fund and its members. All checks shall be signed by the secretary-treasurer and countersigned by the president of the board.

There is hereby provided an account for the secretary-treasurer to meet the small expenditures as may arise by the meetings of the board. The secretary-treasurer shall be responsible for the proper disposition of such account.

The board shall hold regular monthly meetings at a time and place to be fixed by the board. Special meetings of the board shall be called by the president whenever he deems it necessary, or upon written request of seven members of the board or twenty-one members or beneficiaries of the fund.

The board may appoint and fix the compensation of such employes necessary to the proper administration of the fund, and provide for equipment, supplies and services necessary to the administration of the fund. The cost thereof shall be payable from the fund.
(1933, P.L.1050, No.242, § 6)

Section 7. [Management of fund; sinking fund created] The board shall designate and choose such bank or banks, trust company or trust companies, in such city, in which the moneys of the fund shall be deposited, and such bank or banks, trust company or trust companies, shall be selected annually after the board shall have received written proposals as to the rate of interest which shall be paid on such deposits, and the bank or banks, trust company or trust companies, offering to pay the highest rate of interest shall be chosen as the depository or depositories of the fund if the board be satisfied of the soundness of such institution or institutions.

The board shall create and establish a sinking fund into which shall be paid all moneys remaining to the credit of the fund and the depositories of the fund on the first day of each year and after all claims and running expenses of the prior year have been paid; and the moneys in the sinking fund shall not be used for any purpose excepting by a two-thirds vote of the board, but the interest accruing on the moneys in such sinking fund may be used for the payment of the necessary expenses for the operation of the fund.

The board may invest the moneys of the fund and of the sinking fund in such State, county, or municipal bonds of the State of Pennsylvania, or in bonds of the United States Government, as they may deem to the best interest of the respective funds. All such investments shall be made in the name of the respective fund. The accounts of the fund shall be audited annually by the city controller, or oftener if the board requests the same to be done, and a copy of the audit furnished to the council of the city.
(1933, P.L.1050, No.242, § 7)

Section 8. [Eligibility] Those eligible to membership in the fund shall be:

(1) All uniformed employes of the bureau of fire, including the commanding officer and the chief of the bureau.

(2) All substitute uniformed employes of the bureau of fire.

(3) All persons who are at present members of the existing fund in such city. Employes of the bureaus of electricity and building inspection in such city who have entered such service since the first day of July, one thousand nine hundred and eighteen, shall not be eligible to be members of such fund.

(1933, P.L.1050, No.242, § 8)

Section 9. [Membership requirements] Any individual eligible to membership in such fund, as aforesaid, shall be required--

(1) To sign an acceptance of the provisions of this act [the Second Class City Firemen Relief Law], which acceptance shall contain an agreement, on the part of the one so signing, that upon resignation or dismissal from the employ of said bureau of fire, he shall thereby relinquish and forfeit all rights to participate in said fund; and no employment shall be granted an applicant to a position which would make him eligible as a member of said fund until such acceptance and agreement is signed by him.

(2) To contribute to said fund six per centum of his rated monthly wages, which shall be deducted from his wages by the city controller from the payroll for the last pay period of each month, and paid into the fund. All beneficiaries of the fund shall, in addition thereto, pay the sum of one dollar a month into the said fund, and in the case of active members, the city controller shall deduct said contribution from the payroll of the last pay period of each month and the secretary of the fund shall deduct the sum of one dollar from the pension paid each pensioner. The amount so collected shall be paid into the firemen's relief and pension fund and out of the funds of the firemen's relief and pension fund there shall be paid to the beneficiary of any deceased member of the fund, the sum of one thousand two hundred dollars.

When any member of the fund shall resign or be dismissed from service there shall be paid to him from the fund a sum of money equal to all dues paid by him into the fund, without interest. When any member of the fund shall die in active service there shall be paid from the fund a sum of money equal to all dues paid by him into the fund, without interest, to his widow, if there be such widow, or in the absence of such widow to such person or persons as he shall have designated on a form prepared and approved by the board for such purpose, or in the absence of such widow and such designation to his estate. When any beneficiary shall die before he has received pension payments equal in amount to his total contributions to the fund, there shall be paid a sum of money equal to the difference between the amount of his said contributions and the amount he shall have received as pension payments, without interest, to his widow, if there be such widow or in the absence of such widow to such person or persons as he shall have designated on a form prepared and approved by the board for such purpose, or in the absence of such widow and such designation to his estate.

In addition when any member of the fund shall die as a result of injuries incurred while in the performance of his duties, there shall be paid to his widow from the fund monthly sums in amounts which, together with any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," will be equal to fifty per centum of his salary at the time of his death. Such monthly payments shall continue for five hundred weeks, or until the widow shall remarry, or until her death, whichever shall first occur.

In the event there are surviving children but no widow, or after the payments herein provided for the widow have been discontinued by reason of the end of the five hundred week period or her remarriage or death, each unmarried child of the deceased member under the age of eighteen years shall thereafter receive payments equal to twenty-five per centum of the payments above provided for the widow, but in no case shall total payments to one family be more than fifty per centum of his salary at the time of his death. Where there is only one child, the minimum monthly payments shall be sixty dollars. Where the maximum amount is payable, it shall be divided equally among the children entitled thereto. The payments for each child shall terminate upon his reaching the age of eighteen years or his marriage or death: Provided, That the board may continue indefinitely payments to a dependent incompetent child. These

payments shall consist of any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," supplemented by the necessary amounts from the pension fund. In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the member shall receive the payments the widow would have received had she survived and not remarried.

Regular employes shall serve at least fifteen days in each month and appear on all payrolls of said bureau of fire in said month in order to be credited for one month's service for pension under this act. In the event, however, that such regular employe served one or more days in any month while serving as a substitute employe prior to becoming a regular employe, such regular employe shall be given a full month's credit for the day or days in every month so served as a substitute: Provided, That the dues for each month so credited are paid in full.

Payments to the widows and children of members killed while on duty shall first be made on and after July 1, 1959.
(1933, P.L.1050, No.242, § 9)

Section 9.1. [Credit for previous service] Each person who shall become an employe of the bureau of fire after having been employed by the city other than in the bureau of fire, and who shall desire to have such previous service counted for eligibility to receive a pension under the provisions of section 11 of this act [the Second Class City Firemen Relief Law], shall be required to pay to the fund an amount equal to five per centum of his or her total wages theretofore received by him or her for each previous month of service for which he receives credit as an employe of the city, with interest at the rate earned by the fund during the period of such prior employment: Provided, That service to be credited which was performed after the effective date of this act shall be paid for at the new rate of contribution. Full payment of such amount shall be a condition precedent to the member receiving credit for all or any part of said period of previous service for eligibility to receive a pension. Such amount shall be collected from the monthly wages of the member over the period of two years in the manner provided in clause (2) of section 9 of this act, or in such manner and period as the board of managers may determine. If, however, any such member shall be injured in the line of duty before he shall have made such full contribution for past service, so long as the disability continues he or she shall be eligible to pension under this act, but any amount which he or she shall not yet have paid to the fund as a contribution for past services under this section at the date of his or her injury shall be paid if the board in its discretion, shall so determine, in such monthly payments as the board may determine, which amounts shall be deducted from his or her pension as and when monthly payments thereof shall be made.
(1933, P.L.1050, No.242, § 9.1)

Section 9.2. Married Persons; Pension to Surviving Spouse.--(a) Any married person who elects in writing to be governed by the provisions of this amendment and who retires under the provisions of this act [the Second Class City Firemen Relief Law] shall, at the time of his retirement, receive the pension provided by this act during his lifetime and a pension after his death, payable to his surviving spouse at the time of his death equal to fifty per centum of his pension: Provided, That such person shall have been married to his spouse for not less than two years prior to the date of his death and the spouse was dependent upon such deceased employe at the time of his death.

(b) Such surviving spouse shall be entitled to receive payments commencing the first day of the month in which the death of the deceased spouse occurs, and shall continue to and terminate upon the death of such surviving spouse, unless such surviving spouse shall remarry, in which event the board may allocate the pension to dependent children or parents as provided in this act: Provided, however, That in no case shall total payments to a member or his survivors or his estate be less than the deceased member's contribution into the fund.

(c) The word "pension" as used in this section shall be construed to mean the sum of the pension provided by this act plus the amount of service increment, if any, to which the married person retiring shall be entitled.

(d) In the event there is no surviving spouse, or the surviving spouse dies or remarries while receiving payments under this section, and where there are dependent children of the deceased member of the fund, the board may pay to each such dependent child twenty-five per centum of the pension earned by the deceased member until each such child attains the age of eighteen or marries or dies: Provided, That the board may indefinitely continue payments to a dependent incompetent child. Where the sums payable to dependent children under this section are equal to the maximum pension to which the widow would be entitled, it shall be divided equally among the children entitled thereto. In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the deceased member shall receive the monthly payments the widow would have received had she survived and not remarried. In the event that there are no surviving children, widow or dependent parents entitled to receive the payments provided for in this act, the deceased member's contributions or the remainder of his contributions shall be paid to his estate.

(e) Any retired member of the Firemen's Relief and Pension Fund who retired prior to August 27, 1963, may, within ninety days after the effective date of this amendment, elect to be governed by the provisions of this subsection, provided such election shall be in writing and that such writing shall be filed with the secretary of the Firemen's Relief and Pension Fund. Each retired member who elects to be governed under the provisions of this subsection shall agree to contribute one-half of one per centum of his monthly pension to the Firemen's Relief and Pension Fund. Upon the death of any retired member who elected in the manner above prescribed to be governed by this subsection, his widow and surviving children shall receive the benefits otherwise provided by this act for widows and children of deceased members who elected to be governed by the amending act of August 27, 1963 (P.L.1297) and any further amendments thereto. ((e) added July 1, 1970, P.L.447, No.153)
(1933, P.L.1050, No.242, § 9.2)

Section 9.3. [Survivorship benefits] (a) A surviving spouse of any active member of the fund who:

(1) at the time of his death was in active service with the city; and

(2) had elected to be governed by the provisions of this amendment; and

(3) if he died prior to the effective date of this amending act had completed twenty years of service or if he dies after the effective date of this amending act, regardless of the length of his service, shall be entitled to survivorship benefits equal to fifty per centum of the pension which would have been payable to such active member had he retired at the date of his death: Provided, That such employe shall have been married to his spouse for not less than two years prior to the date of his death and that the spouse was dependent upon such deceased employe at the time of his death.

(b) Such surviving spouse shall be entitled to receive payments as provided in subsection (b) of section 9.2 of this act [the Second Class City Firemen Relief Law].

(c) The word "pension" as used in this section shall be construed to mean the sum of the pension under the terms of this act, including the amount of service increments, if any, to which the deceased member of the fund would have been entitled had he retired upon the date of his death.

(d) In the event there is no surviving spouse or the surviving spouse dies or remarries and where there are dependent children of the deceased member of the fund, the board may pay to each such dependent child twenty-five per centum of the pension earned by the deceased member until each such child attains the age of eighteen or marries or dies: Provided, That the board may indefinitely continue payments to a dependent incompetent child. Where the sums payable to dependent children under this section are equal to the maximum pension to which the widow would be entitled, it shall be divided equally among the children entitled thereto. In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the deceased member shall receive the monthly payments the widow would have received had she survived and not remarried. In the event that there are no surviving children, widow or dependent parents entitled to receive the payments provided for in this act, the deceased member's contributions or the remainder of his

contributions shall be paid to his estate.
(1933, P.L.1050, No.242, § 9.3)

Section 9.4. [Election of benefits for surviving spouse] Any member of the fund, within ninety days after the effective date of this amendment, or within ninety days of his appointment to the bureau of fire may elect to be governed by the provisions of this amendment, provided such election shall be in writing and that writing shall be filed with the secretary of the Firemen's Relief and Pension Fund.
(1933, P.L.1050, No.242, § 9.4)

Section 9.5. [Additional contributions for benefits for surviving spouse] Each member who elects to be governed under the provisions of this amendment shall agree to contribute one-half of one per centum of his rated monthly wages in addition to all other required contributions as set forth in this act [the Second Class City Firemen Relief Law].
(1933, P.L.1050, No.242, § 9.5)

Section 10. [Reinstatement] A member of the fund who has severed his connection therewith and has subsequently again become eligible for membership therein shall, in addition to a readmission fee of five dollars, be required to return to the fund such dues as were repaid to him from the fund when his membership in the fund was severed.

Such refund shall be collected from the monthly wages of the reinstated member over the period of a year, and full payment thereof shall be a condition precedent to the member being eligible to the benefits of the fund.

Any person previously on retirement who is re-employed and reinstated as a member of the fund shall, at the time of his later retirement, be entitled to any increase in pension which has been provided for by amendments to the law prior to such later retirement.

If, however, any such reinstated member shall be totally and permanently disabled in line of duty before he shall have made such full restitution and before the expiration of the one year period, he shall be eligible to pension under this act [the Second Class City Firemen Relief Law]; but any amount to which he shall have been indebted to the fund at the date of his injury shall be repaid, if the board, in its discretion, shall so require, in such monthly payments as said board may determine, which amounts shall be deducted from his pension as and when monthly payments thereof shall be made.
(1933, P.L.1050, No.242, § 10)

Section 11. [Written application; military service credit] Members of the fund shall be eligible to pension under said fund upon written application of such member, stating his desire to withdraw from service in said city, which application shall show that such employe has rendered at least twenty years service to the said city, at least one year of which was immediately prior to his application, but which does not otherwise necessitate continuous service but that such service shall total twenty years and shall include service in the armed forces of the United States or active service in the Pennsylvania State Militia when said militia has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such city service not to exceed three years. Each member desiring such credit shall be required to pay to the fund an amount equal to five per centum of the salary or wages he or she would have earned had he or she been a member of the bureau of fire during the period of military service, with interest at the rate of five per centum of the amount paid into the fund.
(1933, P.L.1050, No.242, § 11)

Section 11.1. [Disability] In addition to applicants eligible for pension pursuant to section eleven of this act [the Second Class City Firemen Relief Law], any member who has been admitted to membership in this fund, who has become totally and permanently disabled after ten years of service, shall be entitled to the said pension. Any person who has become totally and permanently disabled by reason of injury sustained in the actual performance of duty, shall

be entitled to such pension. Such service shall include service in the armed forces of the United States or active service in the Pennsylvania State Militia when it has been mobilized for internal police duty whether such armed forces or militia service occurs prior to or during such city service. Proof of total and permanent disability shall consist of the sworn statement of three practicing physicians designated by the board that the employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. If the employe is a patient in a hospital operated by the United States, the Commonwealth of Pennsylvania, or any political subdivision thereof, the board may accept the sworn statement of the administrator of such hospital that the members of the medical staff of such hospital attending said employe are of the opinion that said employe is in a permanent condition of health which would totally disable him or her from performing the duties of his or her position or office. Once a year, or sooner if recommended by a physician, the board of pensions may require a disability pensioner to undergo a medical examination by three physicians appointed by the board, or if the pensioner is a patient in a hospital operated by the United States, the Commonwealth of Pennsylvania, or any political subdivision thereof, the board may require from the administrator of such hospital additional certification as to the continuance of the disability of said employe, and should such physicians or administrator thereupon report and certify to the board that such beneficiary is no longer incapacitated, and should the pension board concur in such report, the pension payments to such beneficiary shall be discontinued when the beneficiary is returned to active duty or has refused to return to active duty.

Payments to disabled members shall be made on or after July 1, 1959.
(1933, P.L.1050, No.242, § 11.1)

Section 12. [Payments to beneficiaries; cost-of-living allowance] (a) Beneficiaries under the fund, who retire on or after January one, one thousand nine hundred fifty-six and before the effective date of this amending act, shall be entitled to receive from the fund, per month, an amount equalling fifty per centum of the average monthly wages earned by the contributor as an employe of the bureau of fire of the city during any five calendar years of service or the last sixty months immediately preceding retirement. Beneficiaries under the fund, who retire on or after the effective date of this amending act shall be entitled to receive from the fund, per month, an amount equalling fifty per centum of the average monthly wages earned by the contributor as an employe of the bureau of fire of the city during any three calendar years of service or the last thirty-six months immediately preceding retirement. If any employe has not been employed in the bureau of fire for at least five years but is otherwise entitled to a pension, such employe's pension shall equal not less than fifty per centum of the amount which would constitute the average monthly wages received by the beneficiary as an employe of the bureau of fire.

(b) Beneficiaries under the fund in any case shall be entitled to minimum monthly payments in the amounts indicated in the following table:

Classification			Composed of Monthly Payments
I.	Chief	Bureau of Fire	$247.00
	Superintendent	Bureau of Electricity	
II.	Deputy Chiefs	Bureau of Fire	$235.00
	Deputy Superintendents	Bureau of Electricity	
III.	Battalion Chiefs	Bureau of Fire	$223.00
	Chief of River Patrol	Bureau of Fire	
	Chief Inspectors	Division of Fire Prevention	
	Chief Wiring Inspectors	Bureau of Electricity	
IV.	Training School Instructors	Bureau of Fire	$217.00
V.	Captains	Bureau of Fire	$217.00
	Assistant Engineers	Bureau of Electricity	
	Supervisors of Construction	Bureau of Electricity	
	Fire Alarm Operators	Bureau of Electricity	

VI.	Lieutenants	Bureau of Fire	$211.00
	Engineers	Bureau of Fire	$199.00
	Pumpmen	Bureau of Fire	$199.00
VII.	Drivers	Bureau of Fire	$199.00
	Electric Wiring Inspectors	Bureau of Building Inspection	
VIII.	Hose and Laddermen	Bureau of Fire	$199.00
	Aides	Bureau of Fire	
	Assistant Engineers	Bureau of Fire	
	Fire Alarm Box Inspectors	Bureau of Electricity	
	Police Box Inspectors	Bureau of Electricity	
	Instrument Repairmen	Bureau of Electricity	
	Battery Men	Bureau of Electricity	
	Line Foreman	Bureau of Electricity	
	Linemen	Bureau of Electricity	
	Inspector	Bureau of Fire	
	Inspector	Division of Fire Prevention	

(c) Beneficiaries under the fund who have retired prior to December 31, 1965, shall be paid an additional sum of fifteen dollars ($15) per month.

(d) The governing body of a city of the second class may grant to beneficiaries under the fund, regardless of the date of retirement whether prior to or after the effective date of this act [the Second Class City Firemen Relief Law], an annual cost-of-living allowance not to exceed the per centum change in the price index from November of the year preceding the most recent cost-of-living adjustment as taken on November one in each year times the beneficiaries pension allowance, excluding cost-of-living adjustments. No pension shall be paid at a lower rate than that which the beneficiary would be entitled to receive excluding the cost-of-living allowance.

The cost-of-living percentage is the average quarterly calendar year change of the Consumer Price Index (all items--United States city average) published monthly by the Federal Bureau of Labor Statistics, using as a base of one hundred the years 1957-1959.
(1933, P.L.1050, No.242, § 12)

Section 12.1. [Additional annuity payments] Any beneficiary under said fund shall, upon payment into the fund of the sum of two hundred dollars ($200), with accrued simple interest at three per cent (3%) per annum from the first day of August, one thousand nine hundred fifty-three, until the date it is paid, if paid after the fifteenth day of August, one thousand nine hundred fifty-three, but with no interest, if paid on or before the first day of August, one thousand nine hundred fifty-three, be entitled to receive from the fund annually and for life, in addition to his regular pension, determined in amount as of the date of his withdrawing from service in the city, an additional annuity, prorated on a monthly basis, as a one-twelfth addition to the monthly payments due on his regular pension, sufficient in amount that the total monthly payments received by him for regular pension and additional annuity combined shall equal the amount of the regular pension which he would have been entitled to receive if he had withdrawn from service in the city on and as of the first day of August, one thousand nine hundred fifty-three. Such additional annuity payments shall begin on the date on which the regular monthly pension payment is next due, after such contribution and interest have been paid.

In addition to other benefits provided by this act [the Second Class City Firemen Relief Law], city council may, by ordinance, pay beneficiaries of the fund who retired on or before December 31, 1968 an additional sum of forty dollars ($40) per month.
(1933, P.L.1050, No.242, § 12.1)

Section 12.4. [Service increment] In every city of the second class, in addition to the pension which is authorized by law, every contributor who shall have otherwise become entitled to the pension and who has reached the age of fifty years, shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:

(1) Service increment shall be the sum obtained by computing the number of whole years after the completion of twenty years' service while a contributor has been employed by the bureau of fire or the city, and paid out of the city treasury, and multiplying the number of years so computed by an amount equal to ten dollars for each month of service beyond twenty years of service. This sum shall be divided by twelve to arrive at the monthly increment payment. In computing the service increment, no employment, after the contributor has reached the age of sixty-five years shall be included.

(2) Each contributor, from and after the effective date of this amendment, shall pay into the retirement fund as the contribution to the increment fund, a monthly sum in addition to his or her retirement contribution which shall be equal to one-half of one per centum of his or her wages. Such payment shall not exceed the sum of one dollar per month. The service increment contribution shall not be paid after a contributor has reached the age of sixty-five years.

(3) Persons who are contributors on the effective date of this amendment who have already reached the age of sixty-five years shall have his or her service increment computed on the years of employment prior to the date of reaching his or her sixty-fifth birthday. Such person, however, shall be entitled to the increment only by paying in the one dollar per month contribution for the number of months his or her service exceeds twenty years, but such contribution shall not exceed a total of one hundred dollars.

(4) Service increment contributions shall be paid at the same time and in the same manner as pension contributions, and may be withdrawn in full without interest by persons who leave the employment of the bureau of fire subject to the same conditions by which pension contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment. When any person is re-employed by the bureau of fire after withdrawal of pension contributions, his or her prior service shall not be used in the computation of service increment unless the amount of such contributions be repaid into the pension fund subject to the same conditions by which pension fund withdrawals are permitted to be repaid.

(5) All employes of the bureau of fire who are now contributors to the pension fund, and all persons who are employed by the bureau of fire after the effective date of this amendment, who are required to become contributors to the pension fund, shall be subject to the provisions of this section.

(1933, P.L.1050, No.242, § 12.4)

Section 12.5. [Payments to certain survivors authorized] In addition to the other benefits provided by this act [the Second Class City Firemen Relief Law] the city council is authorized by ordinance to adopt a plan of paying to widows of deceased firemen, not otherwise covered under this act, a monthly award of such amount as the council may from time to time determine and may further appropriate from the city's general fund sufficient amounts to make such further awards.

(1933, P.L.1050, No.242, § 12.5)

Section 12.6. [Continuing eligibility for certain persons] Any person who shall, after the effective date of this act [the Second Class City Firemen Relief Law], be employed by the bureau of fire of the city, and who shall become a member of the fund and who, after twenty or more years service and before attaining the age of fifty years, shall be separated from the service by reason of no cause or act of his or her own, if such member continues to contribute to the pension fund monthly a sum equal to the last monthly contribution paid while in employ, such former employe shall, when he or she reaches the age of fifty years, be eligible to receive a pension allowance.

(1933, P.L.1050, No.242, § 12.6)

Section 12.7. [Early voluntary retirement] Any person who shall, after the effective date of this act [the Second Class City Firemen Relief Law], be employed by the bureau of fire of the city and who shall become a member of the fund, and who, after twenty or more years service, retires voluntarily before reaching the age of fifty years, shall pay into the pension fund monthly a sum equal to the last monthly contribution paid while in the service until he or she reaches

the age of fifty years, when such former employe shall be eligible to receive a pension allowance.
(1933, P.L.1050, No.242, § 12.7)

Section 13. [Power to revoke, suspend or redirect pension payment] If any beneficiary of the fund shall be awarded a pension and shall thereafter be convicted of felony, or shall become an habitual drunkard, or shall cease to care for and support his wife and family, then, and in any such case, the board shall have power, by a two-thirds vote, to revoke the pension, or to suspend the payment thereof, or to direct payment of the pension to the family of such beneficiary.
(1933, P.L.1050, No.242, § 13)

Section 14. [Beneficiaries obtaining employment with city] Any beneficiary of the fund who may obtain employment in the service of the city itself, shall forfeit his pension from the fund during the time of such employment.
(1933, P.L.1050, No.242, § 14)

Subchapter C. Fire Department Employees

Section 1. [Civil service status of certain fire department employees in cities of the second class] All persons who were given provisional appointments by the fire department of any city of the second class, and whose services may have been temporarily interrupted through no fault of their own, and who, upon the effective date of this act [the act of May 12, 1939, P.L.130, No.62], have been properly appointed to any position in the fire departments of such cities of the second class, shall be given a civil service status applicable to persons who have been properly appointed and continuously in service since the date upon which such persons were given their original provisional appointment, less such time as they were out of service.
(1939, P.L.130, No.62, § 1)

Section 1. [Civil service in cities of the second class] All positions in bureaus of fire, except as here and after provided, and all positions of fire alarm operators and fire alarm box inspectors in bureaus of electricity, in cities of second class, shall be in the competitive class of the civil service of such cities. This act [the act of June 27, 1939, P.L.1207, No.405] shall not apply to or include chief officers of bureaus of fire under the director of the department, by whatever title his position may be designated, nor to chief clerks in bureaus of fire in such cities.
(1939, P.L.1207, No.405, § 1)

Section 3. [Application for original appointment and reinstatement] Each applicant for original appointment to a position in the competitive class in any bureau of fire in any city of the second class, or to the position of fire alarm operator or fire alarm box inspector in any such city, shall undergo a physical examination which shall be conducted by a commission composed of doctors of medicine appointed for that purpose by the mayor. Said commission shall certify to the Civil Service Commission that the applicant is free from bodily or mental defects, deformities or diseases that might incapacitate him from the performance of the duties of the position he is seeking. No application for such appointment shall be received from any person who is under eighteen years of age or over thirty-five years of age at the date of his application, except that an applicant for the position of fire alarm operator or fire alarm box inspector in any such city, may be over thirty-five years of age at the date of his application. Nor shall any such application be received from any person who shall not have been a bona fide resident of the city for one year next preceding the date of his application: Provided, however, That any applicant for reinstatement as a member of the bureau of fire or as a fire alarm operator or as a fire alarm box inspector of any such city in which he makes such application, who shall have served previously as an employe in such bureau for a period of more than six

months and who, at the time of his application for reinstatement shall be a resident of such city, shall be eligible for such reinstatement even though such applicant shall be over the age of thirty-five years.
(1939, P.L.1207, No.405, § 3)

Section 3.1. [Appointment and promotion] (a) Both original appointments and promotions to any position in the competitive class in any bureau of fire in any city of the second class shall be made only from the top of the competitive list: Provided, however, That the appointing officer may pass over the person on the top of the competitive list for just cause in writing. Any person so passed over shall, upon written request, be granted a public hearing before the Civil Service Commission.

(b) No oral examination shall be conducted as a means of determining the mental qualifications of any applicant for appointment or promotion in the competitive class in the bureau of fire.

(c) Any person taking a competitive examination for appointment or promotion in the competitive class in the bureau of fire shall, if he so requests within five days after receiving notice of the results of such examination, be permitted to see his examination papers and to review his answers with those who conducted the examination. Any person who is refused such review or who is dissatisfied with the results of such review shall, upon written request, be granted a public hearing before the Civil Service Commission.

(d) Any person taking a competitive examination for promotion within the competitive class in the bureau of fire shall be entitled to have added to the grade obtained in such examination, provided such grade is over the passing grade of seventy-five, a credit of one-half point for each year of service which such person has had in the bureau of fire, but in no case shall more than ten points be so added.

(e) Any vacancy which may occur within the competitive class in the bureau of fire shall be filled from the next lowest rank.

(f) Any person who served in the Armed Forces of the United States during any war or armed conflict in which the United States engaged and who has as honorable discharge from such service and who shall successfully pass a civil service examination for the position of hoseman in the bureau of fire shall be marked or graded an additional ten points above the mark or grade he received on the examination and the total mark or grade thus obtained shall represent the final mark or grade of such person and shall determine his standing on the competitive list, but otherwise the provisions of subsection (a) of this section shall apply to such person.
(1939, P.L.1207, No.405, § 3.1)

Section 3.2. [Vacancy] (a) Whenever in the competitive class of any bureau of fire a vacancy of equal rank shall occur in another company, the vacancy shall be filled by transferring the person with the longest period of service within the bureau of fire who requests such transfer. Notice of any such vacancy to be filled shall be prominently posted at all fire stations within five days after the occurrence of the vacancy, and any person desiring such transfer shall submit a written request therefor within ten days of the posting. A vacancy may be temporarily filled for a period not to exceed fifteen days. In the event that no person requests such transfer as above set forth, the vacancy may be permanently filled at the discretion of the appointing authority of the bureau of fire.

Driving assignments within a company shall be made on the basis of seniority within that company.

Engine and truck companies housed together shall be considered to be one company except where an engine company and a truck company with the same numbers are bound together in which case they shall be considered one company and the other company houses in the same facility shall be another company. Squad companies and elevated platforms shall be separate companies.

No such transfer or driving assignment shall be denied the person entitled thereto by reason of seniority unless such person is found to be unable to perform the necessary duties.

The denial of any such transfer or driving assignment shall be in writing, and shall state the reasons therefor.

(b) Any person who is denied a transfer or who is denied a driving assignment to which he is entitled under subsection (a) of this section shall, upon written request, be granted a public hearing before the Civil Service Commission.
(1939, P.L.1207, No.405, § 3.2)

Section 3.3. [Hearing; appeals] Any hearing before the Civil Service Commission to which a person is entitled under the provisions of this act [the act of June 27, 1939, P.L.1207, No.405] shall be held by said commission within a period of fifteen days from the date of the request therefor. Any person aggrieved by the findings of the commission shall have the right to appeal to the court of common pleas of the county.
(1939, P.L.1207, No.405, § 3.3)

Section 4. [Reinstatement] Reinstatements as employes in said bureaus of fire and as fire alarm operators and fire alarm box inspectors in said bureaus of electricity may be made without any restriction or restrictions as to time. No examination other than a physical examination, as directed by the Civil Service Commission, shall be required in any case of reinstatement. Any person so reinstated shall be the lowest in rank in the bureau in which he shall be reinstated, next above the probationers in such bureau. No person employed in a competitive position in any bureau of fire or as a fire alarm operator or as a fire alarm box inspector in any bureau of electricity, in any city of the second class, shall be eligible for promotion from a lower grade to a higher grade until such person shall have completed at least two years' service in said lower grade.
(1939, P.L.1207, No.405, § 4)

Section 5. [Court of inquiry or trial] No employe in the competitive class in any bureau of fire in any city of the second class, except any such employe who has been convicted of a felony and whose appellate remedies have been exhausted shall be removed, discharged, or suspended for any period as a penalty, or reduced in rank or pay without his written consent, except for just cause which shall not be religious or political, nor in any event, except by the decision of a court, either of trial or inquiry, duly determined and certified in writing to the mayor, and approved in writing by the mayor, which court shall be composed of three persons employed in said bureau of fire equal or superior in rank therein to the accused. Such decision shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person and also by a brother employe or an attorney at law to act as his counsel. The persons composing such court shall be appointed as hereinafter provided, and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in said court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth. If said persons shall be equal in rank, then the persons composing such court shall select one of their number to exercise said authority. Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decision may be for the honorable discharge from the service of the employe concerned; or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, or unbecoming official or personal conduct, in which cases the court shall be one of trial, and its decision shall authorize the director of the department of public safety to impose fines and pecuniary penalties, to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service. It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty, before trial, any employe charged as aforesaid, until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after the charge has been made.

Any employe in the competitive class in any bureau of fire in any city of the second class convicted of a felony shall be summarily dismissed from employment by the director of the department of public safety.
(1939, P.L.1207, No.405, § 5)

Section 6. [Selection of court; decision, hearing and appeal] The members of such court of inquiry or trial shall be selected as follows: The director of the department of public safety shall in the presence of the employe charged and his brother officer or attorney at law acting as his counsel, as aforesaid, cause the names of at least fifty employes of the bureau of fire, who hold a position in the competitive class, equal or superior in rank to the employe under charges, to be written upon separate slips of paper of the same size, color and texture, and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided, cause said slips to be placed in a box or other receptacle properly adapted for the drawing therefrom of names by law, as hereinafter provided. Said fifty names so deposited shall be provided as follows: The director of the department of public safety shall supply twenty-five thereof and the employe so charged shall supply twenty-five thereof. When said names shall have been so deposited in said box or receptacle, the same shall be thoroughly shaken by some disinterested person until said slips of paper shall have been thoroughly mixed, and thereupon such disinterested person shall draw therefrom singly and by law seven names, and the director of the department of public safety and the person so charged shall each in order be entitled to exercise alternate challenges until the names of three persons are left and said three persons shall compose said court either of trial or inquiry as the case may be. In the event that there should not be fifty employes of the bureau of fire holding positions in the competitive class, equal or superior in rank to the employe under charges, then the names of all such employes equal or superior in rank to the employe under charges shall be so placed in said box and drawn therefrom and said court of trial or inquiry selected in the manner hereinabove described or as nearly in such manner as may be possible in the circumstances. Any employe so charged may waive by his written consent the selection of a board by agreeing to the board that has already been chosen. Any employe so charged, if he shall demand it in writing, shall be furnished promptly without cost or expense to him, a transcript of the testimony taken before said court of inquiry or trial, duly certified by the official reporter.

After said decision of said court shall have been duly determined, certified in writing to the mayor and approved by the mayor in writing, the director of the department of public safety shall before imposing the penalty so determined, furnish the person so charged with a written statement of the reasons for his said action and shall afford the person so charged a period of at least five days within which to make reply thereto, if he so desires. In every case of such removal, discharge, suspension, reduction or fine, a copy of the statement of the reasons therefor, and the written answer thereto of the person so sought to be penalized, if any, together with a transcript of the proceedings and decision of said trial court shall be furnished forthwith to the Civil Service Commission and entered upon its records. If the employe affected shall demand it, the Civil Service Commission shall upon his written request therefor, grant him a public hearing, which hearing shall be held within a period of fifteen days from his said request. At such hearing, the burden of proof shall be upon the removing officer to justify his action. If the Civil Service Commission shall fail to sustain the action of the removing officer, the person sought to be removed shall be reinstated with full pay for the entire period during which he may have been prevented from performing his usual employment and no charges shall be recorded against him. A written record of all testimony taken at such hearing shall be kept and preserved by the Civil Service Commission, which record shall be sealed and not be available for public inspection unless an appeal be taken by the employe from the action of the commission. Any employe so charged, if he shall demand it in writing, shall be furnished promptly without cost or expense to him, a transcript of the testimony taken before said Civil Service Commission, duly certified by the official reporter. The court shall proceed to hear said appeal upon the record and no additional evidence shall be introduced. The power to suspend shall in no event be for minor or petty offenses or for political or religious reasons.
(1939, P.L.1207, No.405, § 6)

Section 7. [Procedure for reduction in number] If, for reasons of economy, lack of funds, abolition of position or positions, or for any other reason it becomes necessary for any city of the second class to reduce the number of employes of its bureau of fire or the number of fire alarm operators or fire alarm box inspectors in its bureau of electricity, then the city shall follow the following procedure:

First: If there are any employes in its bureau of fire, fire alarm operators or fire alarm box inspectors eligible for retirement under the terms of any pension fund, then such reduction in numbers shall be made by retirement on pension of all the oldest in age and service.

Second: If the number of employes in its bureau of fire, fire alarm operators and fire alarm box inspectors eligible for retirement under the pension fund of said city, if any, is insufficient to effect the reduction in number desired by said city, or if there is no eligible person for retirement, or if no pension fund exists in said city, then the reduction shall be effected by suspending the last man or men, including probationers, that have been appointed. Such removal shall be accomplished by suspending in numerical order, commencing with the last man appointed, all recent appointees until such reduction shall have been accomplished. Whenever the number of such employes in the bureau of fire or fire alarm operators or fire alarm box inspectors in the bureau of electricity shall again be increased in numbers, or if any vacancies occur, the employes suspended under the terms of this act [the act of June 27, 1939, P.L.1207, No.405] shall be reinstated to their former class before any new appointees are appointed.

(1939, P.L.1207, No.405, § 7)

Section 7.1. [Penalties] Whoever knowingly makes an appointment or a promotion or a transfer in the competitive class in the bureau of fire in any city of the second class contrary to the provisions of this act [the act of June 27, 1939, P.L.1207, No.405], or wilfully refuses or neglects otherwise to comply with or to conform to any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars ($50) nor more than five hundred dollars ($500), or undergo imprisonment not exceeding six months, or both.

(1939, P.L.1207, No.405, § 7.1)

Chapter 10. Cities of the Second Class A

Section 1. [Removal or dismissal] Be it enacted, &c., That no regularly appointed policeman in cities of the second class, and no regularly appointed policeman or fireman in cities of the second class A, shall be removed or dismissed without his written consent, except by the decisions of court, either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of three persons belonging to the police or fire force equal or superior in official position therein to the accused. Such decisions shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person and also by a brother officer to act as his counsel. The persons composing such court shall be appointed as hereinafter provided, and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decisions may be for the honorable discharge from the service of the person concerned; or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, unbecoming official or personal conduct, and, in cities of the second class A, intoxication while on duty, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary

penalties to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service: Provided, That in cities of the second class A where the charge is intoxication while on duty and a trial court finds the defendant guilty, the mayor shall suspend the convicted officer for a period of thirty days without pay: Provided, That the defendant has not been convicted of any similar offense within a period of five years last preceding the effective date of this statute [the act of April 14, 1931, P.L.38, No.30].

If the said fireman or policeman shall be convicted a second time on a charge of intoxication while on duty after the effective date of this act, then the mayor shall suspend him for a period of six months without pay, and, upon the third conviction for intoxication while on duty after the effective date of this act, the mayor shall dismiss said fireman or policeman from the service.

If the accused shall have been convicted once within five years last preceding the effective date of this act on a charge of intoxication while on duty, then his first conviction after the effective date of this act on a charge of intoxication while on duty, he shall be suspended for a period of six months without pay, and, upon his second conviction after the effective date of this act on a charge of intoxication while on duty, the mayor shall suspend him for one year without pay, and, upon the third conviction after the effective date of this act on a charge of intoxication while on duty, he shall be dismissed by the mayor from the service.

If the accused shall have been convicted twice within five years last preceding the effective date of this act on charges of intoxication while on duty, then, upon his first conviction after the effective date of this act on a charge of intoxication while on duty, he shall be suspended from the service without pay for a period of one year, and, upon his second conviction after the effective date of this act on a charge of intoxication while on duty, he shall be dismissed from the service.

If the accused shall have been convicted three or more times within five years last preceding the effective date of this act on charges of intoxication while on duty, then, upon his conviction after the effective date of this act on a charge of intoxication while on duty, he shall be dismissed from service.

In all cases involving intoxication while on duty, the sentence shall be imposed by the mayor of said city of the second class A, and a plea of guilty shall be considered a conviction for the purposes of this amendment, and shall be in writing.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after charge has been made.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor, except in cases of conviction for intoxication while on duty in cities of the second class A; upon conviction of intoxication while on duty in such cities, the trial board shall immediately certify its findings to the mayor, who shall thereupon impose sentence on the convicted in the manner herein set forth.
(1931, P.L.38, No.30, § 1)

Section 2. [Court of trial or inquiry in cities of the second class A] The members of such court of inquiry or trial shall be selected as follows, namely: The director of the department of public safety shall, in the presence of the accused and a brother officer acting as his counsel, as aforesaid, cause the names of at least twenty-five members in said police or fire department, equal or superior in rank to the accused, to be written upon separate slips of paper of the same size, color and texture, and folded or rolled so that the names thereon cannot be distinguished until drawn as hereinafter provided, cause said slips to be placed in a box from which the same are to be drawn by lot by some disinterested person until seven names have been drawn therefrom; whereupon the director of the department of public safety and the accused shall each in order be entitled to exercise challenges until only three names are left, and said three persons shall compose said court, either of trial or inquiry, as the case may be.
(1931, P.L.38, No.30, § 2)

Section 1. [Salaries fixed by council] The salaries of the chief of the fire department, assistant chiefs of the fire department, and all other members of the fire department of cities of the second class A of this Commonwealth, shall be fixed by the council of such cities as follows, at sums not lower than hereinafter stated:

(1) The minimum annual salary or compensation to be paid the officers and firemen by any city of the second class A shall be five thousand four hundred dollars ($5400) with minimum annual increments of two hundred dollars ($200) for the first three years of such employment. If the annual salary or compensation of any fireman employed by the city on the effective date of this amending act is less than five thousand four hundred dollars ($5400), such salary or compensation shall be increased to five thousand four hundred dollars ($5400), and such fireman shall receive minimum annual increments of two hundred dollars ($200) for the next three years of such employment, to wit, 1968, 1969 and 1970.

(2) Officers, including the chief of the department, receiving salaries in excess of five thousand four hundred dollars ($5400) shall also receive annual increments of two hundred dollars ($200) as is provided in clause (1) hereof.

(3) The minimum annual starting salary or compensation to be paid to the members of the fire alarm bureau by any city of the second class A shall be five thousand dollars ($5000) with minimum annual increments of two hundred dollars ($200) for the first two years of such employment. If the annual salary or compensation of any member of the fire alarm bureau employed by the city on the effective date of this act is less than five thousand dollars ($5000), such salary or compensation shall be increased to five thousand dollars ($5000) and such member shall receive annual increments of two hundred dollars ($200) for the next two years of employment.

(1939, P.L.324, No.181, § 1)

Section 1. [Hours of rest, fire departments in cities of the second class A] All cities of the second class A having fire departments shall allow every member of such fire departments to have at least twenty-four consecutive hours of rest in every calendar week, exclusive of the time when the change of shifts occurs, except in emergency cases for the suppression of riots or tumults or the preservation of the public peace in times of war, riot, conflagration, public celebrations, and to have an annual vacation of not less than fourteen days without the diminution of the salary or compensation fixed by ordinance or statute.

(1941, P.L.131, No.68, § 1)

Section 1. [Pension funds] There shall be paid over, as hereinafter provided, to the organization or association constituting and having in charge the distribution of police and firemen's pension funds in every city of the second class A, three per centum (3%) of all city taxes collected by the city, other than taxes levied to pay interest on or to extinguish the debt of the city, or any part thereof, to be divided equally between the police and firemen's association or organization. In addition to the three per centum (3%) of city taxes required to be paid pursuant to this section, moneys shall be appropriated by cities of the second class A to organizations and associations distributing police and firemen's pension funds, whenever necessary to enable the organizations or associations to pay the amounts of minimum pensions prescribed by act of Assembly, pursuant to section 11 of article III of the Constitution of Pennsylvania. In addition to the above payments and appropriations, moneys shall be appropriated by cities of the second class A to organizations and associations distributing police and firemen's pension funds, whenever necessary, to entitle any policeman or fireman who is a member of the pension fund and who served in the armed forces of the United States subsequent to September 1, 1940, and who was not a member of the police or firemen's pension funds prior to such military service, and who commenced employment as a policeman or fireman in a city of the second class A after the date of release from active duty to have full credit for each year or fraction thereof, not to exceed five (5) years of such service upon his payment to the police or firemen's pension fund an amount equal to that which he would have paid had he been a member during the period for which he desires credit computed with

reference to the compensation he received upon entry into city service as a policeman or fireman and his current percentage of salary deductions, and an additional amount as the equivalent of the contributions of the city on account of such military service, which amount may be paid in a lump sum or by installments as may be approved by the organizations or associations distributing pension funds to police and firemen.
(1947, P.L.1242, No.507, § 1)

Section 2. [Administration] The organizations herein mentioned shall consist only of such as are by city ordinance designated as the official and authorized organization or association to hold, receive and distribute the funds or moneys for the purpose of pensioning the police or firemen of said cities [of the second class A].
(1947, P.L.1242, No.507, § 2)

Section 3. [Duties of city treasurer] It shall be the duty of the city treasurer, collecting said taxes, to pay over to the proper officials of the said organization or association constituting the police or firemen's pension funds annually the amount designated in this act [the act of July 3, 1947, P.L.1242, No.507], taking his or their receipt for same, which receipt shall constitute a voucher and quittance for the amount so paid.
(1947, P.L.1242, No.507, § 3)

Section 4. [Report and audit required] On or before March first of every year, it shall be the duty of the officers of said organizations or associations to render a full and complete account to city council of all transactions of the past year, showing all receipts and disbursements. A copy of such account shall be filed with the city controller who shall audit the same and render to city council a detailed report of his examination. The city treasurer shall distribute no funds as above provided until such report has been filed and approved by city council by resolution.
(1947, P.L.1242, No.507, § 4)

Section 1. [Two-platoon system] The head of the department having charge of or supervision over the fire department or bureau in each city of the second class A shall divide the officers and members of companies of the uniformed fire force in the employ of such cities, excepting the superintendent, into two shifts, bodies or platoons, one to perform day service and the other to perform night service. The hours of day service shall not exceed ten, commencing at eight o'clock in the morning; the hours of night service shall not exceed fourteen, commencing at six o'clock in the afternoon. The hours of day service shall not exceed fifty hours in any one calendar week and the hours of night service shall not exceed seventy hours in any one calendar week, unless the hours of day and night service shall be equalized, in which case neither the hours of day or night service shall exceed fifty-six in any one calendar week. In cases of riot, serious conflagration or other such emergency, the superintendent of the bureau of fire or his first assistant or the chief officer in charge at any fire shall have the power to assign all the members of the fire force to continuous duty or to continue any member thereof on duty if necessary. No member of either of said shifts, bodies or platoons shall be required to perform continuous day service or continuous night service for a longer consecutive period than two weeks nor be kept on duty continuously longer than ten hours in the day shift, body or platoon, or fourteen hours in the night shift, body or platoon, excepting as may be necessary to equalize the hours of duty and service and also excepting in cases of riot, serious conflagration or other such emergency, as above provided.
(1949, P.L.1489, No.446, § 1)

Section 1. [Minimum pension allowance; increases] (a) Any policeman or fireman who, at the time this reenacting and amending act [the act of September 21, 1959, P.L.919, No.366] becomes effective or thereafter, is a beneficiary under any policemen's or firemen's pension or retirement system which was established by any city of the second class A, or to which any such city has made financial contributions or appropriations shall be paid not less than one

hundred forty dollars ($140.00) per month.

(b) A city of the second class A may grant a cost-of-living increase to persons receiving an allowance from either the police or firemen's pension system, by reason of, and after termination of the services of any member of the retirement systems. The total allowance from the systems shall not exceed one-half of the salary currently paid to a patrolman or fireman of the highest pay grade.

(c) Retired members of the police and firemen's pension funds may receive an increase in their retirement allowance whenever active members of the system receive an increase in salary. The increase in allowance, when granted, shall be one-half of the salary increase paid to a policeman or fireman of the highest pay grade.

(d) Retirement allowance increases or cost-of-living increases shall not be granted unless the police or firemen's pension systems are actuarily sound and able to maintain the increases and allowances to retired members.

(1951, P.L.1254, No.295, § 1)

Section 2. [Funding] The annual appropriation made by such city, whether or not it retains its classification as a city of the second class A, shall be sufficient, when added to the contributions made by members during such year, sums received from tax distributions, and income from investments, to pay in full the retirement allowance payable during such year.
(1951, P.L.1254, No.295, § 2)

Section 3. [Applicability] The provisions of this act [the act of August 17, 1951, P.L.1254, No.295] shall not be applied so as to result in a reduction of the monthly payments to any beneficiary now receiving such payments.
(1951, P.L.1254, No.295, § 3)

Section 4. [Increase] Any increase in pension payment received by any person under the provisions of this act [the act of August 17, 1951, P.L.1254, No.295] shall be deemed cost-of-living increases, and shall not be construed as a permanent and binding obligation of the pension fund which will, in perpetuity, entitle present and future pensioners to secure pensions predicated upon such increases. Such increased pensions shall be subject to revision by the General Assembly in the event of a decline or a rise in the cost of living. In no event shall any decrease in living costs result in decreasing the pension payments in effect prior to the passage of this act.
(1951, P.L.1254, No.295, § 4)

Section 1. [Fund authorized] In addition to the authority which cities of the second class A now have to provide by ordinance for a fund for the care, maintenance and relief of aged, retired, disabled, or injured policemen or firemen and the families of such as may be injured or killed in the service, authority is now given for such cities to provide by ordinance for a fund for aged widows of former policemen or firemen who were retired on pension at the time of their death.
(1967, P.L.122, No.31, § 1)

Chapter 11. Cities of the Third Classification

Subchapter A. General Provisions

Section 102. Purpose and legislative intent.

* * *

(b) Legislative intent.--The General Assembly finds and declares as follows:

* * *

(3) Policies of certain municipalities are so ineffective and the financial conditions so severe that the provision of vital and necessary services is threatened.

* * *

(1987, P.L.246, No.47, § 102)

Section 252. Plan not affected by certain collective bargaining agreements or settlements.

(a) General rule.--Except as provided in subsection (b), a collective bargaining agreement or arbitration settlement executed after the adoption of a plan shall not in any manner violate, expand or diminish its provisions.

(b) Arbitration settlements for policemen and firemen.--An arbitration settlement rendered under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, may deviate from the plan, but only if the arbitration settlement:

(1) except as set forth in subsection (b.1), will not cause the distressed municipality to exceed any limits on expenditures for individual collective bargaining units imposed under the plan;

(2) will not further jeopardize the financial stability of the distressed municipality, as measured by the criteria set forth in section 201; and

(3) is not inconsistent with the policy objectives set forth in section 102(a) to relieve the financial distress of the distressed municipality.

(b.1) Exception.--Subsection (b)(1) shall not apply to a limit on expenditures for an individual bargaining unit that is determined to be arbitrary, capricious or established in bad faith.

(c) Hearing before board of arbitration and expert testimony.--The issue of whether an arbitration settlement deviating from the plan satisfies the criteria under subsection (b) and any exception under subsection (b.1) must be determined by a board of arbitration appointed under the Policemen and Firemen Collective Bargaining Act and reflected in findings of fact that are supported by substantial evidence and consistent with this section. During the hearing, the testimony of experts in municipal finance, called by the distressed municipality or the collective bargaining organization, is admissible as evidence before the board. An arbitration settlement deviating from the plan must be supported by the credible testimony of an expert in municipal finance that the arbitration settlement satisfies the criteria in subsection (b) and any exception under subsection (b.1). For purposes of this subsection, the term "expert in municipal finance" means an individual holding an advanced degree who has at least eight years of experience in issues relating to municipal finance.

(d) Review by coordinator.--An arbitration settlement deviating from the plan under subsection (b) must be provided to the coordinator by the chairman of the board of arbitration within 48 hours of issuance. The coordinator shall review the arbitration settlement to determine whether it violates this section.

(e) Appeal.--The distressed municipality, collective bargaining organization and the coordinator or secretary have the right to appeal to Commonwealth Court from an arbitration settlement which deviates from the plan under subsection (b).

(1) An appeal must be commenced not later than 30 days after issuance of the arbitration settlement.

(2) The record of the arbitration settlement becomes part of the record on appeal. The court may also supplement the record.

(3) To the extent an appeal alleges that an arbitration settlement violates this section, the standard of review governing an appeal from an arbitration settlement governed by this section shall be de novo. The court shall not be bound by the factual or legal conclusions of the board of arbitration. Nothing in this subsection shall be construed to otherwise affect the scope or standard of review applicable to certiorari review of arbitration awards.

(4) The coordinator's decision setting a limit on expenditures for an individual collective bargaining unit under section 241(11) shall not be disturbed on appeal unless the limit is determined to be arbitrary, capricious or established in bad faith.

(1987, P.L.246, No.47, § 252)

Section 431. Definitions [relating to disincorporation of nonviable municipalities].

The following words and phrases when used in this subchapter [Chapter 4, Subchapter C (relating to disincorporation of nonviable municipalities)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Municipality." A county, city, borough, incorporated town, township or home rule municipality that does not provide police service or fire service through its employees. The term does not include a city of the first class.

* * *

(1987, P.L.246, No.47, § 431)

Section 436. Essential services plan.

(a) Formation.--The [service district] administrator shall, within 90 days following appointment and in consultation with the department [of Community and Economic Development], develop an essential services plan to provide essential services after the date of disincorporation. The essential services plan shall provide for:

(1) Negotiation of contracts for the provision of vital and necessary services, not otherwise provided by an authority, as defined under Chapters 6 and 7. If the municipality participates in a regional police or fire department through an intergovernmental cooperation agreement, the essential services plan may provide for continued service from that regional department by contract or by renegotiating the intergovernmental cooperation agreement.

(2) Local emergency management in accordance with the plan and program of the Pennsylvania Emergency Management Agency. The administrator shall consult with the emergency management organization of the county where the district is located to develop a plan which serves the district in a substantially similar manner as plans required for a political subdivision under 35 Pa.C.S. Ch. 75 Subch. A (relating to general provisions). The plan shall include a procedure for a declaration of a disaster emergency to be made in the district and the designation of a local coordinator of emergency management. The administrator is authorized to negotiate any contracts which are necessary to provide for the execution of a plan formed under this paragraph.

* * *

(1987, P.L.246, No.47, § 436)

Section 601. Definitions [relating to fiscal emergencies in cities of the third class].

The following words and phrases when used in this chapter [Chapter 6 (relating to fiscal emergencies in cities of the third class)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Vital and necessary services." Basic and fundamental municipal services, including any of the following:

(1) Police and fire services.

(2) Ambulance and rescue services.

* * *

(1987, P.L.246, No.47, § 601)

Section 602. Declaration of fiscal emergency.

(a) Fiscal emergency.--The Governor determines a fiscal emergency exists if the distressed municipality:

(1) (i) is insolvent or is projected to be insolvent within 180 days or less; and

(ii) is unable to ensure the continued provision of vital and necessary services; or

* * *

(b) Governor.--Upon making a determination that a state of fiscal emergency exists, the Governor may declare a state of fiscal emergency within the distressed municipality. Immediately upon making the declaration, the Governor shall:

* * *

(2) Direct the secretary to, within ten days of the Governor's declaration, develop an emergency action plan to ensure that vital and necessary services are maintained within the municipality during the state of fiscal emergency.

* * *

(1987, P.L.246, No.47, § 602)

Section 604. Powers of the Governor.

(a) Powers.--During the state of fiscal emergency, the Governor may exercise the authority of the elected or appointed officials of the distressed municipality or authority as necessary to ensure the provision of vital and necessary services and may delegate the authority to the secretary or a designee of the secretary. The emergency powers of the Governor shall include the following:

* * *

(5) Any other power of the elected or appointed officials of the distressed municipality or authority to ensure the provision of vital and necessary services.

* * *

(1987, P.L.246, No.47, § 604)

Section 607. Consent agreement.

* * *

(b) Contents.--

* * *

(2) The consent agreement shall include all of the following:

(i) Continued provision of vital and necessary services.

* * *

(1987, P.L.246, No.47, § 607)

Section 701. Definitions [relating to receivership in cities of the third class].

The following words and phrases when used in this chapter [Chapter 7 (relating to receivership in cities of the third class)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Vital and necessary services." Basic and fundamental municipal services, including any of the following:

(1) Police and fire services.

(2) Ambulance and rescue services.

* * *

(1987, P.L.246, No.47, § 701)

Section 703. Recovery plan.

* * *

(b) Contents.--The receiver shall consider the plan prepared by the coordinator under section 241 and any other existing alternate plans in the development of the recovery plan. The following shall apply:

(1) The recovery plan shall provide for all of the following:

(i) Continued provision of vital and necessary services.

* * *

(1987, P.L.246, No.47, § 703)

§ 10918. Consolidation or integration of fire and police personnel prohibited.

A city may not consolidate, integrate or reorganize the paid members of the fire force and the paid members of the police force into one bureau or organization.

(11 Pa.C.S. § 10918)

§ 11203. Execution of laws, powers of sheriff conferred and emergency powers.

* * *

(d) Emergency proclamations issuance.--If the mayor determines that a state of emergency exists, the mayor may issue a proclamation in writing declaring a state of emergency. The mayor shall provide notice of the contents of the proclamation to council and to the news media within the city.

(e) Emergency proclamations contents.--Upon the issuance of a proclamation declaring a state of emergency under subsection (d), the following shall apply:

(1) The state of emergency shall not exceed five days, unless extended by council.

(2) In the case of a declaration of a state of emergency by the mayor for a citywide or site-specific emergency, a city department may temporarily implement the department's emergency assignments without complying with procedures required by law pertaining to the incurring of obligations and the employment of temporary workers.

(3) The proclamation may prohibit, for all or any part of the city where there is a clear and present danger to life or property through civil disorder:

(i) an individual from being on public streets, in public parks or at any other public place during the hours declared by the mayor to be a period of curfew;

(ii) the assembling or gathering of a group of individuals, in numbers to be designated by the mayor, upon public streets, parks or other public places;

(iii) the entry or departure of an individual into or from any restricted area;

(iv) the sale, purchase or dispensing of any commodities or goods designated by the mayor;

(v) the transportation, possession or use of gasoline, kerosene or other combustible, flammable or explosive liquids or materials, except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use; and

(vi) any other activities as the mayor reasonably believes would cause a clear and present danger to the preservation of life, health, property or the public peace.

(f) Time and location.--A proclamation declaring a state of emergency shall describe any restricted area with particularity and specify the hours when the restrictions are to be in effect.

(g) Penalties.--An individual who violates a proclamation declaring a state of emergency commits a summary offense and shall, upon conviction, be sentenced as provided by law.

(11 Pa.C.S. § 11203)

§ 11805. Countersigning documents, money available and evidence required.

* * *

(c) Evidence.--Except in the case of documents authorizing payment to volunteer fire companies, whenever a document authorizing payment from the city treasury is presented to the chief fiscal officer to be countersigned, the person presenting the document shall be required to produce evidence of each of the following:

(1) That the amount expressed in the document is due to the person in whose favor it is drawn.

(2) That the supplies, services or other consideration for payment have been furnished, performed or given according to law and the terms of the contract, if any, were satisfied.

(11 Pa.C.S. § 11805)

§ 11901.4. Contracts or purchases not requiring advertising or bidding.

* * *

(b) In excess of base amount.--The following city contracts or purchases involving an expenditure over the base amount of $18,500, subject to adjustment under section 11903.1, do not require advertising or bidding:

* * *

(8) Contracts executed during a state of emergency declared by the mayor in accordance with section 11203 (relating to execution of laws, powers of sheriff conferred

and emergency powers) or those made during a disaster emergency declared by the Governor or during a local emergency in accordance with 35 Pa.C.S. Pt. V (relating to emergency management services).

(9) Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts of vehicles being purchased from a volunteer fire company, volunteer ambulance service or volunteer rescue squad.

(11 Pa.C.S. § 11901.4)

§ 11908.1. Purchase contracts for petroleum products, fire company and participation.

Council of each city shall have power to permit, subject to any terms and conditions as the city may impose, any fire company, rescue company and ambulance company in the city to participate in purchase contracts for petroleum products entered into by the city. Fire company, rescue company and ambulance company participation in purchase contracts for petroleum products shall be subject to the condition that all prices shall be FOB. If permitted by council, a fire company, rescue company or ambulance company may participate in designated petroleum product contracts entered into by the city, subject to the fire company, rescue company or ambulance company:

(1) Having filed with the city clerk a request that it be authorized to participate in contracts for the purchase of petroleum products of the city.

(2) Having agreed that it will be bound by any terms and conditions imposed by the city.

(3) Having agreed that it will be responsible for payment directly to the vendor under each purchase contract.

(11 Pa.C.S. § 11908.1)

§ 12101. Organization of fire bureau, maintenance and apparatus.

With regard to a city fire bureau, council shall have the authority to:

(1) establish and organize a fire bureau by ordinance;

(2) make appropriations for the maintenance of the fire bureau;

(3) promulgate regulations for the governing of the officers and companies belonging to the fire bureau; and

(4) purchase equipment and apparatus for the extinguishment, prevention and investigation of fires and for the public safety.

(11 Pa.C.S. § 12101)

§ 12101.1. Appointment and demotion of fire chief.

The mayor, by and with approval and consent of council [of a city], shall appoint the fire chief who may be demoted without cause but not to any rank lower than the rank which the fire chief held within the fire bureau at the time of designation as fire chief. In the event that no qualified employee of the fire bureau has applied for the appointment, the fire chief shall be appointed by the mayor, by and with approval and consent of council, from outside the ranks.

(11 Pa.C.S. § 12101.1)

§ 12102. Paid fire bureau, election of officers and companies.

When a paid fire bureau is organized by any city, council [of a city], except as provided by section 12101.1 (relating to appointment and demotion of fire chief), may provide for the election or appointment of the officers and companies belonging to the fire bureau by ordinance in accordance with civil service provisions, where applicable. The minimum annual starting salary or compensation to be paid to officers and firefighters by any city shall be established by council.

(11 Pa.C.S. § 12102)

§ 12103. [Firefighter] Platoon system and hours of service.

(a) General rule.--The director of the department having charge of the fire bureau in a city may divide the officers and members of companies of the uniformed fire force in the employ of

the city, and any other firefighters and drivers regularly employed and paid by the city, except the chief engineer and assistant chiefs, and those employed subject to call, into shifts, bodies or platoons to perform service during the hours as the director shall fix. In cases of riot, serious conflagration, times of war, public celebrations or other emergency, the fire chief or officer in charge at any fire shall have the power to assign all the members of the fire force to continuous duty or to continue any member of the fire force on duty, if necessary.

(b) Schedule after May 19, 2014.--Except as provided in subsection (c), no schedule shall require a member of any shift, body or platoon to perform continuous service for a consecutive period of 24 hours, except in cases of emergency or as otherwise agreed to through collective bargaining or an award pursuant to the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act. The provisions of this subsection shall not be deemed to alter or affect any schedules in existence prior to May 19, 2014.

(c) Schedule before May 19, 2014.--In a city where the work schedule in existence prior to May 19, 2014, required a work shift of less than 24 hours, no schedule shall require a member of any shift, body or platoon to perform continuous service for a consecutive period of 24 hours, except in cases of emergency or as otherwise voluntarily agreed through collective bargaining. Once so modified, no further work schedule may contain provisions reinstituting a restriction on duty of less than 24 hours of continuous service.

(11 Pa.C.S. § 12103)

§ 12104. Fire marshal.

(a) General rule.--A city may, by ordinance, provide for the creation of the office of fire marshal who shall be appointed by the mayor, by and with the approval and consent of council, biennially.

(b) Powers.--

(1) The fire marshal and any authorized assistant shall inspect all construction or buildings within the city or upon property owned or controlled by the city or a municipal authority of the city within this Commonwealth and shall enforce all laws of this Commonwealth and ordinances of the city relating to the construction or buildings, for the prevention, containment or investigation of fire and fire hazards, both as to the construction or buildings and as to their contents or occupancies.

(2) The fire marshal or the fire marshal's assistants shall report to the director of public safety or to council or other designated official, as council shall by ordinance provide, any faulty or dangerous construction or building or like condition in any building that may constitute a fire hazard or any proposed use or occupation of any construction, building or premises which would create or increase a hazard of fire.

(3) The fire marshal shall investigate and keep a permanent record of the cause, origin and circumstances of every fire and the damage resulting from the fire occurring within the fire marshal's jurisdiction immediately after the occurrence of the fire.

(4) The records of the fire marshal shall be open to public inspection, except as exempted in accordance with the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law. The fire marshal shall submit to council an annual report consolidating the information contained in the records as directed by council.

(5) If a fire is deemed suspicious, the fire marshal shall have the authority to investigate the fire.

(11 Pa.C.S. § 12104)

§ 12105. Obstructing fire marshal.

(a) General rule.--It shall be unlawful for any person to obstruct or prevent or attempt to obstruct or prevent the fire marshal in the discharge of the fire marshal's duties.

(b) Penalties.--Council may, by ordinance, establish the types or grades of the criminal conduct and may establish fines or imprisonment, or both, for the violations. No fine may exceed $1,000 for any single violation, and no imprisonment shall exceed 90 days.

(11 Pa.C.S. § 12105)

§ 12106. Investigation of cause of fire and power of mayor.

The mayor of any city may issue a subpoena in the name of the Commonwealth to an individual requiring the attendance of the individual before the mayor or the fire marshal at the time and place as may be named in the subpoena, then and there to testify, under oath or affirmation, which the fire marshal in the absence of the mayor is empowered to administer, as to:

(1) the origin of any fire occurring within the bounds of the city; and

(2) any facts or circumstances that may be deemed important to secure the detection and conviction of any party guilty of the offense of arson or attempted arson.

(11 Pa.C.S. § 12106)

§ 12107. Fire chief ex-officio fire marshal.

The fire chief of a city shall be ex-officio fire marshal if the office is not separately filled pursuant to ordinance in the city, and, in that case, all the powers and duties given to or imposed upon the fire marshal under this chapter shall be enjoyed and exercised by the fire chief.

(11 Pa.C.S. § 12107)

§ 12108. Compensation insurance for injured volunteer firefighters or special fire police.

A city may make appropriations to secure insurance or compensation for volunteer firefighters killed or injured while engaged in the performance of their duties or as special fire police.

(11 Pa.C.S. § 12108)

§ 12109. Salary of nonunion city fire officers.

A fire chief or head of a fire department of a city who has been removed from bargaining units under the act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act, by rulings of the Pennsylvania Labor Relations Board shall receive not less than the same dollar increase, including fringe benefits but excluding overtime and holiday pay, as received by the highest-ranking fire officer participating in the bargaining unit.

(11 Pa.C.S. § 12109)

§ 12402.1. City property and affairs.

* * *

(e) Nonapplicability.--Any requirement for advertising for bids and sale to the highest bidder imposed by this part or by a city pursuant to this section shall not apply where real or personal property of the city is sold to the following, provided that, when any real property is no longer used for the purpose of the conveyance, the real property shall revert to the city:

* * *

(2) A volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the city or providing emergency services in the city.

* * *

(11 Pa.C.S. § 12402.1)

§ 12429. Ambulances and rescue and lifesaving services.

Council may:

(1) Acquire, operate and maintain motor vehicles for the purposes of transporting sick and injured individuals to and from hospitals.

(2) Appropriate money toward ambulances and rescue and lifesaving services.

(3) Make contracts relating to rescue and lifesaving services.

(11 Pa.C.S. § 12429)

§ 12446. Emergency services.

(a) Provision of emergency services.--A city shall be responsible for ensuring that fire and

emergency medical services are provided within the city by the means and to the extent determined by the city, including the appropriate financial and administrative assistance for these services.

(b) Consultation with providers.--The city shall consult with fire and emergency medical services providers to discuss the emergency service needs of the city.

(c) Expenditure report.--The city shall require any emergency services providers receiving city money to provide an annual itemized listing of all expenditures of city money before the city may consider budgeting additional funding to the provider.

(11 Pa.C.S. § 12446)

§ 12605. Regulation of special events.

* * *

(c) Permit requirement.--Pursuant to this section, a city may reasonably regulate and require a permit for any of the following:

(1) A special event that will result in the obstruction of a city street or sidewalk or that would compromise the ability of the city to respond to a public safety emergency.

* * *

(11 Pa.C.S. § 12605)

§ 12975. Street closings and detours.

(a) General rule.--The following shall apply to the closing of a street to vehicular traffic:

(1) No street shall be closed to vehicular traffic, except upon order of the department of streets and public improvements or other department of the city having jurisdiction over public streets or, in cases of emergency, when immediate action is necessary to protect public safety, by order of the mayor, the police or the fire marshal.

* * *

(3) Except in cases of emergency, when immediate action is necessary to protect public safety, no street shall be closed to vehicular traffic when the street has been designated as a detour by the Department of Transportation, unless the Secretary of Transportation has provided written consent or council has, by resolution duly recorded on its minutes, declared the closing necessary for the safety of the public.

* * *

(11 Pa.C.S. § 12975)

§ 14320. Firefighters pension fund, management and annuity contracts.

(a) Duty of city.--Except as provided in this subchapter [11 Pa.C.S. Ch.143, Subch.B (relating to firefighters)], a city shall provide an annuity contract or establish, by ordinance, a firefighters pension fund.

(b) Monthly charge.--The annuity contract or firefighters pension fund shall be maintained, in part, by an equal and proportionate monthly charge against each member of the fire department. The charge may not exceed annually 4% of the pay of the member and an additional amount not to exceed 1% if deemed necessary by council to provide sufficient funds for payments to surviving spouses of members retired on pension, killed or who die in service.

(c) Existing organization or association.--If there is an existing organization or association for the benefit of fully paid firefighters, constituting and having in charge the distribution of firefighters pension money, an annuity contract may not be provided and a firefighters pension fund may not be established under the provisions of this section unless and until the members of the organization or association, by a two-thirds vote, elect to transfer the existing fund into the pension fund required under this section.

(d) Pension fund board.--A firefighters pension fund established under the provisions of this section shall be under the direction and control of a board of managers that shall consist of the following:

(1) Ex-officio members as follows:

* * *

(iii) the director of the department having charge of the fire department or, in a

city where the mayor is also the director of the department having charge of the fire department, the director of the department of public safety;

* * *

(v) the chief of the bureau of fire.

* * *

(e) Substitution.--If a city does not establish a department whose director is named as an ex-officio member of the board of managers, the director of another department or the officers of the city as may be designated by council shall be substituted on the board of managers.

(f) Terms and vacancy.--Of the first members chosen by the members of the fire department to the board of managers, one shall be chosen for a term of two years and one for a term of four years. Biennially after the initial choices, one fire department member shall be chosen for a term of four years to take the place of the one whose term expires. In case of vacancy among the managers chosen by the fire department, a successor shall be chosen for the unexpired term.

(g) Requirements.--Under regulations prescribed by the board of managers, the firefighters pension fund shall be applied for the benefit of the members of the fire department who receive honorable discharge from the fire department by reason of service, age or disability, surviving spouses of retired members and the families of members who are killed or who die in the service. A pension to an individual who is retired by reason of disability, service or age must be in conformity with a uniform scale, together with service increments as provided under this subchapter. A benefit from the fund to the family of a member who was killed or who died in service shall take into consideration the member's surviving spouse and the member's minor children under 18 years of age, if any.

(11 Pa.C.S. § 14320)

§ 14320.1. Limited vested benefit for firefighters.

(a) Ordinance.--The ordinance establishing a firefighters pension fund may provide for a limited vested benefit if the benefit would conform to section 305 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act.

(b) Conditions.--Under a limited vested benefit, if a member of the firefighters pension fund has not completed the minimum period of continuous service and the applicable minimum age requirement but has completed 12 years of full-time service and ceased to be employed as a full-time firefighter, the member shall be entitled to vest the member's retirement benefits subject to the following conditions:

(1) The member must file with the management board of the firefighters pension fund a written notice of the member's intention to vest.

(2) The member must include in the notice the date the member intends to terminate service as a full-time firefighter.

(3) The termination date shall be at least 30 days later than the date of notice to vest.

(4) The member must be in good standing with the fire department on the date of notice to vest.

(5) The board shall indicate on the notice to vest the rate of the monthly pay of the member as of the date of the notice to vest or the highest average annual salary which the member received during any five years of service preceding the date, whichever is higher.

(c) Notification.--Upon reaching the date that would have been the member's retirement date had the member continued full-time employment with the fire department, the member shall notify the board in writing that the member desires to collect the member's pension.

(d) Computation.--The amount of retirement benefits the member is entitled to receive under this section shall be computed as follows:

(1) The initial determination of the member's base retirement benefits shall be computed on the salary indicated on the notice to vest.

(2) The portion of the base retirement benefits due the member shall be determined by applying to the base amount the percentage that the member's years of service

rendered bears to the years of service that would have been rendered had the member continued to be employed by the department until the member's minimum retirement date.
(11 Pa.C.S. § 14320.1)

§ 14321. Retirement and final discharge [relating to firefighters in third class cities].

(a) Ordinance.--With regard to continuous service and minimum age requirements, the ordinance establishing or regulations governing the firefighters pension fund shall prescribe as follows:

(1) A minimum period of continuous service of not less than 20 years.

(2) If a minimum age is prescribed, a minimum of 50 years of age.

(b) Retired member.--If not unfit by reason of age, disability or otherwise, a retired member shall be subject to service as a firefighter reserve in a case of emergency under terms and conditions as may be established by council.

(c) Military service.--With the approval of council, a member of the firefighters pension fund shall be entitled to have full credit for each year or fraction of a year, not to exceed five years, of service upon:

(1) the member's payment to the firefighters pension fund of an amount equal to that which the member would have paid had the member been a member during the period for which the member desires credit; and

(2) the member's payment to the fund of an additional amount as the equivalent of the contributions of the city plus the interest the city would have been required to pay on the contributions on account of the military service. To be eligible under this paragraph, the member must be a contributor who served in the armed forces of the United States after September 1, 1940, and was not a member of the firefighters pension fund prior to the military service.

(d) Payments to surviving spouse.--Upon the death of a member who retires on pension or is killed in service on or after January 1, 1960, or who dies in the service on or after January 1, 1968, payments as provided under this subchapter shall be made to the member's surviving spouse during the life of the spouse.
(11 Pa.C.S. § 14321)

§ 14322. Pensions and service increments [relating to firefighters in third class cities].

(a) Payments.--The following apply:

(1) Payments of pensions shall only be a charge on the firefighters pension fund and shall not be a charge on any other fund under the control, or in the treasury, of the city.

(2) The basis of the pension of a member shall be determined by the monthly salary of the member at the date of vesting under section 14320.1 (relating to limited vested benefit for firefighters) or retirement or the highest average annual salary which the member received during any five years of service preceding retirement, whichever is higher, whether for disability or by reason of age or service, and, except as to service increments provided for in subsection (b), shall be one-half the annual salary of the member at the time of vesting under section 14320.1 or retirement computed at the monthly or average annual rate, whichever is higher.

(3) For payment of pensions to members for permanent injury incurred in service and to families of members killed or who die in service, the amount and commencement of the payment of pensions shall be fixed by regulations of the board of managers. These regulations shall not take into consideration the amount and duration of workers' compensation allowed by law. Payments to surviving spouses of members retired on pension or killed in service on or after January 1, 1960, or who die in service on or after January 1, 1968, shall be the amount payable to the member or which would have been payable had the member been retired at the time of the member's death.

(a.1) Home rule and optional charter plans.--The provisions of subsection (a)(2) shall not apply to a city, whether operating under an optional charter adopted in accordance with the act of July 15, 1957 (P.L.901, No.399), known as the Optional Third Class City Charter Law, or under a home rule charter adopted in accordance with 53 Pa.C.S. Pt. III Subpt. E (relating to

home rule and optional plan government), which had pension plans in effect prior to June 19, 2002, that provided pensions in an amount greater than 50% of salary.

(b) Service increment.--In addition to the pension which is authorized to be paid from the firefighters pension fund under this chapter and notwithstanding the limitations placed upon the pensions and upon contributions under this chapter, every contributor entitled to the pension shall also be entitled to the payment of a service increment in accordance with and subject to the conditions imposed under this chapter.

(1) A service increment shall be the sum obtained by computing the number of whole years after having served the minimum required by this chapter during which a contributor has been employed by the city and paid out of the city treasury, including credit for military service as provided in section 14321 (relating to retirement and final discharge), and multiplying the number of years by an amount equal to 0.025% of the retirement allowance which has become payable to the contributor in accordance with the provisions of this chapter. In computing the service increment, no employment after the contributor has reached 65 years of age shall be included and no service increment shall be paid in excess of $100 per month.

(2) After September 18, 1968, each contributor shall pay into the pension fund a monthly sum in addition to the contributor's pension contribution which shall not exceed the sum of $1 per month, provided that the service increment contribution shall not be paid after a contributor has reached 65 years of age.

(3) Any individual who is a member of the department on September 18, 1968, and who has reached 65 years of age shall have the individual's service increment computed on the years of employment prior to the member reaching 65 years of age.

(4) Service increment contributions shall be paid at the same time and in the same manner as pensions and may be withdrawn in full, without interest, by individuals who leave the employment of the city, subject to the same conditions by which retirement contributions may be withdrawn, or by individuals who retire before becoming entitled to any service increment.

(5) All members of the fire department who are now contributors to the pension fund and all those employed by the city after September 18, 1968, if required to become contributors to the pension fund, shall be subject to the provisions of this chapter.

(6) After June 19, 2002, a city may agree to make service increment payments in excess of $100 per month as long as the payments do not exceed $500 per month, and, in computing the service increments, no employment after the contributor has reached 65 years of age shall be included, provided that any agreement to provide an increase in service increment payments shall include a proportionate increase in the amount each contributor shall pay into the retirement fund under paragraph (2), not to exceed $5 per month.

(11 Pa.C.S. § 14322)

§ 14322.1. Increase of allowances after retirement [firefighters pension fund].

(a) Recommendation.--A city may, at any time, at its discretion and upon the recommendation of the persons having custody and management of the firefighters pension fund, increase the allowances of individuals receiving allowances of any kind from the fund by reason of and after the termination of the services of any member of the fund.

(b) Uniform scale.--Increases made pursuant to this section shall be in conformity with a uniform scale, which may be based on the cost of living, but the total of the allowances shall not, at any time, exceed one-half of the current salary being paid firefighters of the highest pay grade.

(11 Pa.C.S. § 14322.1)

§ 14323. Causes for forfeiture of rights in fund and other employments [firefighters pension fund].

(a) Requirement.--Whenever an individual becomes entitled to receive a pension from the firefighters pension fund and has been admitted to participate in the pension fund, the

individual shall not be deprived of the individual's right to participation in the pension fund on the basis upon which the individual first became entitled to participation, unless otherwise required by the act of July 8, 1978 (P.L.752, No.140), known as the Public Employee Pension Forfeiture Act.

(b) Notice and hearing.--Any termination of a pension shall be only after due notice and hearing as prescribed by regulation of the managers of the fund.

(11 Pa.C.S. § 14323)

§ 14324. Payments to firefighters pension fund by city [of the third class].

Unless otherwise required by the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, or by any other provision of law, this section shall govern the payment of money raised by taxes levied by the city to the firefighters pension fund. The following shall apply:

(1) A city shall pay to the firefighters pension fund annually a sum of money not less than one-half of 1% nor more than 3% of all taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city.

(2) Council may exceed the limitations imposed by this section if an additional amount is deemed necessary to provide sufficient money for payments to surviving spouses of members retired on pension, killed or who die in service, provided that the city shall annually pay into the fund not less than one-half of 1% of all taxes levied by the city, other than taxes levied to pay interest on or extinguish the debt of the city.

(11 Pa.C.S. § 14324)

§ 14325. Transfers from other pension funds.

(a) Transfers.--In any city where the members of the fire department are members of a pension fund not established solely for the purpose of pensioning members of the fire department, an amount equal to the money contributed to the other pension fund by members of the fire department who have not retired and a just and equitable proportion of the money contributed by the city to the other pension fund for the future retirement of members of the fire department shall be transferred from the other pension fund into the firefighters pension fund required under this chapter. The transfers may be made by the transfer of securities. The amounts to be transferred shall be amicably adjusted by the managers of the firefighters pension fund and the pension board having the charge of the other pension fund. In case of disagreement as to the amount to be transferred, the disagreement shall be resolved by council, whose action on the matter shall be final.

(b) Continuation.--Nothing under this section shall be construed to relieve any existing pension fund of its liability to continue the payment of pensions to retired members of the fire department in accordance with the laws and regulations under which the members were retired.

(11 Pa.C.S. § 14325)

§ 14326. Trusts for benefit of firefighters pension fund [in third class cities].

A city may take, by gift, grant, devise or bequest, any money or property, real, personal or mixed, in trust for the benefit of the pension fund. The care, management, investment and disposal of the body of the trust shall be vested in the officer or officers of the city as the city may designate. The care, management and disposal shall be directed by ordinance and the body of the trust shall be governed by the ordinance, subject to directions not inconsistent with the ordinance, as the settlor of the trust may prescribe.

(11 Pa.C.S. § 14326)

§ 14327. Repayment before retirement.

(a) Refund.--If a contributing member of the firefighters pension fund ceases to be a member of the fire department before the member becomes entitled to a pension, the total amount of the contributions paid into the pension fund by the member shall be refunded in full without interest.

(b) Withdrawals.--If the fund returns to the member the amount contributed and afterward the individual again becomes a member of the fire department, the member shall not be entitled to the pension designated until 20 years after the member's reemployment, unless the member returns to the pension fund the amount withdrawn, in which event the period of 20 years shall be computed from the time the member first became a member of the fire department, excluding any period of time during which the member was not employed by the fire department.

(c) Death of a member.--In the event of the death of a member of the fire department, the total amount of contributions paid into the pension fund by the member shall be paid over to the member's estate if any of the following apply:

(1) the death did not occur in the line of duty;

(2) the death occurs before the member becomes entitled to a pension; and

(3) the member has no surviving spouse or family entitled to payments as provided in this subchapter [11 Pa.C.S. Ch. 143 Subch. B (relating to firefighters)].

(11 Pa.C.S. § 14327)

§ 14339. Definitions [relating to pension for employees other than police officers and city-paid firefighters].

The following words and phrases when used in this subchapter [11 Pa.C.S. Ch. 143 Subch. C (relating to pension for employees other than police officers and city-paid firefighters)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Board." A pension board created by a city under section 14341(a) (relating to pension board and duties).

"Employed," "employed by the city" or "in the employment of any city." The terms include:

(1) Each individual in the service of cities creating a pension fund and a pension board in accordance with this subchapter, who is not, on June 28, 1951, otherwise protected by pensions authorized under this chapter.

(2) A volunteer firefighter who becomes a member of the pension fund.

"Employees." The term includes:

(1) Each individual in the service of cities creating a pension fund and a pension board in accordance with this subchapter, who is not, on June 28, 1951, otherwise protected by pensions authorized under this chapter.

(2) A volunteer firefighter who becomes a member of the pension fund.

(3) Officers and officials of the city, whether elected or appointed.

"Fund." A pension fund created by a city under section 14340(a) (relating to pension for employees other than police or city-paid firefighters).

"Volunteer firefighter." A driver of firefighting apparatus or ambulances, regularly employed and paid by a volunteer fire company rendering services recognized and accepted by a city.

(11 Pa.C.S. § 14339)

§ 14346. Heads of departments to certify list of employees [pensions in third class cities].

The head of every department and office employing individuals entitled to receive a pension shall certify to the board all employees so employed and the amount of salary or wages which is paid to employees, together with dismissals, resignations or terminations of service, and, from office or department records, furnish other relevant information as the board requires. In the case of a volunteer fire company, "head of department or office" shall mean the president or secretary of the board of trustees of the volunteer fire company.

(11 Pa.C.S. § 14346)

§ 14348. Appropriations and contributions to [pension] fund.

Council may annually set aside, apportion and appropriate, out of all taxes and income of the city, to the board a sum sufficient to maintain the pensions or compensations due on account of the city contributions for all employees, except volunteer firefighters. The board of

trustees of the volunteer fire company employing and paying members shall annually contribute to the board a sum equal to the same percentage of its participating payroll as the amount contributed by the city for the same year bears to its participating payroll for each volunteer firefighter member becoming a member of the fund.
(11 Pa.C.S. § 14348)

§ 14349. Application [pension fund in third class cities].

(a) Applicability.--The benefits provided for by this subchapter [11 Pa.C.S. Ch.143, Subch.C (relating to pension for employees other than police officers and city-paid firefighters)] shall apply to all individuals employed in any capacity or holding positions in or, in the case of a volunteer firefighter, rendering services recognized and accepted by a city creating a fund and board in accordance with provisions of this subchapter. This subchapter shall not apply to employees of departments, bureaus or offices which are otherwise protected by pensions authorized by this chapter.

(b) Membership.--Any volunteer firefighter may become a member of a fund as of the date of the volunteer firefighter's original employment or of the inception of the fund, whichever is later, upon the volunteer firefighter making back contributions and if the volunteer fire company or its board of trustees employing and paying the volunteer firefighter agrees to contribute and contributes to the fund the required sums.
(11 Pa.C.S. § 14349)

Subchapter B. Civil Service

§ 14401. [Civil service] Examinations required of all appointees.

No individual may be appointed to any uniformed position in the police or fire department, excluding chiefs, unless all of the following apply:

(1) The individual passed all examinations as provided for under this chapter.

(2) The individual was appointed in the manner and according to the terms, provisions and conditions of this chapter [11 Pa.C.S. Ch. 144 (relating to civil service)].

(11 Pa.C.S. § 14401)

§ 14402. Appointment of civil service board.

Cities shall establish a civil service board that shall provide for and oversee the examination of applicants for appointment and promotion to any position in the police or fire department. Council shall appoint three city residents to the board who shall serve four-year terms or until their successors are appointed and qualified, except for the initial appointment of board members as provided for in section 14403 (relating to civil service board and quorum). Any individual who is a registered elector of the city may be appointed to the board. No city officer, official or employee shall be eligible for appointment to the civil service board.
(11 Pa.C.S. § 14402)

§ 14406.1. [Civil service] Promotions.

(a) Certification.--Council shall notify the civil service board of a civil service vacancy in the city which is to be filled by promotion and shall request the certification of an eligibility list as provided in this chapter. For each vacancy, the board shall certify the names of three individuals on the eligibility list who have received the highest average in the last preceding promotional examination held within the period of two years preceding the date of the request for the eligibility list. If three names are not available, the board shall certify the names remaining on the list. Council shall make an appointment from the names certified based solely on the merits and fitness of the candidates unless council makes objections to the board regarding one or more of the individuals on the eligibility list. Council shall have power to determine whether an increase in salary shall constitute a promotion.

* * *

(c) Exceptions.--The provisions of this section shall not apply to the mayor's designation or appointment of the chief of police pursuant to section 12002 (relating to designation of chief) or

the mayor's designation or appointment of a fire chief pursuant to section 12101.1 (relating to appointment and demotion of fire chief).
(11 Pa.C.S. § 14406.1)

§ 14407. [Civil service] Tenure and temporary appointments.

(a) Standard.--All appointments made pursuant to the provisions of this chapter [11 Pa.C.S. Ch. 144 (relating to civil service)] shall be for and during good behavior, and no employee hired pursuant to the provisions of this chapter shall be removed or transferred for any political reasons.

(b) Temporary appointments.--In case of riot or emergency, temporary appointments to positions in the civil service may be made without complying with the provisions of this chapter.
(11 Pa.C.S. § 14407)

§ 14408. Suspension, discharge and discipline, reduction of [civil service] employees and appeals.

* * *

(b) Challenge.--In any case in which a police officer or firefighter who is a member of a bargaining unit is subject to suspension, discharge or discipline, the police officer or firefighter shall have the option of challenging the suspension, discharge or discipline imposed by using the procedures provided in subsection (a)(2) or by a proceeding in grievance arbitration. A choice to proceed either by the procedures provided for in subsection (a)(2) or by grievance arbitration shall foreclose the opportunity to proceed in the alternative method.
(11 Pa.C.S. § 14408)

Chapter 12. Boroughs

§ 1104. Appointments and incompatible offices.

* * *

(f) Police officers and firefighters.--

(1) No police officer or firefighter may hold an elective office of the borough that employs the police officer or firefighter.

(2) No police officer or firefighter who is employed by a regional department, council of government or other cooperative venture may hold an elective office of any municipality that participates in the regional department, council of government or other cooperative venture.

(3) No police officer or firefighter may hold an elective office of the borough in which the police officer or firefighter resides if the department employing the police officer or firefighter is providing police or fire protection service to that borough by contract.

* * *

(8 Pa.C.S. § 1104)

§ 1170. Definitions [relating to civil service for police and fire apparatus operators].

The following words and phrases when used in this subchapter [8 Pa.C.S. Ch. 11 Subch. J (relating to civil service for police and fire apparatus operators)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Fire apparatus operator." A person who operates fire apparatus and devotes his normal working hours to operating any piece of fire apparatus or other services connected with fire protection work and who is paid a stated salary or compensation for the work by the borough.

"Police force." A police force organized and operating as prescribed by law, the members of which devote their normal working hours to police duty or duty in connection with the bureau, agencies and services connected with police protection work and who are paid a stated salary or compensation for the work by the borough. As used in this subchapter, the term shall not include any of the following:

(1) Special police appointed by the mayor to act in emergencies.

(2) A person appointed solely for parking meter enforcement duties.

(3) Special school police.
(4) Extra police serving from time to time or on an hourly or daily basis.
(5) An auxiliary policeman appointed under the act of January 14, 1952 (1951 P.L.2016, No.561), entitled "An act providing for supplementing the police forces of cities, boroughs, towns and townships, for the appointment, powers and control of auxiliary police therein, and for the transfer during disasters and emergencies of such auxiliary police, members of the regular police forces, and police equipment thereof."

(8 Pa.C.S. § 1170)

§ 1171. Appointments of police and fire apparatus operators.

(a) Nonapplicability of subchapter [8 Pa.C.S. Ch. 11 Subch. J (relating to civil service for police and fire apparatus operators)].--This subchapter shall not apply to:
(1) a borough that has a police force of less than three members;
(2) a borough that has a police force of three or more members if those members in excess of two are appointed on a temporary basis through a federally funded program;
(3) a volunteer fire department or company that employs its own operators; or
(4) a borough that has less than three salaried fire apparatus operators.

(b) Compensation.--This subchapter is subject to the power of council to determine compensation.

(c) Appointments and promotions.--An appointment to and promotion in the police force or as fire apparatus operator paid directly by a borough and in the borough shall be made only according to qualifications and fitness, to be ascertained by examinations which shall be competitive as provided in this part.

(d) Suspension, removal and reduction in rank.--No person shall be suspended, removed or reduced in rank as a paid employee in any police force or as a paid fire apparatus operator of a borough, except in accordance with this subchapter.

(e) Retirement.--Nothing in this subchapter shall apply to retirement, nor shall anything in this subchapter be construed to prevent a borough from adopting a compulsory retirement age for its employees or for any class of employees and from retiring all employees automatically when they reach that age.

(8 Pa.C.S. § 1171)

§ 1172. Civil service commission.

(a) Establishment.--A civil service commission is established in each borough where a police force or paid fire apparatus operators are maintained.

* * *

(8 Pa.C.S. § 1172)

§ 1181. General provisions relating to examinations.

(a) Rules and regulations.--
(1) The [civil service] commission shall make rules and regulations, to be approved as provided in section 1176 (relating to rules and regulations), providing for the examination of applicants for positions in the police force and as paid fire apparatus operators and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades.
(2) All examinations for positions or promotions shall be practical in character and shall relate to matters and include inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them.
(3) All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations.
(4) Each applicant for an original position shall:
(i) Be subject to the regulations adopted by the commission.
(ii) Either before or after the written examination, submit to a physical fitness or agility examination that is job related and consistent with business necessity.
(iii) If made a conditional offer of employment, be given a physical and

psychological medical examination as provided in section 1189 (relating to physical and psychological medical examination).

(iv) Be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to council for appointment in accordance with section 1184 (relating to eligibility list and manner of filling appointments).

(a.1) Promotions.--

(1) An applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 1188 (relating to promotions).

(2) A physical fitness or agility examination that is job related and consistent with business necessity and physical and psychological medical examinations may, but need not, be required for a promotion.

* * *

(8 Pa.C.S. § 1181)

§ 1182. Application for examination.

A person who desires to apply for examination must file with the commission a formal application in which the applicant shall provide, under oath or affirmation, the following information:

(1) Full name and residence or post office address.

(2) Citizenship and place and date of birth.

(3) Condition of health and physical capacity for public service.

(4) Business or employment and the applicant's residence for the past five years.

(5) Other information as may be required by the commission's rules and regulations, showing the applicant's qualifications for the position for which the applicant is being examined.

(8 Pa.C.S. § 1182)

§ 1183. Rejection of applicant and hearing.

(a) General rule.--The commission may refuse to examine or, if examined, may refuse to certify after examination as eligible any applicant who:

(1) is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which the applicant has applied;

(2) is physically unfit for the performance of the duties of the position to which the applicant seeks employment;

(3) is illegally using a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802);

(4) has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct;

(5) has been dismissed from public service for delinquency or misconduct of office; or

(6) is affiliated with any group whose policies or activities are subversive to the form of government enumerated in the Constitutions and laws of the United States and this Commonwealth.

(b) Hearing requirements.--

(1) If an applicant is aggrieved by the refusal of the commission to certify the applicant as eligible after examination or a person is aggrieved by refusal of the commission to examine the person, the commission shall, at the request of the applicant or person aggrieved, within ten days, appoint a time and place for a public hearing.

(2) At the hearing, the applicant or person aggrieved may appear with or without counsel, and the commission shall take testimony and review its refusal to provide examination or certification.

(3) The deliberations of the commission, including interim rulings on evidentiary or

procedural issues, may be held in the nature of a closed executive session.

(4) The commission's disposition of the matter shall constitute official action which shall occur at a public meeting held under 65 Pa.C.S. Ch. 7 (relating to open meetings).

(5) The decision of the commission shall be final.

(8 Pa.C.S. § 1183)

§ 1184. Eligibility list and manner of filling appointments.

(a) Ranking of candidates.--

(1) At the completion of the testing process, including a physical agility or other examination, with the exception of a background investigation to be conducted after the establishment of an eligibility list and physical and psychological medical examination under section 1189 (relating to physical and psychological medical examination), the commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list.

(2) The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which an applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference).

(3) The eligibility list will be valid for one year from the date the commission formally adopts the eligibility list.

(4) Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional 12 months by a majority vote of the commission at a duly authorized commission meeting.

(5) In the absence of a lawful extension by the commission under paragraph (4), the list shall expire.

(b) Procedure for filling positions.--Except as provided in subsection (c), every original position or employment in the police force or as paid fire apparatus operators, except that of chief of police or chief of the fire department, or equivalent, shall be filled only in the following manner:

(1) The council shall notify the commission of any vacancy which is to be filled and shall request the certification of an eligibility list.

(2) The commission shall certify for each existing vacancy from the eligibility list the names of the three persons or a lesser number, if three are not available, who have received the highest average.

(3) The council shall make a conditional appointment from the three names certified, based solely on the merits and fitness of the candidates, unless council makes objections to the commission regarding one or more of the certified persons for any of the reasons stated in section 1183 (relating to rejection of applicant and hearing).

(4) If the objections are sustained by the commission as provided in section 1183 or the conditional appointee is determined to be unqualified in accordance with the procedures specified in section 1189, the commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list.

(5) As each subsequent vacancy occurs in the same or another position, the same procedure shall be followed.

(c) Vacancies in existing positions.--

(1) Any vacancy in an existing position in the police force or as a paid fire apparatus operator which occurs as a result of retirement, resignation, disability or death may be filled by council by the reappointment or reinstatement of a former employee of the police force or fire department who had previously complied with this section.

(2) No examination, other than a physical examination as directed by the civil service commission, shall be required in any case of reappointment or reinstatement.

(d) Vacancies in certain offices.--

(1) In the case of a vacancy in the office of chief of police or chief of the fire department, or equivalent official, the council may nominate a person to the commission.

(2) The commission shall subject the nominated person to a noncompetitive examination, and, if the person is certified by the commission as qualified, the person may then be appointed to the position and shall be subject to this subchapter [8 Pa.C.S. Ch. 11 Subch. J (relating to civil service for police and fire apparatus operators)].

(8 Pa.C.S. § 1184)

§ 1185. Age and residency of applicants.

No person shall be eligible to apply for examination unless the person is at least 18 years of age at the date of application. An applicant need not be a resident of the borough. The council of the borough may authorize the commission, by rule or regulation, to require police officers and paid fire apparatus operators to become residents of the borough after appointment to the positions.

(8 Pa.C.S. § 1185)

§ 1186. Probationary period.

(a) General rule.--An original appointment to a position in the police force or as a paid fire apparatus operator shall be for a probationary period of not less than six months and not more than one year, but during the probationary period an appointee may be dismissed only for a cause specified in section 1183 (relating to rejection of applicant and hearing) or because of incapacity for duty due to the use of alcohol or drugs.

(b) Notice denying permanent appointment.--

(1) If, at the close of a probationary period, the conduct or fitness of the probationer has not been satisfactory to the council, the probationer shall be notified in writing that the probationer will not receive a permanent appointment and the appointment shall cease.

(2) If the probationer is not notified or dismissed in accordance with this section, the probationer's retention shall be equivalent to a permanent appointment.

(c) Finality of decision.--The decision of a borough to suspend or discharge a probationer shall be final and shall not be subject to the hearing provisions of section 1191 (relating to hearings on dismissals and reductions).

(8 Pa.C.S. § 1186)

§ 1187. Provisional appointments.

* * *

(b) Competitive examination required.--

(1) Within three weeks of the provisional appointment, the commission shall hold a competitive examination and certify an eligibility list. A regular appointment shall then be made from the name or names submitted by the commission.

(2) Nothing in this section shall be construed to prevent the appointment, without examination, of persons temporarily as police officers in cases of riot or other emergencies or as fire apparatus operators in emergency cases.

(8 Pa.C.S. § 1187)

§ 1188. Promotions.

(a) General rule.--A promotion shall be based on merit to be ascertained by an examination to be prescribed by the commission. All questions relative to a promotion shall be practical in character and fairly test the merit and fitness of persons seeking promotion.

(b) Notification of vacancy.--Council shall notify the commission of a vacancy in the police force or as a paid fire apparatus operator in the borough which is to be filled by promotion and shall request the certification of an eligibility list.

(c) Certification required.--

(1) The commission shall certify for each vacancy the names of three persons on the eligibility list who have received the highest average in the last preceding promotional examination held within a period of two years preceding the date of the request for the eligibility list.

(2) If three names are not available, the commission shall certify the names

remaining on the eligibility list.

(3) The council shall make an appointment from the names certified, based solely on the merits and fitness of the candidate, unless council makes objections to the commission regarding one or more of the persons so certified for any reason provided under section 1183 (relating to rejection of applicant and hearing).

(d) Increase in salary as promotion.--The council may determine in each instance whether an increase in salary constitutes a promotion.

(8 Pa.C.S. § 1188)

§ 1189. Physical and psychological medical examination.

(a) Conditional offer of employment.--

(1) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional appointee undergoing a physical and psychological medical examination and a determination that the conditional appointee is capable of performing all the essential functions of the position.

(2) Physical medical examinations shall be conducted under the direction of a physician or other qualified medical professional.

(3) Psychological medical examinations shall be conducted under the direction of a psychiatrist or psychologist.

(b) Opinion to be rendered.--The physician, other qualified medical professional, psychiatrist or psychologist must be appointed by council and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(c) Interactive discussion with conditional appointee.--If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, the person designated by council shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(d) Written notice after interactive discussion.--If, at the conclusion of the interactive discussion conducted under subsection (c), council determines that the conditional appointee is not qualified, council shall give written notice to the conditional appointee and the commission.

(e) Construction.--Nothing in this part shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) Definitions.--The following words and phrases when used in this section shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Medical examination." An examination, procedure, inquiry or test designed to obtain information about medical history or a physical or mental condition which might disqualify an applicant for a position if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

"Physician." The term shall have the meaning given to it under 1 Pa.C.S. § 1991 (relating to definitions).

"Qualified medical professional." An individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

(1) as a physician assistant under the act of December 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of 1985, or the act of October 5, 1978 (P.L.1109, No.261), known as the Osteopathic Medical Practice Act; or

(2) as a certified registered nurse practitioner under the act of May 22, 1951 (P.L.317, No.69), known as The Professional Nursing Law.

(8 Pa.C.S. § 1189)

§ 1190. Removals.

(a) General rule.--No person employed in any police or fire force of any borough may be suspended without pay, removed or reduced in rank except for the following reasons:

(1) Physical or mental disability affecting the person's ability to continue in service, in which case the person shall receive an honorable discharge from service.

(2) Neglect or violation of any official duty.

(3) Violation of any law if the violation constitutes a misdemeanor or felony.

(4) Inefficiency, neglect, intemperance, immorality, disobedience of orders or conduct unbecoming of an officer.

(5) Intoxication while on duty.

(6) Engaging or participating in the conduct of a political or election campaign while on duty or in uniform or while using borough property otherwise than to exercise the person's own right of suffrage.

(7) Engaging or participating in the conduct of a political or election campaign for an incompatible office as provided in section 1104(f) (relating to appointments and incompatible offices).

(b) Restriction.--A person employed by a police or fire force shall not be removed for religious, racial or political reasons.

(c) Statement of charges.--A written statement of charges made against a person shall be furnished to the person within five days after the statement of charges is filed. The person shall have ten days from the date of receiving the notice to submit a written request for a hearing to the civil service commission under section 1191 (relating to hearings on dismissals and reductions).

(d) Furlough.--If, for reasons of economy or other reasons, it shall be deemed necessary by any borough to reduce the number of paid employees of the police or fire force, the borough shall furlough the person, including a probationer, last appointed to the respective force. The removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until the reduction shall have been accomplished. In the event the police or fire force shall again be increased, the employees furloughed shall be reinstated in the order of their seniority in the service. This subsection as to reductions in force is not applicable to a chief of police.

(8 Pa.C.S. § 1190)

§ 1191. Hearings on dismissals and reductions.

(a) Time of answer and hearing.--A person suspended, removed or reduced in rank may make written answers to any charges filed against the person not later than the day scheduled for the hearing. The commission shall grant the person a hearing that shall be held within a period of ten days from the filing of written charges, unless continued by the commission for cause at the request of the council or the accused. The failure of the commission to hold a hearing within ten days from the filing of the written charges shall not result in the dismissal of the charges filed.

(b) Conduct of hearing.--At any hearing, the person against whom the charges are made may be present in person and by counsel. The council may suspend the person, without pay, pending the determination of the charges against the person, but, in the event the commission fails to uphold the charges, the person sought to be suspended, removed or reduced in rank shall be reinstated with full pay for the period during which the person was suspended, removed or reduced in rank, and no charges shall be officially recorded against the person's record. A stenographic record of all testimony taken at the hearings shall be filed with and preserved by the commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

(c) Appeal.--All parties shall have an immediate right of appeal to the court of common pleas of the county, and the case shall there be determined as the court deems proper. No order of suspension made by the commission may be for a longer period than one year. The appeal shall be taken within 30 days from the date of entry by the commission of its final order and shall be by petition. Upon the appeal being taken and docketed, the court of common pleas shall schedule a day for a hearing and shall proceed to hear the appeal on the original record and additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or revising the decision of the commission shall be final, and the

employee shall be suspended, discharged, reduced in rank or reinstated in accordance with the order of court.

(d) Proceedings.--The council and the person sought to be suspended, removed or reduced in rank shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas. Unless the council or the person sought to be suspended, removed or reduced in rank requests that the proceedings before the commission be open to the public, the proceedings before the commission under this section shall be held in the nature of a closed executive session that shall not be open to the public. The request shall be presented to the commission before the civil service hearing commences. The deliberations of the commission, including interim rulings on evidentiary or procedural issues, may be held in private and shall not be subject to a request for being open to the public, the council or the person sought to be suspended, removed or reduced in rank. The commission's disposition of the disciplinary action shall constitute official action which shall occur at a public meeting held pursuant to 65 Pa.C.S. Ch. 7 (relating to open meetings).
(8 Pa.C.S. § 1191)

§ 1192. Employees exempted.

All appointments in the police or fire forces of boroughs, including the chief of police or equivalent official, prior to the creation of a commission, shall continue to hold their positions and shall not be required to take any examination under the provisions of this subchapter [8 Pa.C.S. Ch. 11 Subch. J (relating to civil service for police and fire apparatus operators)], except that which may be required for promotion. This section shall not be construed to apply to persons employed temporarily in emergency cases.
(8 Pa.C.S. § 1192)

§ 1193. Discrimination on account of political or religious affiliations.

(a) Information.--No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant nor shall inquiry be made concerning the opinions or affiliations, and all disclosures of opinions or affiliations shall be ignored.

(b) Prohibition.--No discrimination shall be exercised, threatened or promised by any person against or in favor of any applicant or employee because of political or religious opinions or affiliations or race, and no offer or promise or reward, favor or benefit, directly or indirectly, shall be made to or received by any person for any act done or duty omitted or to be done under this subchapter [8 Pa.C.S. Ch. 11 Subch. J (relating to civil service for police and fire apparatus operators)].
(8 Pa.C.S. § 1193)

§ 1202. Specific powers [of borough].

The powers of the borough shall be vested in the council. In the exercise of any specific powers involving the enactment of an ordinance or the making of any regulation, restriction or prohibition, the borough may provide for enforcement and penalties for violations. The specific powers of the borough shall include the following:

* * *

(24) To enter into agreements with other political subdivisions, in accordance with existing laws, in making joint purchases of materials, supplies or equipment and in performing governmental powers, duties and functions and in carrying into effect provisions of 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation), and agreements with the proper authorities of municipal corporations, regional police or fire forces or other public safety or governmental entities created by two or more municipal corporations under 53 Pa.C.S. Ch. 23 Subch. A, either for mutual aid or assistance in police and fire protection or any other public safety services, or for the furnishing to or receiving from the municipal corporations or governmental entities police and fire protection or any other public safety services, and to make appropriations for public safety services. In connection with agreements for police or fire protection or any other public

safety services, it shall not be necessary to advertise for bids or receive bonds as required for contracts under existing law. When an agreement has been entered into, the police, firefighters, fire police or any other public safety services of the employing municipal corporation or governmental entity shall have the powers and authority conferred by law on police, firefighters, fire police or any other public safety services in the territory of the municipal corporation which has contracted to secure the service.

(25) To make contracts of insurance, with any mutual or other fire insurance company, association or exchange, duly authorized by law to transact insurance business in this Commonwealth, on any building or property owned or leased by the borough.

(26) To provide for other insurance as follows:

(i) To appropriate an amount as may be necessary to secure insurance or compensation in accordance with Article VI of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, for:

(A) volunteer firefighters of companies duly recognized by the borough, by motion or resolution, killed or injured while going to, returning from or attending fires or while performing their duties as special fire police; and

* * *

(35) To purchase or contribute to the purchase of fire engines and fire apparatus, boats, rescue and lifesaving equipment and supplies for the use of the borough for fire, rescue and lifesaving services, including community ambulance service, and to appropriate money for fire companies and rescue units located within the borough, including for the construction, repair and maintenance of buildings for fire companies and rescue units, and to acquire land for those purposes. Appropriations may include funds to establish, equip, maintain and operate lawfully organized or incorporated fire training schools within the county or regional firefighters' associations or an entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any municipal corporation within this Commonwealth. Annual appropriations may also be made to an ambulance service, or council may enter into contracts for use in providing community ambulance service.

* * *

(56) To ensure that fire and emergency medical services are provided within the borough by the means and to the extent determined by the borough, including the appropriate financial and administrative assistance for these services. The borough shall consult with fire and emergency medical services providers to discuss the emergency services needs of the borough. The borough shall require any emergency services organization receiving borough funds to provide to the borough an annual itemized listing of all expenditures of these funds before the borough may consider budgeting additional funding to the organization.

* * *

(8 Pa.C.S. § 1202)

§ 1402. Regulation of contracts.

* * *

(d) Contracts or purchases.--The contracts or purchases made by council, which shall not require advertising, bidding or price quotations as provided in this part, are as follows:

* * *

(3.1) Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts of vehicles being purchased from a public utility, municipal corporation, county, school district, municipal authority, council of government, volunteer fire company, volunteer ambulance service, volunteer rescue squad or Federal or State Government.

* * *

(8 Pa.C.S. § 1402)

§ 1404.1. Purchase contracts for petroleum products and fire company, etc., participation.

The council of each borough shall have power to permit, subject to terms and conditions as it may and, as specifically provided, shall prescribe, a paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the borough to participate in purchase contracts for petroleum products entered into by the borough. A company desiring to participate in purchase contracts shall file with the borough secretary a request to authorize it to participate in contracts for the purchase of petroleum products of the borough and agreeing that it will be bound by the terms and conditions as the borough may and, as specifically provided, shall prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among the terms and conditions, the borough shall prescribe that the prices must be F.O.B. destination.
(8 Pa.C.S. § 1404.1)

Chapter 13. Townships of the First Class

Section 625. Appointments of Police and Firemen.--This subdivision (d) of this article [Article VI of The First Class Township Code] shall not apply to any township [of the first class] having a police force of less than three members or to volunteer fire departments or companies employing their own operators or to townships having less than three salaried operators of fire apparatus. The subdivision (d) of this article is subject, as heretofore, to the power of the township commissioners to determine compensation. Hereafter, each and every appointment to and promotion directly by the township shall be made only according to qualifications and fitness to be ascertained by examinations which shall be competitive, as hereinafter provided.

No person shall hereafter be suspended, removed or reduced in rank as a paid employe in any police force or as a paid operator of fire apparatus of any township, except in accordance with the provisions of this subdivision.
(1931, P.L.1206, No.331, § 625)

Section 626. Civil Service Commission Created; Appointments; Vacancies.--There is hereby created in each township where a police force or paid fire apparatus operators as hereinbefore provided are being maintained, a civil service commission, hereinafter referred to as the commission. The commission shall consist of three commissioners who shall be qualified electors of the township and shall be appointed by the township commissioners initially to serve for the terms of two, four and six years, and as terms thereafter expire shall be appointed for terms of six years.

* * *

(1931, P.L.1206, No.331, § 626)

Section 635. General Provisions Relating to Examinations.--(a) The [civil service] commission shall make rules and regulations to be approved as provided in section 630 hereof, providing for the examination of applicants for positions in the police force and as paid operators of fire apparatus and for promotions, which rules and regulations shall prescribe the minimum qualifications of all applicants to be examined and the passing grades. All examinations for positions or promotions shall be practical in character and shall relate to such matters and include such inquiries as will fairly test the merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have the minimum qualifications required by the rules and regulations. Each applicant for examination for an original position shall:

(1) be subject to the regulations adopted by the commission;

(2) either before or after being admitted to the regular examination held by the commission, be required to submit to a physical fitness or agility examination that is job-related and consistent with business necessity;

(3) if made a conditional offer of employment, be given a physical and psychological medical examination in accordance with section 643 of this act [The First Class Township

Code]; and

(4) be subject to a background investigation. Background investigations may be restricted to those candidates on an eligibility list or those to be certified to the township commissioners for appointment in accordance with section 638 of this act.

(a.1) Each applicant for promotion shall be subject to the regulations adopted by the commission and to examination and selection in accordance with section 642 of this act. Physical fitness or agility examinations that are job related and consistent with business necessity and physical and psychological medical examinations may, but need not, be required for promotions.

(b) Public notice of the time and place of every examination, together with the information as to the kind of position or place to be filled, shall be given by publication once in a newspaper of general circulation in the township or in a newspaper circulating generally in the township at least two weeks prior to each examination, and a copy of the notice shall be prominently posted in the office of the commission or other public place.

(c) The commission shall post in its office the eligible list containing the names and grades of those who have passed the examination.

(1931, P.L.1206, No.331, § 635)

Section 636. Application for Examination.--Each person desiring to apply for examination shall file with the commission a formal application in which the applicant shall state under oath or affirmation, (a) his full name and residence or post office address, (b) his citizenship, place and date of birth, (c) his condition of health and physical capacity for public service, (d) his business or employment and his residence for the past five years, and (e) such other information as may be required by the commission's rules and regulations showing the applicant's qualifications for the position for which he is being examined.

(1931, P.L.1206, No.331, § 636)

Section 637. Rejection of Applicant; Hearing.--(a) The [civil service] commission may refuse to examine or, if examined, may refuse to certify after examination as eligible, any applicant who is found to lack any of the minimum qualifications for examination prescribed in the rules and regulations adopted for the position or employment for which he has applied, or who is physically unfit for the performance of the duties of the position to which he seeks employment, or who is illegally using a controlled substance, as defined in section 102 of the Controlled Substances Act (Public Law 91-513, 21 U.S.C. § 802), or who has been guilty of any crime involving moral turpitude or of infamous or notoriously disgraceful conduct, or who has been dismissed from public service for delinquency or misconduct in office, or who is affiliated with any group whose politics or activities are subversive to the form of government set forth in the Constitution and laws of the United States and Pennsylvania.

(b) If any applicant or person is aggrieved by refusal of the commission to examine or certify the applicant as eligible after examination, the commission shall, at the request of the applicant, within ten (10) days appoint a time and place for a public hearing, with or without counsel, at which time the commission shall take testimony and review its refusal to provide examination or certification. The decision of the commission shall be final.

(1931, P.L.1206, No.331, § 637)

Section 638. Eligibility List and Manner of Filling Appointments.--(a) At the completion of the testing process, including physical agility or other examinations, with the exception of any background investigations to be conducted after the establishment of an eligibility list and physical and psychological medical examinations pursuant to section 643 of this act [The First Class Township Code], the [civil service] commission shall rank the candidates who have satisfied the minimum requirements for appointment on an eligibility list. The eligibility list shall contain the names of individuals eligible for appointment listed from highest to lowest based on their scores on the examinations administered by the commission and any points for which the applicant was entitled by virtue of 51 Pa.C.S. Ch. 71 (relating to veterans' preference). The eligibility list will be valid for one year from the date the commission formally adopts the

eligibility list. Prior to expiration of the one-year period, the commission may extend the validity of the eligibility list for up to an additional twelve (12) months by a majority vote of the commission at a duly authorized commission meeting. In the absence of a lawful extension by the commission, the list shall expire.

(b) Every position or employment in the police force or as paid operators of fire apparatus except that of chief of police or chief of the fire department or equivalent shall be filled only in the following manner: the township commissioners shall notify the commission of any vacancy which is to be filled and shall request the certification of an eligibility list. The commission shall certify for each existing vacancy from the eligibility list the names of the three persons who have received the highest average. The township commissioners shall make a conditional appointment from the three names certified based solely on the merits and fitness of the candidates, unless the township commissioners make objections to the commission regarding one or more of the certified persons for any of the reasons stated in section 637 of this subdivision [Subdivision D (relating to civil service for police and firemen)]. Should such objections be sustained by the commission, as provided in section 637, or if the conditional appointee is determined to be unqualified in accordance with the procedures set forth in section 643 of this act, the commission shall strike the name of the person from the eligibility list and certify the next highest name for each name stricken from the eligibility list. As each subsequent vacancy occurs in the same or another position, precisely the same procedure shall be followed.

(c) A vacancy in an existing position in the police force or as a paid operator of fire apparatus which occurs as a result of retirement, resignation, disability or death may be filled by the township commissioners by the reappointment or reinstatement of a former employe of the police force or fire department who had previously complied with the provisions of this section. No examination, other than a physical examination as directed by the Civil Service Commission, shall be required in a case of reappointment or reinstatement to the force or department with which the employe previously served, except at the discretion of the township commissioners or as otherwise required by law.

(d) In the case of a vacancy in the office of chief of police or chief of the fire department or equivalent official, the township commissioners may nominate a person to the commission. It shall thereupon become the duty of the commission to subject the person to a non-competitive examination and if the person shall be certified by the commission as qualified he may then be appointed to the position and thereafter shall be subject to all the provisions of this subdivision.
(1931, P.L.1206, No.331, § 638)

Section 639. Age; Applicant's Residence.--No person shall be eligible to apply for examination unless he is more than eighteen years of age at the date of application. The commissioners may, at their option, accept applications from non-residents of the township [of the first class] and may, by ordinance, require non-resident policemen and firemen to become residents of the township after appointment to such positions.
(1931, P.L.1206, No.331, § 639)

Section 640. Probation Period.--All original appointments to any position in the police force or as paid operators of fire apparatus shall be for a probationary period of not less than six months and not more than one year, but during the probationary period an appointee may be dismissed only for a cause specified in section 637 of this act [The First Class Township Code] or because of incapacity for duty due to the use of alcohol or drugs. If at the close of a probationary period the conduct or fitness of the probationer has not been satisfactory to the township commissioners, the probationer shall be notified in writing that he will not receive a permanent appointment, and the appointment shall cease. If the probationer is not notified or dismissed in accordance with this section, his retention shall be equivalent to a permanent appointment.
(1931, P.L.1206, No.331, § 640)

Section 641. Provisional Appointments.--Whenever there are urgent reasons for the

filling of a vacancy in any position in the police force and there are no names on the eligible list for such appointment, the township commissioners may nominate a person to the commission for non-competitive examination and if such nominee shall be certified by the commission as qualified after such non-competitive examination he may be appointed provisionally to fill such vacancy. It shall thereupon become the duty of the commission within three weeks to hold a competitive examination and certify a list of eligibles and a regular appointment shall then be made from the name or names submitted by the commission: Provided, however, That nothing herein contained shall prevent the appointment without examination of persons temporarily as police officers in cases of riot or other emergency or of operators of fire apparatus in emergency cases.
(1931, P.L.1206, No.331, § 641)

Section 642. Promotions.--Promotions in the police force or fire department shall be based on merits to be ascertained by examinations to be prescribed by the [civil service] commission. All questions, relative to promotions shall be practical in character and such as will fairly test the merit and fitness of persons seeking promotion. The township commissioners shall notify the commission of a vacancy on the police force or fire department which is to be filled by promotion and shall request the certification of an eligibility list. The commission shall certify for each vacancy the names of the three persons on the eligibility list who have received the highest average in the last promotion examination held within a period of two years preceding the date of the request for the eligibility list. If three names are not available, the commission shall certify the names remaining on the eligibility list. The township commissioners shall make an appointment from the names certified based solely on the merits and fitness of the candidate unless the township commissioners make objections to the commission regarding any person on the eligibility list for any reason provided under section 637.

The township commissioners shall have power to determine in each instance whether an increase in salary shall constitute a promotion.
(1931, P.L.1206, No.331, § 642)

Section 643. Physical and Psychological Medical Examinations.--(a) An applicant selected from the eligibility list shall receive a conditional offer of employment. The offer of employment shall be conditioned upon the conditional employee undergoing a physical and psychological medical examination and a determination that the conditional employee is capable of performing all the essential functions of the position. Physical medical examinations shall be under the direction of a physician or other qualified medical professional. Psychological medical examinations shall be under the direction of a psychiatrist or psychologist.

(b) The physician or other qualified medical professional and the psychiatrist or psychologist shall be appointed by the township commissioners and shall render an opinion as to whether the conditional appointee has a physical or mental condition which calls into question the person's ability to perform all of the essential functions of the position for which the person was conditionally appointed.

(c) If the opinion rendered by the physician, other qualified medical professional, psychiatrist or psychologist calls into question the conditional appointee's ability to perform all essential functions of a position, a person designated by the township commissioners shall meet with the conditional appointee for the purpose of having one or more interactive discussions on whether the conditional appointee can, with or without reasonable accommodation, perform all the essential functions of the position.

(d) If, at the conclusion of the interactive discussion under subsection (c), the township commissioners determine that the conditional appointee is not qualified, the township commissioners shall give written notice to the conditional appointee and the Civil Service Commission.

(e) Nothing in this act [The First Class Township Code] shall be construed to authorize physical or psychological medical examinations prior to conditional appointment.

(f) As used in this section, the following definitions shall apply:

"Medical examination" shall mean any examination, procedure, inquiry or test designed to

obtain information about medical history or a physical or mental condition which might disqualify an applicant if it would prevent the applicant from performing, with or without a reasonable accommodation, all of the essential functions of the position.

"Physician" shall have the meaning given to it in 1 Pa.C.S. § 1991 (relating to definitions).

"Qualified medical professional" shall mean an individual, in collaboration with or under the supervision or direction of a physician, as may be required by law, who is licensed:

(1) as a physician assistant pursuant to the act of December 20, 1985 (P.L.457, No.112), known as the "Medical Practice Act of 1985," or the act of October 5, 1978 (P.L.1109, No.261), known as the "Osteopathic Medical Practice Act"; or

(2) as a certified registered nurse practitioner pursuant to the act of May 22, 1951 (P.L.317, No.69), known as "The Professional Nursing Law."

(1931, P.L.1206, No.331, § 643)

Section 644. Removals.--(a) No person employed in any police or fire force of any township [of the first class] shall be suspended, removed or reduced in rank except for the following reasons: (1) physical or mental disability affecting his ability to continue in service, in which cases the person shall receive an honorable discharge from service; (2) neglect or violation of any official duty; (3) violation of any law of this Commonwealth which provides that such violation constitutes a misdemeanor or felony; (4) inefficiency, neglect, intemperance, disobedience of orders, or conduct unbecoming an officer; (5) intoxication while on duty; (6) engaging or participating in conducting of any political or election campaign otherwise than to exercise his own right of suffrage, except that this clause shall only apply to a police officer while on duty or in uniform or while using any township property. A police officer may also be suspended, removed or reduced in rank for engaging or participating in the conduct of any political or election campaign for an incompatible office pursuant to section 1401. A person so employed shall not be removed for religious, racial or political reasons. A written statement of any charges made against any person so employed shall be furnished to such person within five days after the same are filed with the commission.

(b) If for reasons of economy or other reasons it shall be deemed necessary by any township to reduce the number of paid employes of the police or fire force, then such township shall furlough the person or persons, including probationers, last appointed to the respective force. Such removal shall be accomplished by furloughing in numerical order commencing with the person last appointed until such reduction shall have been accomplished. In the event the said police force shall again be increased, the employes furloughed shall be reinstated in the order of their seniority in the service. The provisions of this paragraph as to reductions in force shall not apply to any chief of police.

(1931, P.L.1206, No.331, § 644)

Section 645. Hearings on Dismissals and Reduction.--If the person suspended, removed or reduced in rank shall demand a hearing by the commission, the demand shall be made to the commission. Such person may make written answers to any charges filed against him not later than the day fixed for hearing. The commission shall grant him a hearing which shall be held within a period of ten days from the filing of charges in writing unless continued by the commission for cause at the request of the township commissioners or the accused. At any such hearing, the person against whom the charges are made may be present in person and by counsel. The township commissioners, or the chief of police when the township commissioners are not in session, may suspend any such person without pay pending the determination of the charges against him, but in the event the commission fails to uphold the charges, then the person sought to be suspended, removed or demoted shall be reinstated with full pay for the period during which he was suspended, removed or demoted, and no charges shall be officially recorded against his record.

A stenographic record of all testimony taken at such hearings shall be filed with and preserved by the commission, which record shall be sealed and not be available for public inspection in the event the charges are dismissed.

In the event the commission shall sustain the charges and order the suspension, removal

or reduction in rank, the person suspended, removed or reduced in rank shall have immediate right of appeal to the court of common pleas of the county and the case shall there be determined as the court deems proper. No order of suspension made by the commission shall be for a longer period than one year. Such appeal shall be taken within sixty days from the date of entry by the commission of its final order and shall be by petition. Upon such appeal being taken and docketed, the court of common pleas shall fix a day for a hearing and shall proceed to hear the appeal on the original record and such additional proof or testimony as the parties concerned may desire to offer in evidence. The decision of the court affirming or reversing the decision of the commission shall be final and the employe shall be suspended, discharged, demoted or reinstated in accordance with the order of the court.

The township commissioners and the person sought to be suspended, removed or demoted shall at all times have the right to employ counsel before the commission and upon appeal to the court of common pleas.
(1931, P.L.1206, No.331, § 645)

Section 646. Present Employes Exempted.--All appointments in the police or fire forces of townships [of the first class], including the chief of police or equivalent official, upon the effective date of this act [The First Class Township Code], shall continue to hold their positions and shall not be required to take any examination under the provisions of this act except such as may be required for promotion: Provided, however, That this section shall not be construed to apply to persons employed temporarily in emergency cases.
(1931, P.L.1206, No.331, § 646)

Section 647. Discrimination on Account of Political or Religious Affiliations.--No question in any form of application for examination or in any examination shall be so framed as to elicit information concerning the political or religious opinions of any applicant nor shall inquiry be made concerning such opinion or affiliations and all disclosures thereof shall be discountenanced.

No discrimination shall be exercised, threatened or promised by any person against or in favor of any applicant or employe because of political or religious opinions or affiliations or race, and no offer or promise of reward, favor or benefit, directly or indirectly, shall be made to or received by any person for any act done or duty omitted or to be done under this subdivision [Subdivision D (relating to civil service for police and firemen)] of this article [Article VI of The First Class Township Code].
(1931, P.L.1206, No.331, § 647)

Section 648. Penalty.--Any township commissioner who by his vote causes to be appointed any person to the police force or as a fire apparatus operator contrary to the provisions of this subdivision [Subdivision D (relating to civil service for police and firemen)], or any township commissioner or member of the civil service commission who wilfully refuses to comply with or conform to the provisions of this subdivision, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or suffer imprisonment not exceeding three months, or both.
(1931, P.L.1206, No.331, § 648)

Section 650. Police Force and Fire Apparatus Operators Defined.--* * *

Fire apparatus operators as used in this subdivision [Subdivision D of The First Class Township Code] shall mean any person who operates fire apparatus and devotes his normal working hours to operating any piece of fire apparatus or other services connected with fire protection work and who is paid a stated salary or compensation for such work done by the township [of the first class].
(1931, P.L.1206, No.331, § 650)

Section 1502. [Powers of board of township commissioners] The corporate power of a township of the first class shall be vested in the board of township commissioners. The board

shall have power--

* * *

XV. Fire and Water Districts; Bond Issues and Taxes. To create, by ordinance, fire and water districts in any portion or portions of townships when, in their opinion, the same is necessary for the safety and convenience of the inhabitants of said township; to issue bonds restricted to the districts so created, for the purpose of procuring and maintaining the necessary supply of water to said district; and to levy such special tax restricted to said district as may be necessary to redeem any bonds so issued. To pay the cost or part of the cost of such water supply or water lines, the township commissioners may charge for any such water supply or water lines by an assessment of a special water or fire tax on all surface properties or real estate located in the water or fire district, which tax shall be based on the assessment for county purposes as established for general taxation. Such tax may be levied for a single year or for a term of years as the township commissioners may determine, but in the case of fire districts shall not exceed two mills per annum, and shall be collected in the same manner as other taxes. In lieu of the foregoing provisions, or in order to defray part of the cost of such water supply or water lines, in all cases where said township shall have established a water system and shall construct main water lines in said township, the board of township commissioners may charge the cost of construction of any municipal water lines or lateral lines, upon any streets or highways adjacent to main lines, or such portion of the cost of construction as the board may deem proper, upon the properties benefited or accommodated thereby. The ordinance, providing for such charge, shall be adopted by the board within six months from date of the final completion of such system of water lines. Said charges shall be assessed and collected in the manner provided in this act [The First Class Township Code] for the assessment and collection of charges for the construction of sewers.

XVI. Fire Regulations. To make regulations within the township or within such limits, as may be deemed proper, relative to the cause and management of fires and the prevention thereof; to purchase or contribute to the purchase of fire engines and fire apparatus for the use of the township, and to appropriate money to fire companies for the operation and maintenance thereof and for the construction, repair and maintenance of fire company houses; to ordain rules and regulations for the government of such fire companies and their officers, and to regulate the method to be followed in the extinguishment of fires.

XVII. Fire Houses. To provide and maintain suitable places for the housing of engines, hose carts, and other apparatus for the extinguishment of fire.

* * *

XXIII. Insurance. To make contracts with any fire insurance company, association or exchange, including mutual companies duly authorized by law to transact insurance business in the Commonwealth, insuring any building or property of the township; to make contracts with any insurance company insuring any public liability of the township; to appropriate such amount as may be necessary to secure insurance or compensation for volunteer firemen of companies duly recognized by the township by motion or resolution, killed or injured while going to or returning or attending fires; to make contracts of insurance with any insurance company, association or exchange authorized to transact business in this Commonwealth insuring township employes or any class or classes thereof under a policy or policies of insurance covering workmen's compensation, life, health or accident insurance, and to contract with any such company granting annuities or pensions for the pensioning of such employes, and to agree to pay part or all of the premiums or charges for carrying such contracts, and to appropriate moneys from the township treasury for such purposes.

* * *

XXXIV. Ambulances and Rescue and Life Saving Services. To acquire and to operate and maintain motor vehicles for the purposes of conveying sick and injured persons of such township and the vicinity to and from hospitals, and, for such purposes, to appropriate and expend moneys of the township or to appropriate money annually towards ambulance and rescue and life saving service, and to enter into contracts relating thereto. All appropriations of money heretofore made and contracts heretofore entered into by any township for such service are hereby validated and confirmed.

* * *

LIV. Joint Contracts for Police and Fire Protection. To enter into contracts with the proper authorities of near or adjacent cities, boroughs and townships either for mutual aid or assistance in police and fire protection, or for the furnishing to or receiving from such cities, boroughs or townships aid and assistance in police and fire protection, and to make appropriations therefor: Provided, That in connection with such contracts it shall not be necessary to receive bids or require bonds as required for other contracts under existing law.

* * *

LXIII. Insurance. To expend out of the general township fund such amount as may be necessary to secure workmen's compensation insurance for its employes, including volunteer firemen of companies duly recognized by the township by motion or resolution killed or injured while going to, returning from or attending fires, or while performing any other duties authorized by the township; to make contracts of insurance with any fire insurance company, duly authorized by law to transact business in the Commonwealth of Pennsylvania, on any building or property owned by such township, to make contracts with any insurance company, so authorized, insuring any public liability of the township, and to make contracts of insurance with any insurance company, or nonprofit hospitalization corporation, or nonprofit medical service corporation, authorized to transact business within the Commonwealth, insuring its employes or commissioners, or any class or classes thereof, or their dependents, under a policy or policies of group insurance covering life, health, hospitalization, medical and surgical service, or accident insurance, and may contract with any such company, granting annuities or pensions, for the pensioning of such employes, or any class or classes thereof, and for such purposes, may agree to pay part or all of the premiums or charges for carrying such contracts, premiums, or charges, or portions thereof. The commissioners are hereby authorized, enabled and permitted to deduct from the employe's or commissioner's pay, salary or compensation such part of the premium or charge, as is payable by the employe or commissioner, and as may be so authorized by the employe or commissioner in writing. Such insurance shall be uniformly applicable to those covered and shall not give eligibility preference to, or improperly discriminate in favor of, commissioners. As used in this clause, the terms "employe" and "employes" exclude independent contractors and all township engineers and solicitors. Any life, health, hospitalization, medical service or accident insurance coverage contract entered into by a township between January 1, 1959, and December 31, 1984, that includes or provides coverage for commissioners shall not be void or unlawful solely because of such inclusion of commissioners; nor shall any penalty, assessment, surcharge or disciplinary action of any kind occur as a result of such participation by such commissioners; and insurance benefits payable to insureds or their beneficiaries arising out of or on account of deaths, injuries, accidents or illnesses occurring prior to the effective date of this amendatory act shall remain the property of the insureds or their beneficiaries.

* * *

LXXIX. Emergency Services. (a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.

(b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.

(c) The township shall require any emergency services organizations receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.
(1931, P.L.1206, No.331, § 1502)

Section 1802. General Regulations Concerning Contracts.--* * *

(d) The contracts or purchases made by the commissioners which shall not require advertising, bidding or price quotations, as hereinbefore provided, are as follows:

* * *

(3.1) Those for used personal property, such as equipment, articles, apparatus,

appliances, vehicles or parts thereof being purchased from a public utility, municipal corporation, county, school district, municipality authority, council of government, volunteer fire company, volunteer ambulance service, volunteer rescue squad or Federal or State Government.

* * *

(1931, P.L.1206, No.331, § 1802)

Section 3106-A. Reserved powers [relating to first class township commissioners].

If, as a result of legislative action or final order of court for which the time for appeal has expired and no appeal has been taken or from which there is no pending appeal, the Uniform Construction Code or a replacement code is no longer applicable in townships, the township commissioners may:

(1) Enact and enforce ordinances to govern and regulate the construction, reconstruction, alteration, extension, repair, conversion, maintenance, occupation, sanitation, ventilation, heating, egress, lighting, electrical wiring, water supply, toilet facilities, drainage, plumbing, fire prevention, fireproofing, including prescribing limitations wherein only buildings of noncombustible material and fireproofed roofs are used in construction, erection or substantial reconstruction, use and inspection of all buildings and housing or parts of buildings and housing and the roofs, walls and foundations of buildings and housing, and all facilities and services in or about the buildings or housing constructed, erected, altered, designed or used, in whole or in part, for use or occupancy, and the sanitation and inspection of land appurtenant to the buildings or housing. The codes may be combined or separately enacted or combined with the property maintenance code. The township commissioners may adopt, amend or incorporate by reference a standard or nationally recognized code or a variation or change or part of the code as its ordinance in the manner provided in section 3105-A. The ordinance may provide for reasonable fines and penalties for violations of the ordinance.

* * *

(1931, P.L.1206, No.331, § 3106-A)

Chapter 14. Townships of the Second Class

Section 1528. Ambulances and Rescue and Life Saving Services [in Townships of the Second Class].--The board of supervisors may acquire, operate and maintain motor vehicles for the purposes of conveying persons to and from hospitals, and it may appropriate moneys toward ambulance and rescue and life saving services and make contracts relating thereto.

(1933, P.L.103, No.69, § 1528)

Section 1553. Emergency Services [in Townships of the Second Class].--(a) The township shall be responsible for ensuring that fire and emergency medical services are provided within the township by the means and to the extent determined by the township, including the appropriate financial and administrative assistance for these services.

(b) The township shall consult with fire and emergency medical services providers to discuss the emergency services needs of the township.

(c) The township shall require any emergency services organizations receiving township funds to provide to the township an annual itemized listing of all expenditures of these funds before the township may consider budgeting additional funding to the organization.

(1933, P.L.103, No.69, § 1553)

Section 1801. Authority of Board of Supervisors [in Townships of the Second Class].--The board of supervisors may provide for fire protection within the township.

(1933, P.L.103, No.69, § 1801)

Section 1802. Fire Hydrants and Water Supply [in Townships of the Second Class].--

(a) The board of supervisors may place, replace, operate, maintain and repair or contract with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys within the township or provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire. The moneys necessary for providing or acquiring these fire protection services may be obtained by one of the following methods:

(1) The board of supervisors may annually assess the cost of fire protection by an equal assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred and eighty feet of any fire hydrant based upon the assessment of property for county tax purposes.

(2) The board of supervisors may annually assess the cost of fire protection by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon highways, streets, roads and alleys within seven hundred and eighty feet of any fire hydrant in proportion to the number of feet the property abuts any water main or within seven hundred and eighty feet of any fire hydrant on the water main. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable.

(3) The board of supervisors may pay the cost for fire protection out of the general township fund. If the board of supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.

(b) When assessments are made under this section, no assessment shall be made against any farmland or an airport which is privately owned and which is not open nor intended to be open to the public; but vacant lots between built-up sections, either tilled or not tilled, are not farmland.

(c) All assessments for fire protection shall be collected by the tax collector under section 3301(a).

(d) The assessment may be billed on the annual real estate tax bill for township purposes if authorized by the board of supervisors.

(1933, P.L.103, No.69, § 1802)

Section 1803. Fire Companies, Facilities and Training [in Townships of the Second Class].--(a) The board of supervisors may appropriate moneys for the use of the township or to fire companies located in the township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus, for the construction, repair and maintenance of fire company houses, for training of fire company personnel and, as set forth in this section, for fire training schools or centers in order to secure fire protection for the inhabitants of the township. The fire companies shall submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to the fire companies for the current year.

(b) The board of supervisors may by ordinance make rules and regulations for the government of fire companies which are located within the township and their officers.

(c) The board of supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township.

(d) No volunteer fire company not in existence in the township before the effective date of this act [The Second Class Township Code] may organize or operate unless the establishment or organization is approved by resolution of the board of supervisors.

(e) The board of supervisors may annually appropriate funds to fire companies located within the township for the training of its personnel and to lawfully organized or incorporated county or regional firemen's associations or an entity created pursuant to the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department

emergencies to the members of fire departments and volunteer fire companies in any city, borough, town or township within this Commonwealth.
(1933, P.L.103, No.69, § 1803)

Section 1804. Ponds, Dams or Impoundments for Fire Protection [in Townships of the Second Class].--The board of supervisors may construct or contribute moneys for or participate in the construction of ponds, dams or other impoundments to provide water for fire protection for the township.
(1933, P.L.103, No.69, § 1804)

Section 1805. Fire Prevention Code [in Townships of the Second Class].--The board of supervisors may adopt any standard fire prevention code published and printed in book form as provided under this act [The Second Class Township Code] for adopting standard codes.
(1933, P.L.103, No.69, § 1805)

Section 1914. Special Fire Police [in Townships of the Second Class].--The board of supervisors may confirm any members of a volunteer fire company to serve as special fire police under the act of June 18, 1941 (P.L.137, No.74), entitled, as amended, "An act providing for the appointment, powers and control of members of volunteer fire companies as special fire police, and conferring powers on them at fires attended by their fire companies in any city, borough, town, township or home rule municipality." The chairman of the board of supervisors may swear in special fire police officers.
(1933, P.L.103, No.69, § 1914)

PART IX. PROCUREMENT

Section 1804.1. Purchase Contracts for Petroleum Products; Fire Company, Etc., Participation.--The board of commissioners of each township shall have power to permit, subject to such terms and conditions as it may, and as hereinafter specifically provided, shall, prescribe any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township to participate in purchase contracts for petroleum products entered into by the township. Any such company desiring to participate in such purchase contracts shall file with the township secretary a request that it be authorized to participate in contracts for the purchase of petroleum products of the township and agreeing that it will be bound by such terms and conditions as the township may, and as hereinafter specifically provided, shall, prescribe and that it will be responsible for payment directly to the vendor under each purchase contract. Among such terms and conditions, the township shall prescribe that all prices shall be F.O.B. destination.
(1931, P.L.1206, No.331, § 1804.1)

Section 3102. Letting Contracts.--* * *

(h) The contracts or purchases made by the board of supervisors involving payments in excess of the required advertising amount, which do not require advertising, bidding or price quotations are as follows:

* * *

(5) Those made for materials and supplies or equipment rental under emergency conditions under 35 Pa.C.S. Pt. V (relating to emergency management services).

* * *

(8) Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility, municipal corporation, county, school district, municipality authority, council of government, volunteer fire company, volunteer ambulance service, volunteer rescue squad or Federal or State Government.

* * *

(1933, P.L.103, No.69, § 3102)

Section 3106. Purchase Contracts for Supplies and Equipment; Fire Company, Et Cetera [in Townships of the Second Class]; Participation.--The board of supervisors may permit any paid or volunteer fire company, paid or volunteer rescue company and paid or volunteer ambulance company in the township [of the second class] to participate in purchase contracts for supplies and equipment of the township and agreeing that it will be bound by any terms and conditions the township prescribes.
(1933, P.L.103, No.69, § 3106)

§ 2406. Contracts to supply water for municipal purposes.

Boroughs may receive bids from water companies and municipal authorities authorized to do business within the borough and from other municipalities operating a water system for the supply of water for fire protection and for other municipal purposes. The borough may contract for the supply of water with the water company.
(8 Pa.C.S. § 2406)

§ 1901. Definitions [relating to intergovernmental relations].

The following words and phrases when used in this chapter [62 Pa.C.S. Ch. 19 (relating to intergovernmental relations)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Local public procurement unit." A political subdivision, public authority, tax-exempt, nonprofit educational or public health institution or organization, nonprofit fire company, nonprofit rescue company, nonprofit ambulance company and, to the extent provided by law, any other entity, including a council of governments or an area government, which expends public funds for the procurement of supplies, services and construction.

"Public procurement unit." A local public procurement unit or a purchasing agency.
(62 Pa.C.S. § 1901)

§ 1913. Cooperative purchase of fire, rescue and ambulance company supplies.

(a) Contract for supplies.--The department shall enter into and make available to local public emergency procurement units a contract or contracts for accessory equipment, apparatus equipment, communications equipment, protective equipment, rescue vehicles and utility or special vehicles, as these terms are defined in the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act.

(b) Establishment of list.--No later than April 1 of each calendar year, the standing committee on Veterans Affairs and Emergency Preparedness of the Senate and the standing committee on Veterans Affairs and Emergency Preparedness of the House of Representatives shall prepare and transmit to the Secretary of General Services a suggested list of items used by local public emergency procurement units in the performance of their duties for department procurements under subsection (a).

(c) Definition.--As used in this section, the term "local public emergency procurement unit" means a local public procurement unit which is any of the following:

(1) A nonprofit, volunteer or municipal fire company.
(2) A nonprofit, volunteer or municipal rescue company.
(3) A nonprofit, volunteer or municipal ambulance company.
(4) A nonprofit Statewide, county or regional fire, ambulance or rescue support organization.

(62 Pa.C.S. § 1913)

§ 1511. Electricity supplied to certain organizations.

Any public utility company supplying electric service shall, upon application, permit a volunteer fire company, a nonprofit rescue squad or ambulance service or a nonprofit senior citizen center to elect to have its electric service rendered pursuant to a rate schedule which provides equivalent charges for such service as residential rates upon execution of a contract

for a minimum term of one year.
(66 Pa.C.S. § 1511)

PART X. REAL AND PERSONAL PROPERTY

Section 1. Power of cities to purchase land for municipal buildings or purposes, for present or future use

The several cities of this Commonwealth shall have power to acquire by purchase any real estate, within the city limits, which they may need, upon which to erect and construct necessary municipal buildings, fire engine houses, gas and electric light works, and, within or without the city limits, within the same county, sufficient real estate, for present and future use, upon which to erect workhouses or houses of detention, hospitals, waterworks, poorhouses, for the purpose of a poor farm, garbage and incinerating furnaces, and sewage disposal works, or plants with the necessary filter-beds, appliances, drains, and sewers, and for any extensions thereof; and in case they cannot agree with the owner or owners as to the price thereof, or in case the owner or owners thereof are absent, or are incapacitated from any cause, or are unknown, by reason of which no agreement can be made it shall be lawful for each respective city, and the same is hereby authorized and empowered, to take and appropriate, for any of the said purposes and any extensions thereof, all such necessary and sufficient real estate, within or without the city limits, as the case may be, after an ordinance shall have been passed providing for such taking and appropriation.
(1903, P.L.63, No.64, § 1)

Section 2403-A. Property Disposition Plan.--(a) The department [of General Services] shall annually develop a plan for the orderly disposition of all real property deemed surplus by the agency currently in possession of the property, which property is not suitable for use by another agency.

(b) The plan shall consider the following factors in proposing the manner and schedule for property disposition:

* * *

(4) The needs of local governments, charitable institutions, and local volunteer fire and rescue squads.

* * *

(1929, P.L.177, No.175, § 2403-A)

Section 1501. Suits; Property [of Township of the First Class].--Townships of the first class may--

* * *

II. * * *

The provisions of this clause requiring advertising for bids or sale at public auction and sale to the highest bidder shall not apply where township real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the township, or authority as defined in 53 Pa.C.S. § 5602 (relating to definitions), or to a nonprofit corporation engaged in community industrial, commercial or affordable housing development or reuse or where real property is to be sold to a person for his exclusive use in an industrial development program or where real property is to be sold to a nonprofit corporation organized as a public library, or where real property is to be sold to a nonprofit medical service corporation as authorized by clause LXXII of section 1502, or where real property is to be sold to a nonprofit housing corporation as authorized by clause LXXIII of section 1502. When real property is to be sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation or to a nonprofit housing corporation the board of township commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this clause to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or to a

nonprofit housing corporation shall be subject to the condition that when the property is not used for the purposes of the company, service, squad or the corporation the property shall revert to the township.

* * *

(1931, P.L.1206, No.331, § 1501)

Section 1503. Real Property [of Township of the Second Class].--* * *

(c) The requirements of this section do not apply to conveyances or leases of real property by a township to any of the following:

* * *

(9) A volunteer fire company.

* * *

(11) A volunteer ambulance service or volunteer rescue squad located within the township.

* * *

(d) When real property is sold to a nonprofit corporation organized as a public library or to a nonprofit medical service corporation, nonprofit housing corporation, volunteer fire company, volunteer ambulance service, volunteer rescue squad or a council of government, consortium, cooperative or other similar entity created pursuant to 53 Pa.C.S. Ch. 23 Subch. A [(relating to intergovernmental cooperation)] involving one or more of the entities listed in this subsection, the board of supervisors may elect to accept any nominal consideration for the property as it believes appropriate. Real property sold under this subsection is subject to the condition that when the property is not used for the purposes of the corporation or volunteer fire company, the property reverts to the township.

* * *

(1933, P.L.103, No.69, § 1503)

Section 1504. Personal Property [of Township of the Second Class].--* * *

(c) The bidding and advertising requirements of this section do not apply to the following transactions:

* * *

(2) The sale or lease of personal property by the township to any of the following:

* * *

(ix) A volunteer fire company.

* * *

(xi) A volunteer ambulance service or volunteer rescue squad located within the township.

* * *

(1933, P.L.103, No.69, § 1504)

Section 707. Sale of Unused and Unnecessary Lands and Buildings.--The board of school directors of any district is hereby vested with the necessary power and authority to sell unused and unnecessary lands and buildings, by any of the following methods and subject to the following provisions:

* * *

(8) Notwithstanding the foregoing provisions of this section, any school district of the second, third or fourth class, upon approval of two-thirds (2/3) of the members of the board of school directors of such district, may convey any unused and unnecessary lands and buildings of the district to the city, borough, town, township or municipal authority, the boundaries of which are coterminous with or within those of the district or a volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the district, without consideration, or for such consideration and on such terms of exchange or otherwise as may be agreed upon, without first complying with the requirements of the foregoing provisions of this section.

All such conveyances to a city, borough, town, township or municipal authority shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for municipal or authority purposes, with the following exception. If the lands and buildings acquired from a former school district are conveyed to a city, borough, town,

township or municipal authority, the boundaries of which are coterminous with or within those of the former school district, the conveyance need not contain a reverter clause. However, all conveyances to a volunteer fire company, volunteer ambulance service or volunteer rescue squad shall contain a clause whereby the lands and buildings will revert to the school district if they are no longer being used for fire, ambulance or rescue services.

* * *

(1949, P.L.30, No.14, § 707)

Section 1.1. Power [of Incorporated Towns] to Convey.--* * *

(d) The provisions of this section requiring advertising for bids and sale to the highest bidder shall not apply where town real or personal property is to be sold to a county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the town, or an authority as defined in 53 Pa.C.S. § 5602 (relating to definitions), or is to be sold to a non-profit corporation engaged in community industrial development or where real property is to be sold to a person for his exclusive use in an industrial development program, or where real property is to be sold to a non-profit corporation organized as a public library for its exclusive use as a library, or where real property is to be sold to a non-profit medical service corporation or to a non-profit housing corporation. When real property is to be sold to a non-profit corporation organized as a public library for its exclusive use as a library or to a non-profit medical service corporation or to a non-profit housing corporation, council may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, non-profit medical service corporation or to a non-profit housing corporation shall be subject to the condition that, when the property is not used for the purposes of the company, service, squad or the corporation, the property shall revert to the town.

(1953, P.L.244, No.34, § 1.1)

Section 2. Regulation of Contracts.--* * *

(d) The contracts or purchases made by council, which shall not require advertising, bidding or price quotations as hereinbefore provided, are as follows:

* * *

(3.1) Those for used personal property, such as equipment, articles, apparatus, appliances, vehicles or parts thereof being purchased from a public utility, volunteer fire company, volunteer ambulance service or volunteer rescue squad.

* * *

(1953, P.L.244, No.34, § 2)

Section 2506. Authority to Sell or Lease Real Property.--(a) The board of commissioners may sell for not less than the fair market value or lease, either as lessor or lessee, any real property belonging to the county or to others where the county is lessee. If the commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, such knowledge or belief shall be advertised together with the description of the land in at least two newspapers of general circulation in the county once a week for three consecutive weeks. The fair market value of real property in the case of a sale valued in excess of ten thousand dollars ($10,000) shall be determined by the county commissioners in consultation with two of the following: the county assessor, a certified broker-appraiser or certified real estate appraiser doing business within the county.

(a.1) (1) The provisions of subsection (a) shall not be mandatory where county real property is to be sold to any of the following:

(i) A city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

* * *

(2) When the real property is to be sold or leased to a qualified entity under this

subsection, the commissioners may elect to accept such nominal consideration for such sale as it shall deem appropriate. Real property sold pursuant to this subsection to any entity under this subsection, other than a city, borough, town, township, institution district, school district, municipal authority pursuant to 53 Pa.C.S. Ch. 56 located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

* * *

(1953, P.L.723, No.230, § 2506)

Section 2306. Authority [of Counties] to Sell or Lease Real Property.--(a) The commissioners may sell any estate in real property for not less than the fair market value. If the commissioners know or have reason to believe that the property to be sold contains oil, gas, coal, stone, timber or other mineral or forest products of commercial value, such knowledge or belief shall be advertised together with the description of the land in at least one newspaper of general circulation in the county. In the case that the fair market value of the real property is estimated to be in excess of ten thousand dollars ($10,000), the fair market value shall be determined by the commissioners in consultation with two of the following: the county assessor, certified broker-appraisers or certified real estate appraisers doing business within the county.

* * *

(b) The provisions of subsection (a) shall not be mandatory where county real property is to be sold to any of the following:

(1) A political subdivision, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the county.

* * *

When the real property is to be sold or leased to a qualified entity under this subsection, the commissioners may elect to accept such nominal consideration for such sale as the commissioners deem appropriate. Real property sold pursuant to this subsection to any entity under this subsection, other than a city, borough, town, township, institution district, school district, municipal authority pursuant to 53 Pa.C.S. Ch. 56 located within the county, the Federal Government or the Commonwealth shall be subject to the condition that when the property is not used for the purposes of the entity the property shall revert to the county.

* * *

(1955, P.L.323, No.130, § 2306)

§ 1201.3. Exceptions [in boroughs].

(a) Sale of property.--Nothing under this chapter [8 Pa.C.S. Ch. 12 (relating to corporate powers)] requiring advertising for bids or sale at public auction and sale to the highest bidder shall apply if borough real or personal property is to be sold to any of the following:

(1) A county, city, borough, town, township, institution district, school district, volunteer fire company, volunteer ambulance service or volunteer rescue squad located within the borough.

* * *

(c) Reversion.--Real property sold under this section to a volunteer fire company, volunteer ambulance service or volunteer rescue squad, nonprofit medical service corporation or nonprofit housing corporation shall be subject to the condition that, when the property is not used for the purposes of the company, service, squad or corporation, the property shall revert to the borough.

(8 Pa.C.S. § 1201.3)

PART XI. RIGHTS, BENEFITS AND ASSISTANCE

Chapter 1. Collective Bargaining

Section 450. [Collective bargaining] (a) Any employer and the recognized or certified and exclusive representative of its employe may agree by collective bargaining to establish

certain binding obligations and procedures relating to workers' compensation: Provided, however, That the scope of the agreement shall be limited to:

(1) benefits supplemental to those provided in sections 306 and 307;

(2) an alternative dispute resolution system which may include, but is not limited to, arbitration, mediation and conciliation;

(3) the use of a limited list of providers for medical treatment for any period of time agreed upon by the parties;

(4) the use of a limited list of impartial physicians;

(5) the creation of a light duty, modified job or return to work program;

(6) the adoption of twenty-four-hour medical coverage; and

(7) the establishment of safety committees; and

(8) a vocational rehabilitation or retraining program.

(b) Nothing contained in this section shall in any manner affect the rights of an employer or its employes in the event that the parties to a collective bargaining agreement refuse or fail to reach agreement concerning the matters referred to in clause (a). In the event a municipality and its police or fire employes fail to agree by collective bargaining concerning matters referred to in clause (a), nothing in this section shall be binding upon the municipality or its police or fire employes as a result of an arbitration ruling or award.

* * *

(1915, P.L.736, No.338, § 450)

Section 1. [Right to bargain collectively] Policemen or firemen employed by a political subdivision of the Commonwealth or by the Commonwealth shall, through labor organizations or other representatives designated by fifty percent or more of such policemen or firemen, have the right to bargain collectively with their public employers concerning the terms and conditions of their employment, including compensation, hours, working conditions, retirement, pensions and other benefits, and shall have the right to an adjustment or settlement of their grievances or disputes in accordance with the terms of this act [the Policemen and Firemen Collective Bargaining Act].

(1968, P.L.237, No.111, § 1)

Section 2. [Dispute settlement] It shall be the duty of public employers and their policemen and firemen employes to exert every reasonable effort to settle all disputes by engaging in collective bargaining in good faith and by entering into settlements by way of written agreements and maintaining the same.

(1968, P.L.237, No.111, § 2)

Section 4. [Arbitration proceedings] (a) If in any case of a dispute between a public employer and its policemen or firemen employes the collective bargaining process reaches an impasse and stalemate, or if the appropriate lawmaking body does not approve the agreement reached by collective bargaining, with the result that said employers and employes are unable to effect a settlement, then either party to the dispute, after written notice to the other party containing specifications of the issue or issues in dispute, may request the appointment of a board of arbitration.

* * *

(b) The board of arbitration shall be composed of three persons, one appointed by the public employer, one appointed by the body of policemen or firemen involved, and a third member to be agreed upon by the public employer and such policemen or firemen. The members of the board representing the public employer and the policemen or firemen shall be named within five days from the date of the request for the appointment of such board. If, after a period of ten days from the date of the appointment of the two arbitrators appointed by the public employer and by the policemen or firemen, the third arbitrator has not been selected by them, then either arbitrator may request the American Arbitration Association, or its successor in function, to furnish a list of three members of said association who are residents of Pennsylvania from which the third arbitrator shall be selected. The arbitrator appointed by the

public employer shall eliminate one name from the list within five days after publication of the list, following which the arbitrator appointed by the policemen or firemen shall eliminate one name from the list within five days thereafter. The individual whose name remains on the list shall be the third arbitrator and shall act as chairman of the board of arbitration. The board of arbitration thus established shall commence the arbitration proceedings within ten days after the third arbitrator is selected and shall make its determination within thirty days after the appointment of the third arbitrator.
(1968, P.L.237, No.111, § 4)

Section 5. [Notice] Notice by the policemen or firemen involved under section 4 shall, in the case of disputes involving the Commonwealth, be served upon the Secretary of the Commonwealth and, in the case of disputes involving political subdivisions of the Commonwealth, shall be served upon the head of the governing body of the local governmental unit involved.
(1968, P.L.237, No.111, § 5)

Section 7. [Findings] (a) The determination of the majority of the board of arbitration thus established shall be final on the issue or issues in dispute and shall be binding upon the public employer and the policemen or firemen involved. Such determination shall be in writing and a copy thereof shall be forwarded to both parties to the dispute. No appeal therefrom shall be allowed to any court. Such determination shall constitute a mandate to the head of the political subdivision which is the employer, or to the appropriate officer of the Commonwealth if the Commonwealth is the employer, with respect to matters which can be remedied by administrative action, and to the lawmaking body of such political subdivision or of the Commonwealth with respect to matters which require legislative action, to take the action necessary to carry out the determination of the board of arbitration.

(b) With respect to matters which require legislative action for implementation, such legislation shall be enacted, in the case of the Commonwealth, within six months following publication of the findings, and, in the case of a political subdivision of the Commonwealth, within one month following publication of the findings. The effective date of any such legislation shall be the first day of the fiscal year following the fiscal year during which the legislation is thus enacted.
(1968, P.L.237, No.111, § 7)

Section 8. [Compensation] The compensation, if any, of the arbitrator appointed by the policemen or firemen shall be paid by them. The compensation of the other two arbitrators, as well as all stenographic and other expenses incurred by the arbitration panel in connection with the arbitration proceedings, shall be paid by the political subdivision or by the Commonwealth, as the case may be.
(1968, P.L.237, No.111, § 8)

Section 9. [Applicability] The provisions of this act shall be applicable to every political subdivision of this Commonwealth notwithstanding the fact that any such political subdivision, either before or after the passage of this act [the Policemen and Firemen Collective Bargaining Act], has adopted or adopts a home rule charter.
(1968, P.L.237, No.111, § 9)

Section 601. Savings provision.

The rights granted to certain public employees by the following acts or parts of acts shall not be repealed or diminished by this act [the First-Level Supervisor Collective Bargaining Act]:

* * *

Act of June 24, 1968 (P.L.237, No.111), referred to as the Policemen and Firemen Collective Bargaining Act.
(2002, P.L.1399, No.174, § 601)

Chapter 2. Commonwealth Assistance

Subchapter A. Volunteer Fire company, Ambulance Squad and Rescue Squad Assistance

§ 7361. Scope of subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)].

This subchapter relates to volunteer fire company, ambulance service and rescue squad assistance.
(35 Pa.C.S. § 7361)

§ 7362. Legislative findings and declaration of purpose.

(a) Findings.--The General Assembly finds that:

(1) Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, the voters of the Commonwealth approved by referenda on November 4, 1975, the incurring of indebtedness of $10,000,000 and on November 3, 1981, approved the incurring of an additional $15,000,000 of indebtedness and on November 6, 1990, approved the incurring of an additional $25,000,000 of indebtedness for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles and for purchasing new firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties.

(2) Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania, on November 5, 2002, the voters of this Commonwealth approved by referendum the incurring of indebtedness for the establishment of a program that utilizes capital and other related methods to enhance and improve the delivery of volunteer fire and volunteer emergency services in this Commonwealth. The General Assembly further finds that the use of up to $50,000,000 of such indebtedness to expand the existing program providing for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads as authorized under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] is an appropriate use of such indebtedness.

(b) Purpose.--It is the purpose of this subchapter to implement section 5 of the act of September 25, 1975 (P.L.296, No.95), entitled "An act authorizing the indebtedness, with the approval of the electors, of ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," section 5 of the act of June 30, 1981 (P.L.138, No.44), entitled "An act authorizing the indebtedness, with the approval of the electors, of $15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," and section 7378.1(5) (relating to referendum for additional indebtedness), as well as to implement in part section 31.3 of the act of June 29, 2002 (P.L.559, No.89), entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes,

offenses and penalties,' further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals," by providing for loans to volunteer fire, ambulance and rescue companies to protect the lives and property of the citizens of this Commonwealth pursuant to and to execute the above favorable referenda in subsection (a). The General Assembly has determined that volunteer fire companies are most in need of loans and therefore intends that, to the extent possible, a significant portion of the Volunteer Companies Loan Fund be used to provide loans to volunteer fire companies and that the balance be allocated to provide loans to volunteer ambulance and volunteer rescue companies. The General Assembly intends that the loans provided under this subchapter be used to replace outmoded or unsafe equipment and buildings of volunteer companies and that the loans be provided to volunteer companies which are experiencing a need for equipment or facilities to meet an increasing demand for a higher level of service in the communities which they serve.
(35 Pa.C.S. § 7362)

§ 7363. Definitions [relating to volunteer fire company, ambulance service and rescue squad assistance].

The following words and phrases when used in this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Accessory equipment." Firefighting, ambulance and rescue equipment necessary to carry out the ordinary functions of supporting fires, life and rescue activities.

* * *

"Apparatus equipment." Elevated equipment, pumpers, tankers, ladder trucks, utility or special service vehicles, ambulances, rescue vehicles or other large equipment used for firefighting and emergency services.

"Commissioner." The State Fire Commissioner.

"Communications equipment." Any voice or original transmission system required to support the operation of the volunteer fire company, volunteer ambulance service and volunteer rescue squad.

"Establishing." In the context of establishing or modernizing facilities, the term means both the construction of new buildings and the acquisition or renovation of existing structures.

"Facilities." Facilities used to house firefighting equipment, ambulances and rescue vehicles. The term shall not include meeting halls, social rooms or any other facilities not directly related to firefighting.

"National Fire Protection Association (NFPA) standards." Apparatus and equipment, including personal protective equipment, shall be deemed to meet the requirements of compliance with the applicable standards of the National Fire Protection Association (NFPA), except that:

(1) New apparatus shall be constructed to meet or exceed the standards in effect at the time of manufacture.

(2) Used firefighting apparatus shall:

(i) in no instance meet lesser requirements than the standards for apparatus adopted by the National Fire Protection Association in 1991; and

(ii) beginning June 25, 1999, meet the National Fire Protection Association standards for apparatus in effect at the time of original manufacture, except that no loans shall be considered or made for apparatus that cannot meet the National Fire Protection Association standards in effect no more than 12 years prior to the date of the application for loan financing.

(3) New equipment shall meet or exceed the standards in effect at the time of original manufacture.

(4) Used equipment shall meet or exceed the standards in effect at the time of original manufacture, except that no loans for used equipment shall be considered or made for equipment more than five years old at the time of application for loan assistance.

(5) In every instance, used equipment and apparatus shall meet the applicable National Fire Protection Association standards at the time that the loan funds are advanced.

"Office." The Office of the State Fire Commissioner.

"Protective equipment." Any equipment used by firefighters, volunteer ambulance service personnel or volunteer rescue service personnel to protect their person from injury while performing their functions, including, but not limited to, helmets, turnout coats and pants, boots, eyeshields, gloves and self-contained respiratory protection units.

"Rescue vehicle." Any vehicle, whether a motor vehicle or a watercraft, used for rescue services.

"Utility or special service vehicle." A vehicle carrying accessory equipment, including, but not limited to, ladders, oxygen equipment, generators and adaptors, floodlights, smoke ejectors and other equipment necessary to perform the ordinary functions of supporting firefighting activities.

"Volunteer ambulance service." Any nonprofit chartered corporation, association or organization located in this Commonwealth and which is regularly engaged in the service of providing emergency medical care and transportation of patients.

"Volunteer fire company." Any nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection services and other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue service." Any nonprofit chartered corporation, association or organization located in this Commonwealth which provides rescue services in this Commonwealth.

"Volunteer Companies Loan Fund." The fund established under section 7365 (relating to Volunteer Companies Loan Fund).

(35 Pa.C.S. § 7363)

§ 7364. Assistance to volunteer fire companies, ambulance service and rescue squads.

(a) General rule.--The office [of the State Fire Commissioner] is authorized, upon application of any volunteer fire company, volunteer ambulance service or volunteer rescue squad, to make loans for the following purposes:

(1) Establishing or modernizing facilities that house firefighting equipment, ambulance or rescue vehicles. The amount of a loan for establishing or modernizing facilities made to any one volunteer fire company, ambulance service or rescue squad shall not exceed 50% of the total cost of the facilities or modernization or $400,000, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the facilities in unobligated funds. Proceeds of the loan shall be used only for purposes of structure or land acquisition or renovation or construction and shall not be used for payment of fees for design, planning, preparation of applications or any other cost not directly attributable to structure or land acquisition or renovation or construction.

(2) Purchasing firefighting apparatus, ambulances or rescue vehicles. The amount

of a loan made for purchasing firefighting apparatus to any one volunteer fire company shall not exceed $200,000 for any single firefighting apparatus equipment or utility or special service vehicle or heavy duty rescue vehicle as defined by regulation or guideline, or 50% of the total cost of the equipment or vehicle, whichever is less, except for loans for aerial apparatus as defined by regulation or guideline, which shall not exceed $300,000. The amount of a loan made to any one volunteer fire company, ambulance service or rescue squad for any ambulance or light duty rescue vehicle as defined by regulation or guideline shall not exceed $100,000 and for a watercraft rescue vehicle shall not exceed $30,000 or 50% of the cost of the ambulance or rescue vehicle, whichever is less, and a notarized financial statement filed under subsection (c) shall show that the applicant has available 20% of the total cost of the vehicle in unobligated funds.

(3) Purchasing protective, accessory or communication equipment. No volunteer fire company, ambulance service or rescue squad shall receive a loan for protective, accessory or communicative equipment more than once in any five-year period. Each volunteer fire company, ambulance service or rescue squad may apply for a loan for a mobile and portable radio unit for each existing serviceable apparatus equipment, ambulance or rescue vehicle. Radio equipment obtained through loans under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] shall be equipped with a frequency or frequencies licensed by the Federal Communications Commission for firefighting or emergency response purposes. A notarized financial statement shall be filed and loans under this subchapter for the purchase of protective, accessory or communicative equipment shall not exceed $20,000.

(4) Refinancing debt incurred or contracts entered into after November 4, 1975, and used for the purchase of apparatus equipment or for the construction or modernization of facilities or for modification of apparatus equipment in order to comply with National Fire Protection Association standards.

(5) Repair or rehabilitation of apparatus equipment. Where it has been determined that existing apparatus equipment no longer meets the standards of the National Fire Protection Association and the repair or rehabilitation of such equipment will bring it in compliance with National Fire Protection Association standards, loans for the repair or rehabilitation for a single apparatus equipment shall be for at least $2,000 but shall not exceed the lesser of $70,000 or 80% of the total cost of repair or rehabilitation.

(6) Purchasing of used firefighting apparatus, equipment, used ambulances, used rescue vehicles, used communications equipment, used accessory equipment or used protective equipment, except that the used vehicles and equipment shall meet the National Fire Protection Association (NFPA) standards and loans for the purchase of a used single apparatus equipment shall not exceed $120,000 or 80% of the total cost of the equipment, whichever is less.

(7) Purchasing Pennsylvania Fire Information Reporting System (PennFIRS) hardware and software. A volunteer fire company shall be eligible to apply one time only for a loan of not more than $4,000 or 75% of the cost of such acquisition, whichever is less, and with a term not exceeding five years for the purpose of acquiring the hardware and software necessary to participate in the Pennsylvania Fire Information Reporting System. The office shall develop, at its discretion, such procedures and forms as it may deem necessary to facilitate loans for PennFIRS hardware and software. The loans shall be secured as required by law.

(a.1) Limitation.--Loans under this subchapter may be made for any of the purposes of subsection (a) undertaken by a volunteer fire company, volunteer ambulance service and volunteer rescue squad on or after November 4, 1975.

(b) Loans.--Loans made by the office in the amount of $30,000 or less shall be for a period of not more than ten years. Loans in excess of $30,000 but not in excess of $100,000 shall be for a period of not more than 15 years. The payback period of any loan in excess of $100,000, except a loan for establishing or modernizing facilities, shall not exceed 20 years. The payback period for any loan in excess of $200,000 for establishing or modernizing facilities shall not

exceed 20 years. Loans shall be subject to the payment of interest at 2% per year and shall be subject to such security as shall be determined by the [State Fire] commissioner. The total amount of interest earned by the investment or reinvestment of all or any part of the principal of any loan shall be returned to the office and transferred to the Volunteer Companies Loan Fund and shall not be credited as payment of principal or interest on the loan. Except as provided in subsection (a)(5) and (7), the minimum amount of any loan shall be $10,000.

(c) Applications.--Every application for a loan shall be accompanied by a notarized financial statement of the volunteer fire company, ambulance service or rescue squad and a financial plan to show the amount of assets and projected revenues for the repayment of the loan, any other obligations of the volunteer company and operating expenses over the period of the loan. Every application shall be accompanied by evidence sufficient to show that all costs except the amount of the loan have been obtained by assets of the volunteer company and other loans or sources of revenue. If a volunteer fire company, ambulance service or rescue squad is unable to meet the 20% requirement of subsection (a), then a political subdivision which is served by the volunteer company may pledge its credit in the amount of funds necessary to satisfy the 20% requirement and, if it does so, shall cosign the application submitted by the volunteer company.

(d) Use.--Loans shall be used for the acquisition by volunteer companies of new or used apparatus equipment, new or used ambulances, new or used rescue vehicles, new or used communications equipment, new or used accessory equipment or new or used protective equipment or for the acquisition and renovation of existing structures to house firefighting equipment, ambulance or rescue vehicles or for the construction or modernization of facilities and, except as provided in subsection (a)(4), shall not be used for operating expenses or for the refinancing of renovated structures, refinancing of construction or modernization of facilities, apparatus equipment, communication equipment, accessory equipment, nor, except as provided in subsection (a)(4), shall be made or used to reduce any debt or other obligations issued prior to the effective date of this subchapter.

(e) Payment.--Loans made by the office shall be paid from the Volunteer Companies Loan Fund to the volunteer fire companies, ambulance services and rescue squads in accordance with guidelines and procedures developed by the office.

(f) Deposit.--All payments of interest on the loans and the principal thereof shall be deposited by the office in the Volunteer Companies Loan Fund.

(g) Eligibility.--A volunteer fire company, ambulance service and rescue squad shall be eligible for a loan regardless of legal ownership in whole or in part by any political subdivision of any facilities or apparatus equipment used by the volunteer fire company, volunteer ambulance and volunteer rescue squad. Any equipment or facilities financed may be transferred to a political subdivision served by the volunteer fire company, volunteer ambulance service or volunteer rescue squad subject to such security as shall be determined by the commissioner.

(h) Maximum amount.--Notwithstanding any other provision of this section to the contrary, the maximum amount of any loan to a volunteer fire company, volunteer ambulance service and volunteer rescue squad for the purchase of firefighting apparatus, ambulances or rescue vehicles manufactured or assembled in this Commonwealth, may exceed the loan limits set forth in this section by $20,000.

(i) Aggregation of loans.--

(1) Subject to paragraph (2), a fire company, volunteer rescue service or volunteer ambulance service shall not be eligible for more than three loans at one time.

(2) If more than one fire company, volunteer rescue service or volunteer ambulance service merge or consolidate into a single entity, as determined by the commissioner, the entity shall be eligible for not more than ten loans at one time for a period of ten years from the date of the merger or consolidation.

(35 Pa.C.S. § 7364)

§ 7365. Volunteer Companies Loan Fund.

(a) General rule.--There is created a special fund in the Treasury Department to be known as the Volunteer Companies Loan Fund to which shall be credited all appropriations made by

the General Assembly other than appropriations for expenses of administering this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] or grants from other sources to the office [of the State Fire Commissioner] as well as repayment of principal and interest on loans made under this subchapter.

(b) Requisition.--Upon approval of the loan, the [State ?Fire] commissioner shall routinely requisition from the Volunteer Companies Loan Fund such amounts as shall be allocated by the office for loans to volunteer companies. When and as the amounts so allocated as loans to volunteer companies are repaid pursuant to the terms of the agreements made and entered into with the office, the office shall pay such amounts into the Volunteer Companies Loan Fund, it being the intent of this subchapter that the Volunteer Companies Loan Fund shall operate as a revolving fund whereby all appropriations and payments made thereto may be applied and reapplied to the purposes of this subchapter.

(c) Administration.--Each fiscal year, the State Fire Commissioner may use an amount up to $250,000 from the Volunteer Companies Loan Fund for the administrative cost of implementing the loan program under this subchapter.

(35 Pa.C.S. § 7365)

§ 7366. Powers and duties of office [of the State Fire Commissioner].

(a) Mandatory.--The office has the following duties:

(1) To appoint agents and employees necessary to the administration of this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] and to prescribe their duties and to fix their compensation within the limitations provided by law.

(2) To accept grants from the Federal Government and any other individual, agency or government for use in the Volunteer Companies Loan Fund.

(3) To loan money over a term of years, but in no case in excess of 20 years.

(3.1) To establish criteria to determine need for firefighting apparatus, ambulances and rescue vehicles and to establish guidelines and procedures for volunteer companies to show just cause to determine that need.

(4) To promulgate regulations and develop guidelines and procedures as it deems necessary to carry out its powers and duties under this subchapter.

(b) Discretionary.--The office has the following powers:

(1) To require security for all loans.

(2) To specify priority of liens against any facilities, apparatus equipment, ambulances, rescue vehicles or any equipment purchased by volunteer companies using funds loaned under this subchapter to pay all or any part of the purchase price, as the office may require by established guidelines and procedures. The [State Fire] commissioner may specify the type of liens or collateral authorized as security under this paragraph.

(3) To reject a loan application based on the criteria established under subsection (a).

(35 Pa.C.S. § 7366)

§ 7367. Authority to borrow.

Under the provisions of section 7(a)(3) of Article VIII of the Constitution of Pennsylvania and the referenda approved by the electorate on November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, the Governor, Auditor General and State Treasurer are authorized and directed to borrow, on the credit of the Commonwealth, money not exceeding in the aggregate the sum of $100,000,000 to implement this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)], the act of September 25, 1975 (P.L.296, No.95), entitled "An act authorizing the indebtedness, with the approval of the electors, of ten million dollars for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances,

and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," and the act of June 30, 1981 (P.L.138, No.44), entitled "An act authorizing the indebtedness, with the approval of the electors, of $15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties," as well as to implement in part section 31.3 of the act of June 29, 2002 (P.L.559, No.89), entitled "An act amending the act of March 4, 1971 (P.L.6, No.2), entitled 'An act relating to tax reform and State taxation by codifying and enumerating certain subjects of taxation and imposing taxes thereon; providing procedures for the payment, collection, administration and enforcement thereof; providing for tax credits in certain cases; conferring powers and imposing duties upon the Department of Revenue, certain employers, fiduciaries, individuals, persons, corporations and other entities; prescribing crimes, offenses and penalties,' further providing, in sales and use tax, for definitions, for imposition, for exclusions, for licenses, for collection, for bulk and auction sales and for crimes; providing, in local tax situs, for situs of mobile telecommunications services; further providing, in personal income tax, for definitions, for classes of income, for special tax provisions for poverty, for contributions, for bulk and auction sales and transfers; in corporate net income tax, for definitions, for imposition and for interest in unincorporated entities; and in capital stock and franchise tax, for definitions, for imposition, for deposit of proceeds, for interest in unincorporated entities and for applicability and expiration; establishing revenue-neutral reconciliation in utilities gross receipts tax; providing, in public utility realty tax and for surcharge; further providing, in realty transfer tax, for furnishing stamps; in cigarette tax, for incidence and rate, for floor tax, for commissions on sales and for disposition of certain funds; in research and development tax credit, for time limitations and for termination; in inheritance tax, for definitions, for transfers not subject to tax and for estate tax and for estate tax returns; providing for immediate assessment, settlement or collection and for depreciation of certain property in cities of the first class; and making repeals."
(35 Pa.C.S. § 7367)

§ 7368. Bonds, issue, maturity and interest.

(a) General rule.--As evidence of the indebtedness authorized by this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)], general obligation bonds of the Commonwealth shall be issued from time to time for such total amounts, in such form, in such denominations and subject to such terms and conditions of issue, redemption and maturity, rate or rates of interest and time of payment of interest, as the Governor, Auditor General and State Treasurer shall direct, except that the latest stated maturity date shall not exceed 30 years from the date of the bond first issued for each series.

(b) Facsimile signatures.--All bonds issued under the authority of this subchapter shall bear facsimile signatures of the Governor, Auditor General and State Treasurer and a facsimile of the Great Seal of the Commonwealth and shall be countersigned by two duly authorized officers of the duly authorized loan and transfer agents of the Commonwealth.

(c) Direct obligations.--All bonds issued in accordance with this subchapter shall be direct obligations of the Commonwealth, and the full faith and credit of the Commonwealth are hereby pledged for the payment of the interest thereon as the same shall become due and the payment of the principal thereof at maturity. All bonds issued under this subchapter shall be exempt from taxation for State and local purposes. The principal of and interest on such bonds shall be payable in lawful money of the United States.

(d) Types of bonds.--Bonds may be issued as coupon bonds or registered as to both principal and interest as the issuing officials may determine. If interest coupons are attached, they shall contain the facsimile signature of the State Treasurer.

(e) Authorization.--The issuing officials shall provide for the amortization of the bonds in

substantial and regular amounts over the term of the debt, except that the first retirement of principal shall be stated to mature prior to the expiration of a period of time equal to one-tenth of the time from the date of the first obligation issue to evidence such debt to the date of the expiration of the term of the debt. Retirements of principal shall be regular and substantial if made in annual or semiannual amounts whether by stated serial maturities or by mandatory sinking fund retirements computed in accordance with either a level annual debt service plan, as nearly as may be, or upon the equal annual maturities plan.

(f) Preparation and printing.--The Governor, the Auditor General and the State Treasurer shall have the necessary bonds prepared and printed. Upon preparation and printing, the bonds immediately shall be deposited with the duly authorized loan and transfer agent of the Commonwealth and shall remain in the agent's possession until sold in accordance with this subchapter.

(35 Pa.C.S. § 7368)

§ 7369. Sale of bonds.

(a) General rule.--Bonds shall be offered for sale at not less than 98% of the principal amount and accrued interest and shall be sold by the Governor, the Auditor General and State Treasurer to the highest and best bidder or bidders after due public advertisement, on such terms and conditions and upon such open competitive bidding, as the Governor, Auditor General and State Treasurer shall direct. The manner and character of advertisement and the times of advertising shall be prescribed by the Governor, the Auditor General and the State Treasurer.

(b) Private sale.--Any portion of any bond issue so offered and not sold or subscribed for may be disposed of by private sale by the Governor, the Auditor General and the State Treasurer in such manner and at such prices, not less than 98% of the principal amount and accrued interest, as the Governor shall direct. No commission shall be allowed or paid for the sale of any bonds issued under the authority of this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)].

(c) Series.--When bonds are issued from time to time, the bonds of each issue shall constitute a separate series to be designated by the issuing officials or may be combined for sale as one series with other general obligation bonds of the Commonwealth.

(35 Pa.C.S. § 7369)

§ 7370. Refunding bonds.

The Governor, Auditor General and the State Treasurer are authorized to provide, by resolution, for the issuance of refunding bonds for the purpose of refunding any bonds issued under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] and then outstanding, either by voluntary exchange with the holders of the outstanding bonds or by providing funds to redeem and retire such outstanding bonds with accrued interest and any premium payable thereon, at maturity or at any call date. The issuance of such refunding bonds, the maturities and other details thereof, the rights of the holders thereof and the duties of the Governor, Auditor General and the State Treasurer in respect to the same shall be governed by this subchapter, insofar as this subchapter may be applicable. Refunding bonds may be issued by the Governor, Auditor General and the State Treasurer to refund bonds originally issued or to refund bonds previously issued for refunding purposes.

(35 Pa.C.S. § 7370)

§ 7371. Disposition and use of proceeds.

(a) General rule.--The proceeds realized from the sale of bonds under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] shall be paid into the Volunteer Companies Loan Fund and are specifically dedicated to the purposes of the referenda of November 4, 1975, November 3, 1981, November 6, 1990, and November 5, 2002, as implemented by this subchapter. The moneys shall be paid by the State Treasurer periodically to those agencies or authorities authorized to

expend the moneys at such times and in such amounts as may be necessary to satisfy the funding needs of the [Pennsylvania Emergency Management] agency or authority.

(b) Investing.--Pending their application to the purposes authorized, moneys held or deposited by the State Treasurer may be invested or reinvested as are other funds in the custody of the State Treasurer in the manner provided by law. All earnings received from the investment or deposit of such funds shall be paid into the State treasury to the credit of the Volunteer Companies Loan Fund.

(35 Pa.C.S. § 7371)

§ 7372. Registration of bonds.

The Auditor General shall prepare the necessary registry book to be kept in the office of the duly authorized loan and transfer agent of the Commonwealth for the registration of any bonds, at the request of owners thereof, according to the terms and conditions of issue directed by the Governor, the Auditor General and the State Treasurer. All bonds which are issued without interest coupons attached shall be registered in the registry books kept by the duly authorized loan and transfer agent of the Commonwealth.

(35 Pa.C.S. § 7372)

§ 7373. Information to General Assembly.

It shall be the duty of the Governor to include in every budget submitted to the General Assembly full information relating to the issuance of bonds under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] and the status of the sinking fund of the Commonwealth for the payment of the interest on said bonds and the principal thereof at maturity.

(35 Pa.C.S. § 7373)

§ 7374. Volunteer Company Loan Sinking Fund and investments.

All bonds issued under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] shall be redeemed at maturity and all interest due from time to time on such bonds shall be paid from the Volunteer Company Loan Sinking Fund, which is hereby created. For the specific purpose of redeeming bonds issued under this subchapter at maturity and paying all interest thereon in accordance with the information received from the Governor, the General Assembly shall appropriate moneys to the Volunteer Company Loan Sinking Fund for the payment of interest on such bonds and the principal thereof at maturity. All moneys paid into the Volunteer Company Loan Sinking Fund and all of such moneys not necessary to pay accruing interest shall be invested by the Board of Finance and Revenue in such securities as are provided by law for the investment of the sinking funds of the Commonwealth.

(35 Pa.C.S. § 7374)

§ 7375. Expenses of preparation, issue and sale of bonds.

There is appropriated to the State Treasurer from the proceeds of the bonds issued as much moneys as may be necessary for all costs and expenses in connection with the issue of and sale and registration of the bonds in connection with this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)].

(35 Pa.C.S. § 7375)

§ 7376. Repayment obligations for principal and interest.

The General Assembly shall appropriate an amount equal to moneys received from the office [of the State Fire Commissioner] under section 7365 (relating to Volunteer Companies Loan Fund) and such other moneys as may be necessary to meet repayment obligations for principal and interest into the Volunteer Company Loan Sinking Fund.

(35 Pa.C.S. § 7376)

§ 7377. Quorum.

Whenever under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] an action is to be taken or a decision is to be made by the Governor, the Auditor General and the State Treasurer, and the three officers shall not be able to agree unanimously, the action or decision of the Governor and either the Auditor General or State Treasurer shall be binding and final.
(35 Pa.C.S. § 7377)

§ 7378. Temporary financing authorization.

(a) General rule.--Pending the issuance of bonds of the Commonwealth, the Governor, Auditor General and State Treasurer are authorized on the credit of the Commonwealth to make temporary borrowings of such moneys as may from time to time be necessary to carry out the purposes of this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)] and are authorized in the name and on behalf of the Commonwealth to enter into loan or credit agreements with any banks or trust companies or other lending institutions or persons in the United States having power to enter into the same.

(b) Notes.--All temporary borrowings made under the authority of this section shall be evidenced by notes of the Commonwealth, which shall be issued from time to time for such amounts not exceeding in the aggregate the sum of $100,000,000 in such form and in such denominations, and subject to such terms and conditions of issue, prepayment or redemption and maturity, rate of interest and time of payment of interest, as the issuing officials shall direct. All notes issued under the authority of this section shall bear the facsimile signatures of the issuing officials and a facsimile of the Great Seal of the Commonwealth and shall be countersigned by one duly authorized officer of a duly authorized loan and transfer agent of the Commonwealth.

(c) Funding of notes.--All such notes shall be funded and retired by the issuance and sale of bonds of the Commonwealth to the extent that payment of such notes has not otherwise been made or provided for.

(d) Proceeds.--The proceeds of all such temporary borrowings shall be paid into the Volunteer Companies Loan Fund.
(35 Pa.C.S. § 7378)

§ 7378.1. Referendum for additional indebtedness.

The following shall apply:

(1) The question of incurring indebtedness of $25,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment and any other accessory equipment necessary for the proper performance of such organizations' duties, shall be submitted to the electors at the next primary, municipal or general election held after July 15, 1976.

(2) The Secretary of the Commonwealth shall forthwith certify the question to the county boards of election.

(3) The question shall be in substantially the following form:

> Do you favor the incurring of indebtedness of $25,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties?

(4) The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, except that the time limits

for advertisement of notice of the election may be waived as to the question.

(5) Proceeds of borrowing shall be used through loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads pursuant to and for any purpose established by this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)].

(35 Pa.C.S. § 7378.1)

§ 7378.2. Authorization of contracts, reimbursement procedure and amount.

The following shall apply:

(1) The Secretary of General Services is authorized to enter into contracts with local volunteer fire, ambulance and rescue companies to provide services necessary to extinguish fires or perform any other allied services on State-owned property.

(2) The Secretary of Transportation is authorized to enter into contracts with local volunteer fire, ambulance and rescue companies to provide services necessary to extinguish fires or perform any other allied services on limited access highways, other than the Pennsylvania Turnpike.

(35 Pa.C.S. § 7378.2)

§ 7378.3. Reimbursement procedure and amount.

The following shall apply:

(1) A contract between the Secretary of General Services or the Secretary of Transportation and a local volunteer fire, ambulance and rescue company shall provide that the Department of General Services or the Department of Transportation shall, monthly, upon receipt of proper proof, reimburse each contracted volunteer fire, ambulance and rescue company attending and providing fire control or other allied services on State-owned property or limited access highways, as the case may be, a minimum amount of $50 for each verified fire or emergency call and the cost of any special extinguishing agents utilized, which the volunteer fire, ambulance and rescue company made in the preceding month as certified by the person in charge at the particular State-owned property or by an individual or individuals designated by the Secretary of Transportation to verify services rendered on limited access highways.

(2) A contract between the Department of General Services or the Department of Transportation and a local volunteer ambulance or rescue company shall also provide that the ambulance or rescue company request reimbursement from collectible insurance proceeds available as a result of the fire or emergency situation for which the ambulance or rescue company provided allied services. Proceeds payable to the ambulance or rescue company shall be deducted from the reimbursement for services provided pursuant to a contract entered into under this subchapter [35 Pa.C.S. Ch. 73 Subch. E (relating to volunteer fire company, ambulance service and rescue squad assistance)]. Prior to payment for services rendered, the local volunteer ambulance or rescue company shall provide proof that they requested reimbursement from collectible insurance proceeds.

(3) A false alarm on State-owned property to which a volunteer fire, ambulance or rescue company responds shall constitute a fire or emergency call and shall be reimbursed at a rate set by the contract with the Secretary of General Services, but shall not be less than $25 for each occurrence.

(35 Pa.C.S. § 7378.3)

§ 7388. Online training for firefighters.

(a) Duty to establish guidelines.--The commissioner shall establish guidelines for the development, delivery and maintenance of an online system of firefighter training for firefighters. The guidelines shall state, at a minimum, that the training is voluntary and offered free of charge.

(b) Prioritization training program.--The training program shall be incorporated into the Train PA system or any other system approved by the commissioner, and the courses or programs offered must be, to the greatest extent possible, courses or programs that do not

require hands-on or field training and provide, at a minimum, basic-level training for firefighters.

(c) Prioritization.--In establishing online training courses, the commissioner shall prioritize specific topics.

(d) Certificate of completion.--The commissioner shall provide a certificate of completion to a firefighter who successfully completes an online firefighter training program.

(e) Publication.--The Office of the State Fire Commissioner shall post a complete listing of the available online firefighter training courses on the office's publicly accessible Internet website.

(f) Funding.--The commissioner shall use money in the Online Training Educator and Training Reimbursement Account established under section 2413(a)(2) of the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, for the purpose of administering this section.

(g) Reporting.--By December 31 each year, the commissioner shall provide a written report detailing the use of the Online Training Educator and Training Reimbursement Account from the prior fiscal year to the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the Senate, the chairperson and minority chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate, the chairperson and minority chairperson of the Agriculture and Rural Affairs Committee of the House of Representatives and the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives.

(35 Pa.C.S. § 7388)

Subchapter B. Fire Company and Volunteer Ambulance Service Grants

§ 7801. Scope of chapter [35 Pa.C.S. Ch. 78 (relating to grants to fire companies and emergency medical services companies)].

This chapter relates to grants to fire companies and emergency medical services companies.

(35 Pa.C.S. § 7801)

§ 7802. Definitions [relating to grants to fire companies and emergency medical services companies].

The following words and phrases when used in this chapter [35 Pa.C.S. Ch. 78 (relating to grants to fire companies and emergency medical services companies)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Advanced life support services." The term shall have the meaning given to it in [35 Pa.C.S.] Chapter 81 (relating to emergency medical services system).

"Agency." The Pennsylvania Emergency Management Agency.

"Basic life support services." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Career emergency medical services." As follows:

(1) A for-profit chartered emergency medical service corporation, association or organization which meets all of the following:

(i) Is located in this Commonwealth.

(ii) Is licensed by the Department of Health.

(iii) Is not associated or affiliated with a hospital, unless recognized in accordance with section 7823(b.1) (relating to award of grants).

(iv) Is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and advanced life support squads as defined in 28 Pa. Code § 1027.1 (relating to general provisions).

(2) The term shall not include a corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of individuals who are convalescent or nonambulatory and who do not ordinarily require emergency medical treatment while in transit.

"Commissioner." The State Fire Commissioner.

"Emergency medical services company" or "EMS company." A career or volunteer emergency medical services company.

"Facility." A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances and rescue vehicles and related equipment and gear. The term does not include meeting halls, social halls, social rooms, lounges or any other facility not directly related to firefighting or the furnishing of ambulance or rescue services.

"Fire company." A volunteer fire company or a municipal fire company located in this Commonwealth.

"Grant program." The Fire Company Grant Program established in [35 Pa.C.S. Ch. 78] Subchapter B (relating to fire company grant program) or the Emergency Medical Services Grant Program established in [35 Pa.C.S.] Subchapter C (relating to emergency medical services grant program).

"Invalid coach." The term shall have the meaning given to it in Chapter 81 (relating to emergency medical services system).

"Volunteer EMS company." Any nonprofit chartered corporation, association or organization located in this Commonwealth, which is licensed by the Department of Health and is not associated or affiliated with any hospital, unless recognized in accordance with section 7823(b.1) (relating to award of grants), and which is regularly engaged in the provision of emergency medical services, including basic life support or advanced life support services and advanced life support squads as defined in 28 Pa. Code § 1027.1 (relating to general provisions). The term shall not include any corporation, association or organization that is primarily engaged in the operation of invalid coaches which are intended for the routine transport of persons who are convalescent or otherwise nonambulatory and do not ordinarily require emergency medical treatment while in transit.

"Volunteer fire company." A nonprofit chartered corporation, association or organization located in this Commonwealth which provides fire protection or rescue services and which may offer other voluntary emergency services within this Commonwealth. Voluntary emergency services provided by a volunteer fire company may include voluntary ambulance and voluntary rescue services.

"Volunteer rescue company." A nonprofit chartered corporation, association or organization located in this Commonwealth that provides rescue services as part of the response to fires or vehicle accidents within this Commonwealth.

(35 Pa.C.S. § 7802)

§ 7811. Establishment [of Fire Company Grant Program].

The Fire Company Grant Program is established and shall be administered by the [Pennsylvania Emergency Management] agency in consultation with the [State Fire] commissioner. Grants provided under this program shall be used to improve and enhance the capabilities of the fire company to provide firefighting, ambulance and rescue services.

(35 Pa.C.S. § 7811)

§ 7812. Publication and notice.

The [Pennsylvania Emergency Management] agency shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin:

(1) within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007; and

(2) by August 8 for fiscal years beginning after June 30, 2008.

(35 Pa.C.S. § 7812)

§ 7813. Award of grants.

(a) Authorization.--The [Pennsylvania Emergency Management] agency is authorized to make a grant award to each eligible fire company for the following:

(1) Construction and renovation of the fire company's facility and purchase or repair of fixtures and furnishings necessary to maintain or improve the capability of the company

to provide fire, ambulance and rescue services.

(2) Repair of firefighting, ambulance or rescue equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

(4) Training and certification of members.

(5) Training and education of the general public regarding fire prevention.

(a.1) Additional uses for paid municipal fire companies.--In addition to the authorized uses under subsection (a), the commissioner may establish additional authorized uses of grant funds for paid municipal fire companies. Additional authorized uses established under this subsection must be published in the Pennsylvania Bulletin and on the commissioner's publicly accessible Internet website.

(a.2) Additional grants.--Each fire company with not more than 20 members who are certified by the National Board on Fire Service Professional Qualifications or by the International Fire Service Accreditation Congress and are verified by the Pennsylvania State Fire Academy at a minimum level of Firefighter 1 on or before July 1 of the year of the grant application shall be eligible to receive additional grants under a certification bonus point system as administered by the commissioner.

(b) Limits.--

(1) Except as provided in paragraph (3), grants shall be not less than $2,500 and not more than $15,000 per fire company.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) In a municipality where there are two or more volunteer fire companies and if two or more volunteer fire companies consolidated their use of equipment, firefighters and services within 10 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(c) Time for filing application and department action.--

(1) Within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007, and by September 1 of each year thereafter, the agency shall provide written instructions for grants under this chapter [35 Pa.C.S. Ch. 78 (relating to grants to fire companies and emergency medical services companies)] to:

(i) except as set forth in subparagraph (ii), the fire chief and president of every fire company; or

(ii) in the case of a municipal fire company, the chief executive of the municipality.

(2) Within 45 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007, and by September 8 of each year thereafter, the agency shall provide applications to individuals specified in paragraph (1). The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. Fire companies seeking grants under this chapter shall submit completed applications to the agency. The application period shall remain open for 45 days each year. The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the agency within 60 days after the close of the application period each year shall be deemed approved.

(d) Eligibility.--To receive grant funds under this chapter, a fire company must:

(1) Have actively responded to at least 10 fire or rescue emergencies during the previous calendar year.

(2) Be actively participating in the Pennsylvania Fire Information Reporting System under a signed agreement. The commissioner shall develop and publish guidelines specifying the criteria necessary to determine the level of participation in the Pennsylvania Fire Information Reporting System to remain eligible for grant funds.

(35 Pa.C.S. § 7813)

§ 7814. Consolidation incentive.

If, after July 31, 2003, two or more volunteer fire companies consolidate their use of facilities, equipment, firefighters and services, the consolidated entity may, upon notification of the [Pennsylvania Emergency Management] agency, be eligible for a reduction of the interest rate payable on any outstanding principal balance owed, as of the date of consolidation, by any or all of the consolidating companies to the Volunteer Companies Loan Fund for loans made under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or under Subchapter E of Chapter 73 (relating to volunteer fire company, ambulance service and rescue squad assistance). The reduction in the interest rate payable shall be from 2% to 1%. Upon receipt of such notification, the agency, in conjunction with the State Fire Commissioner, shall determine and verify that the consolidated entity is in fact a bona fide consolidated volunteer fire company. If the agency determines that the consolidated entity is a bona fide consolidated volunteer fire company, it shall reduce the interest rate payable on any outstanding principal balance owed to the Volunteer Companies Loan Fund for loans made under the former Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, or under Subchapter E of Chapter 73, for which the consolidating companies or the consolidated entity may be individually or jointly responsible. The agency may promulgate such rules and regulations as may be necessary to carry out the provisions of this section.
(35 Pa.C.S. § 7814)

§ 7821. Establishment [of Emergency medical Services Grant Program].

The Emergency Medical Services Grant Program is established and shall be administered by the [Pennsylvania Emergency Management] agency. Grants provided under this program shall be used to improve and enhance the capabilities of EMS companies to provide ambulance, emergency medical, basic life support and advanced life support services.
(35 Pa.C.S. § 7821)

§ 7822. Publication and notice.

The [Pennsylvania Emergency Management] agency shall publish notice of the grant program availability through the Legislative Reference Bureau for publication in the Pennsylvania Bulletin:

(1) within 30 days of June 28, 2007, for the fiscal years beginning July 1, 2006, and July 1, 2007; and

(2) by August 8 for fiscal years beginning after June 30, 2008.

(35 Pa.C.S. § 7822)

§ 7823. Award of grants.

(a) Authorization.--The [Pennsylvania Emergency Management] agency is authorized to make a grant award to each eligible EMS company for the following:

(1) Construction and renovation of the EMS company's facility and purchase or repair of fixtures, furnishings, office equipment and support services necessary to maintain or improve the capability of the ambulance service to provide ambulance, emergency medical, basic life support and advanced life support services.

(2) Repair of ambulance equipment or purchase thereof.

(3) Debt reduction associated with paragraph (1) or (2).

(4) Training and certification of members.

(b) Limits.--

(1) Grants shall be not less than $2,500 and not more than $10,000 per EMS company.

(2) Grants may be awarded on a pro rata basis if the total dollar amount of the approved application exceeds the amount of funds appropriated by the General Assembly for this purpose.

(3) If two or more EMS companies consolidated their use of equipment, personnel

and services within 10 years preceding the date of the current year application submission deadline, the consolidated entity shall be deemed eligible to receive a grant not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

(b.1) Eligibility.--To receive grant funds under this chapter [35 Pa.C.S. Ch. 78 (relating to grants to fire companies and emergency medical services companies)], an EMS company must be designated by a municipality as the municipality's primary EMS provider.

(c) Time for filing application and department action.--

(1) Within 30 days of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 1 of each year thereafter, the agency shall provide written instructions for grants under this chapter to the president of every EMS company in this Commonwealth.

(2) Within 45 days of the effective date of June 28, 2007, for the fiscal years commencing July 1, 2006, and July 1, 2007, and by September 8 of each year, the agency shall provide applications to the president of every EMS company. The application for the fiscal years commencing July 1, 2006, and July 1, 2007, shall be a combined application. EMS companies seeking grants under this chapter shall submit completed applications to the agency. The application period shall remain open for 45 days each year. The agency shall act to approve or disapprove applications within 60 days of the application submission deadline each year. Applications which have not been approved or disapproved by the agency within 60 days after the close of the application period each year shall be deemed approved.

(35 Pa.C.S. § 7823)

§ 7831. Fire Company Grant Program.

The sum of $22,000,000 of the amount appropriated to the [Pennsylvania Emergency Management] agency for fire company grants under section 1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall be expended for the purpose of making grants to eligible fire companies under [35 Pa.C.S. Ch. 78] Subchapter B (relating to fire company grant program).

(35 Pa.C.S. § 7831)

§ 7832. Emergency Medical Services Company Grant Program.

The sum of $3,000,000 of the amount appropriated to the [Pennsylvania Emergency Management] agency for EMS company grants under section 1799-E of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, shall be expended for the purpose of making grants to eligible EMS companies under [35 Pa.C.S. Ch.78] Subchapter C (relating to emergency medical services grant program).

(35 Pa.C.S. § 7832)

§ 7832.1. Additional funding.

In addition to sums transferred from the State Gaming Fund, the sum of $5,000,000 shall be transferred annually from the Property Tax Relief Reserve Fund to the Fire Company Grant Program for the purpose of making grants to eligible fire companies under this subchapter [35 Pa.C.S. Ch. 78 Subch. E (relating to miscellaneous provisions)].

(35 Pa.C.S. § 7832.1)

§ 7833. Allocation of appropriated funds.

(a) Administration.--

(1) Except as provided under paragraph (2), no money from the appropriation for grants shall be used for expenses or costs incurred by the [Pennsylvania Emergency Management] agency for the administration of the grant programs authorized under [35 Pa.C.S. Ch. 78] Subchapters B (relating to fire company grant program) and C (relating to emergency medical services grant program).

(2) Notwithstanding paragraph (1), the [State Fire] commissioner may use not more

than $800,000 of any unencumbered funds remaining in the fund for administrative costs for grant program implementation under this chapter [35 Pa.C.S. Ch. 78 (relating to grants to fire companies and emergency medical services companies)].

(b) Grant allocation.--Unless otherwise expressly stated, money appropriated to the agency for purposes of company grants shall be allocated as follows:

(1) Eighty-eight percent of the amount appropriated shall be used for making grants to eligible fire companies under Subchapter B.

(2) Twelve percent of the amount appropriated shall be used for making grants to eligible EMS companies under Subchapter C.

(35 Pa.C.S. § 7833)

§ 7841. Expiration of authority [to award grants].

The authority of the [Pennsylvania Emergency Management] agency to award grants under [35 Pa.C.S. Ch. 78] Subchapters B (relating to fire company grant program) and C (relating to emergency medical services grant program) shall expire June 30, 2020.

(35 Pa.C.S. § 7841)

§ 7842. Special provisions [relating to grants].

(a) Claim.--An applicant for a grant under this chapter [35 Pa.C.S. Ch. 78 (relating to grants to fire companies and emergency medical services companies)] who failed to return a signed agreement for the preceding year shall not be permitted to apply for a grant in the current year unless the applicant has provided the [State Fire] commissioner with a reasonable written explanation as to why it did not claim its grant.

(b) Delinquency.--An applicant for a grant under this chapter who is delinquent in loan payments to the Pennsylvania Volunteer Loan Assistance Program established under the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, must use its grant funds to pay any arrears to the Commonwealth or it will not be qualified to receive a grant. Any organization that fails to comply with this subsection shall be disqualified from applying to the grant program for a period of three years.

(c) Demonstration.--An applicant for a grant under this chapter must demonstrate that it complied with all of the terms of its grant agreement in the previous year regarding the use of the grant money it received in previous years or it shall not be eligible to receive a grant in the current year.

(d) Approval.--An applicant shall not be approved for a grant to be used for purposes other than those stated in section 7813(a) (relating to award of grants) or 7823(a) (relating to award of grants).

(35 Pa.C.S. § 7842)

Subchapter C. Miscellaneous Provisions

Section 1799-E. State Gaming Fund.

(a) Transfers for Volunteer Fire Company and Volunteer Ambulance Service Grant Act.--Commencing with fiscal year 2007-2008 and continuing annually thereafter, the sum of $25,000,000 shall be transferred from the State Gaming Fund to the General Fund and is hereby appropriated on a continuing basis to the Pennsylvania Emergency Management Agency for the purpose of making grants under 35 Pa.C.S. Ch. 78 (relating to grants to volunteer fire companies and volunteer services). Annually, the sum of $22,000,000 shall be expended for the purpose of making grants to eligible volunteer fire companies under 35 Pa.C.S. Ch. 78 Subch. B (relating to volunteer fire company grant program). Annually, the sum of $3,000,000 shall be expended for the purpose of making grants to eligible volunteer ambulance services under 35 Pa.C.S. Ch. 78 Subch. C (relating to volunteer ambulance service grant program).

* * *

(1929, P.L.343, No.176, § 1799-E)

Section 1. [Question to electors] The question of incurring indebtedness of $10,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties, shall be submitted to the electors at the next primary, municipal or general election following enactment of this act [the act of September 25, 1975, P.L.296, No.95].
(1975, P.L.296, No.95, § 1)

Section 3. [Form of question] The question shall be in substantially the following form:

Do you favor the incurring of indebtedness of $10,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties?

Yes

No

(1975, P.L.296, No.95, § 3)

Section 5. [Proceeds of borrowing] Proceeds of borrowing shall be used through loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house fire fighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing new fire fighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties.
(1975, P.L.296, No.95, § 5)

Section 1. [Loan debt] The question of incurring indebtedness of $15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties, shall be submitted to the electors at the next primary, municipal or general election following enactment of this act [the act of June 30, 1981, P.L.138, No.44].
(1981, P.L.138, No.44, § 1)

Section 3. [Question to electors] The question shall be in substantially the following form:

Do you favor the incurring of indebtedness of $15,000,000 for loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads for the purpose of establishing or modernizing facilities to house firefighting apparatus equipment, ambulances, and rescue vehicles, and for purchasing firefighting apparatus equipment, ambulances, and rescue vehicles, protective and communications equipment, and any other accessory equipment necessary for the proper performance of such organizations' duties?
(1981, P.L.138, No.44, § 3)

Section 5. [Proceeds] Proceeds of borrowing shall be used through loans to volunteer fire companies, volunteer ambulance services and volunteer rescue squads pursuant to and for

any purpose established by the act of July 15, 1976 (P.L.1036, No.208), known as the "Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act."
(1981, P.L.138, No.44, § 5)

Section 6. Financial assistance.

(a) Tuition assistance.--The secretary [of Agriculture] may establish a grant program to provide tuition assistance to rural emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production to attend farm safety and occupational health training and emergency response programs.

(b) Loan assistance.--The secretary may establish a loan program to provide for loan assistance to farmers for the installation of safety devices on agricultural equipment, machinery, structures or facilities.

(c) Grant assistance.--The secretary may:

(1) Provide for the establishment of a grant program for the purpose of awarding grants to the Pennsylvania Fire Academy, public or private colleges and universities, community colleges and vocational and technical schools which provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or which develop farm safety and occupational health training programs for implementation by the department. Individual grants under this paragraph shall not be more than $30,000 in any one State fiscal year. In determining the amount of such grants, the secretary shall consider the scope and duration of the programs and the number of persons to be served.

(2) Provide for the establishment of a grant program for the purpose of awarding grants to Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs. Grants under this paragraph shall not be more than $2,500 in any one State fiscal year to any such organization.

(d) Regulations.--The secretary shall adopt and promulgate regulations to govern the awarding of grants and loans under this section. Such regulations shall contain procedures for submission of grant and loan applications, documentation required to accompany such applications, eligibility criteria, criteria for determining grant and loan amounts and reporting requirements.
(1994, P.L.944, No.134, § 6)

Section 11. Rescue equipment loans.

Notwithstanding section 4(a)(2) of the act of July 15, 1976 (P.L.1036, No.208), known as the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act, PEMA [the Pennsylvania Emergency Management Agency] may make loans for the purchase of heavy-duty rescue equipment to any one volunteer fire, ambulance or rescue company in the maximum amount of $150,000 for any such rescue vehicle or 50% of the total cost of the vehicle, whichever is less. PEMA may also make such loans for the purchase of a single heavy-duty rescue vehicle by two or more volunteer fire, ambulance or rescue companies, provided that such companies have formed a regional or countywide farm rescue response team.
(1994, P.L.944, No.134, § 11)

Section 31.3. [Question to electors] The question of incurring indebtedness of up to $100,000,000 for the establishment of a program that utilizes capital and other related methods to enhance and improve the delivery of volunteer fire and volunteer emergency services in this Commonwealth, as authorized by statute, shall be submitted to the electors at the next general election following the effective date of this section. The Secretary of the Commonwealth shall forthwith certify the question to the county boards of election, which question shall be in substantially the following form:

Do you favor the incurring of indebtedness of up to $100,000,000 for the purpose of

establishing a program that utilizes capital and other related methods to enhance and improve the delivery of volunteer fire and volunteer emergency services in this Commonwealth as hereafter authorized by statute?

The election shall be conducted in accordance with the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code. Proceeds of borrowing shall be used for the purpose of establishing a program to enhance and improve the delivery of volunteer fire and volunteer emergency services in this Commonwealth as hereafter authorized by statute.
(2002, P.L.559, No.89, § 31.3)

§ 2801. Definitions [relating to antihazing].

The following words and phrases when used in this chapter [18 Pa.C.S. Ch. 28 (relating to antihazing)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"911 call." A transmission of information via a telecommunications device to a public safety answering point for the initial reporting of police, fire, medical or other emergency situations.

* * *

"Emergency services personnel." Individuals, including a trained volunteer or a member of the armed forces of the United States or the National Guard, whose official or assigned responsibilities include performing or directly supporting the performance of emergency medical and rescue services or firefighting.

* * *

(18 Pa.C.S. § 2801)

§ 3505. Unlawful use of unmanned aircraft.

* * *

(d) Other exceptions.--Subsection (a)(1) and (2) shall not apply if the conduct proscribed under subsection (a)(1) or (2) is committed by any of the following:

(1) Firefighters, as defined in section 2 of the act of December 16, 1998 (P.L.980, No.129), known as the Police Officer, Firefighter, Correction Employee and National Guard Member Child Beneficiary Education Act, or special fire police, as provided for in 35 Pa.C.S. Ch. 74 Subch. D (relating to special fire police), engaged in the performance of their official firefighting or fire police duties.

(2) Emergency medical responders, as defined in 35 Pa.C.S. § 8103 (relating to definitions), engaged in the performance of their official duties.

(3) An employee or agent of an electric, water, natural gas or other utility while engaged in the performance of the employee's or agent's official duties.

(4) An employee or agent of a government agency while engaged in the performance of the employee's or agent's official duties.

* * *

(18 Pa.C.S. § 3505)

Chapter 3. Death Benefits

Section 1. [Certification of death] (a) In the event a law enforcement officer, ambulance service or rescue squad member, firefighter, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol or National Guard member dies as a result of the performance of his duties, an application, including a certification of death, shall be made to the department within three years of the date of such death by any of the following:

(1) A political subdivision.

(2) A Commonwealth agency.

(3) In the case of National Guard members, the Adjutant General.

(4) In the case of a member of a Commonwealth law enforcement agency, the agency head.

(5) In the case of a campus police officer, the university or college president.

(6) Any survivor eligible for payment of benefits under this act [the Emergency and Law

Enforcement Personnel Death Benefits Act] or individual authorized to act on the survivor's behalf.

(7) In the case of the Pennsylvania Civil Air Patrol, the State Commander.

(a.1) A firefighter, ambulance service or rescue squad member, law enforcement officer, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol or National Guard member who suffers a fatal heart attack or stroke while on duty or not later than 24 hours after participating in a physical training exercise or responding to an emergency is presumed to have died as a result of the performance of his duties for purposes of this act.

(b) A volunteer firefighter shall be deemed to be acting in the performance of his duties for the purposes of this act going to or directly returning from a fire which the fire company or fire department attended including travel from and direct return to a firefighter's home, place of business or other place where he or she shall have been when he or she received the call or alarm or while participating in instruction fire drills in which the fire department or fire company shall have participated or while repairing or doing other work about or on the fire apparatus or buildings and grounds of the fire company or fire department upon the authorization of the chief of the fire company or fire department or other person in charge or while answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the fire company or fire department or while performing any other duties of such fire company or fire department as authorized by the municipality or while performing duties imposed by section 15, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act.

(c) A volunteer ambulance service, certified hazardous material response team or rescue squad member or member of the Pennsylvania Civil Air Patrol shall be deemed to be acting in the performance of his duties for the purposes of this act going to or directly returning from an emergency which the ambulance service, certified hazardous material response team, rescue squad or member of the Pennsylvania Civil Air Patrol attended including travel from and direct return to an ambulance service, certified hazardous material response team, rescue squad or Pennsylvania Civil Air Patrol member's home, place of business or other place where he or she shall have been when he or she received the call or alarm or while participating in drills in which the ambulance service, certified hazardous material response team, rescue squad or Pennsylvania Civil Air Patrol shall have participated or while repairing or doing other work about or on any emergency vehicle or buildings and grounds of the ambulance service, certified hazardous material response team, rescue squad or Pennsylvania Civil Air Patrol upon the authorization of the chief of the ambulance service, certified hazardous material response team, rescue squad or Pennsylvania Civil Air Patrol or other person in charge while answering any emergency calls for any purpose or while riding upon any vehicles which are owned or used by the ambulance service, certified hazardous material response team, rescue squad or Pennsylvania Civil Air Patrol.

(d) Upon receipt of such certification, the Commonwealth shall, from moneys payable out of the General Fund, pay to the surviving spouse or, if there is no surviving spouse, to the minor children of the paid firefighter, ambulance service or rescue squad member or law enforcement officer who died as a result of the performance of his duty the sum of $100,000, adjusted in accordance with subsection (f) of this section and an amount equal to the monthly salary, adjusted in accordance with subsection (f) of this section, of the deceased paid firefighter, ambulance service or rescue squad member or law enforcement officer, less any workers' compensation or pension or retirement benefits paid to such survivors, and shall continue such monthly payments until there is no eligible beneficiary to receive them. For the purpose of this subsection, the term "eligible beneficiary" means the surviving spouse or the child or children under the age of eighteen years or, if attending college, under the age of twenty-three years, of the firefighter, ambulance service or rescue squad member or law enforcement officer who died as a result of the performance of his duty. When no spouse or minor children survive, a single sum of $100,000, adjusted in accordance with subsection (f) of this section, shall be paid to the parent or parents of such firefighter, ambulance service member, rescue squad member or law enforcement officer.

(e) The Commonwealth of Pennsylvania shall pay out of the General Fund to the surviving spouse or, if there is no surviving spouse, the minor children of a National Guard member, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member who died as a result of the performance of his duties the sum of $100,000, adjusted in accordance with subsection (f) of this section. When no spouse or minor children survive, the benefit shall be paid to the parent or parents of such National Guard member, certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member. The benefit shall be payable whether or not the National Guard member or certified hazardous material response team member, member of the Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance service or rescue squad member died as a result of the performance of his duty within the Commonwealth of Pennsylvania.

(f) On July 1, 2006, and each July 1 thereafter, the Commonwealth shall adjust the level of the benefit payable immediately before July 1 under subsections (d) and (e) of this section to reflect the annual percentage change in the Consumer Price Index for All Urban Consumers, published by the United States Department of Commerce, Bureau of Labor Statistics, occurring in the one-year period ending on January 1 immediately preceding July 1.

(g) A National Guard member shall be deemed to be acting in the performance of his duties for the purposes of this act when:

(1) his death occurs in an official duty status authorized under 51 Pa.C.S. § 508 (relating to active State duty for emergency); or

(2) going directly to or from the place of such duties.

(1976, P.L.424, No.101, § 1)

Section 2. [Definitions] The following words and phrases when used in this act [the Emergency and Law Enforcement Personnel Death Benefits Act] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Certified hazardous material response team member" means a person who is part of a group of individuals who are certified and organized by a Commonwealth agency, a local agency or a regional hazardous material organization for the primary purpose of providing emergency response services which is dispatched by a public safety answering point to mitigate actual or potential immediate threats to public health and the environment in response to the release or threat of a release of a hazardous material, which is certified, trained and equipped in accordance with the act of December 7, 1990 (P.L.639, No.165), known as the Hazardous Material Emergency Planning and Response Act. Hazardous material response team members who are dispatched by a public safety answering point may also be certified to perform stabilization actions needed to remove threats to public health and the environment from hazardous material releases. A member of a for-profit hazardous material response team that was not dispatched by a public safety answering point, is acting as an agent on behalf of the spiller or responsible party or is responsible for post-emergency or nonemergency response hazardous materials/hazardous waste clean-up activities is not eligible for compensation that is provided for under this act.

* * *

"Firefighter, ambulance service or rescue squad member or law enforcement officer" means a firefighter; a member of a volunteer fire company; a member of an ambulance service or rescue squad; a peace officer as defined in 18 Pa.C.S. § 501 (relating to definitions); a public servant concerned in official detention as defined in 18 Pa.C.S. § 5121 (relating to escape); an officer or employee of a State correctional institution; guards or employees of county jails and prisons; or any other law enforcement officer employed by the Commonwealth or a political subdivision. (Def. amended May 13, 2015, P.L.1, No.1)

"Public safety answering point" means the Pennsylvania Emergency Management Agency-approved first point at which calls for emergency assistance from individuals are answered, operated 24 hours a day. (Def. added July 2, 2007, P.L.68, No.21)

(1976, P.L.424, No.101, § 2)

Section 2.1. [Construction of act] This act [the Emergency and Law Enforcement Personnel Death Benefits Act] shall be broadly construed to grant benefits to firefighters, ambulance service or rescue squad members, law enforcement officers or National Guard personnel for deaths related to the performance of their duties.
(1976, P.L.424, No.101, § 2.1)

Section 3. [Retroactivity and applicability] This act [the Emergency and Law Enforcement Personnel Death Benefits Act] shall take effect immediately and its provisions shall be retroactive to January 1, 1976 and shall be applicable to the deaths of all firefighters, ambulance service or rescue squad members and law enforcement personnel dying on and after said date as the direct result of injuries sustained in the performance of their duties, regardless of the date when such injuries occurred.
(1976, P.L.424, No.101, § 3)

Section 4. [Retroactivity] The amendment or addition of section 1(a.1), (d) and (e) of the act shall apply retroactively to include any certificate of death of an eligible firefighter, ambulance service or rescue squad member, law enforcement officer or National Guard member who died as a result of the performance of his or her duties filed on or after December 15, 2003.
(2005, P.L.319, No.59, § 4)

Chapter 4. Disability and Accidental Injury Compensation

Section 1. [Disability benefits] (a) Be it enacted, &c., That:
* * *
(10) any policeman, fireman or park guard of any county, city, borough, town or township;
(10.1) firemen employed by the Commonwealth;
(11) any sheriff or deputy sheriff; or
* * *
who is injured in the performance of his duties including, in the case of firemen, duty as special fire police, and by reason thereof is temporarily incapacitated from performing his duties, shall be paid by the Commonwealth of Pennsylvania if an employe identified under paragraph (1), (2), (3), (4), (5), (6), (7), (8) or (12) or by the Delaware River Port Authority if a member of the Delaware River Port Authority Police or by the county, township or municipality, by which he is employed, his full rate of salary, as fixed by ordinance or resolution, until the disability arising therefrom has ceased. All medical and hospital bills, incurred in connection with any such injury, shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by such county, city, township or municipality. During the time salary for temporary incapacity shall be paid by the Commonwealth of Pennsylvania or by the Delaware River Port Authority or by the county, city, borough, town or township, any workmen's compensation, received or collected by any such employe for such period, shall be turned over to the Commonwealth of Pennsylvania or to the Delaware River Port Authority or to such county, city, borough, town or township, and paid into the treasury thereof, and if such payment shall not be so made by the employe the amount so due the Commonwealth of Pennsylvania, the Delaware River Port Authority or the county, city, borough, town or township shall be deducted from any salary then or thereafter becoming due and owing.
(b) In the case of:
* * *
(10) salaried policemen and firemen;
(10.1) firemen employed by the Commonwealth;
(11) sheriffs and deputy sheriffs; and
* * *
who have served for four consecutive years or longer, diseases of the heart and tuberculosis of the respiratory system, contracted or incurred by any of them after four years of continuous service as such, and caused by extreme overexertion in times of stress or danger or by

exposure to heat, smoke, fumes or gases, arising directly out of the employment shall be compensable in accordance with the terms hereof; and unless any such disability shall be compensable under the compensation laws as having been caused by accidental injury, such disability shall be compensable as occupational disease disabilities are presently compensable under the compensation laws of this Commonwealth. It shall be presumed that tuberculosis of the respiratory system contracted or incurred after four consecutive years of service was contracted or incurred as a direct result of employment.

(c) In the case of any person receiving benefits pursuant to this act [the Enforcement Officer Disability Benefits Law (Heart and Lung Act)], the statutes of limitations set forth in sections 306.1, 315, 413, and 434 of the act of June 2, 1915 (P.L.736, No.338), known as the "Workers' Compensation Act," shall not begin to run until the expiration of the receipt of benefits pursuant to this act.

* * *

(1935, P.L.477, No.193, § 1)

Section 2. [Absence not deducted from leave] No absence from duty of any such policeman, sheriff, deputy sheriff, fireman or firemen employed by the Commonwealth by reason of any such injury shall in any manner be included in any period of sick leave, allowed such policeman, sheriff, deputy sheriff, fireman or firemen employed by the Commonwealth by law or by regulation of the police, sheriff's, fire department, airport authority or city by which he is employed.

(1935, P.L.477, No.193, § 2)

Section 2.1. [Definition] For the purposes of this act [the Enforcement Officer Disability Benefits Law (Heart and Lung Act)], the term "fireman" shall mean and include the following:

(1) Paid firemen not employed by the Commonwealth.
(2) Emergency medical services personnel employed within a city fire department.
(3) Firemen of airport authorities, including fire suppression instructors.
(4) Fire and safety marshals who are firemen employed by the Commonwealth.
(5) Fire academy instructors employed at the State Fire Academy.
(6) Assistant fire marshals employed by the Commonwealth.
(7) Forest patrolmen and forest technicians employed by the Commonwealth.

(1935, P.L.477, No.193, § 2.1)

Section 108. [Definition relating to disability compensation] The term "occupational disease," as used in this act [The Pennsylvania Occupational Disease Act], shall mean only the following diseases:

* * *

(o) Diseases of the heart and lungs, resulting in either temporary or permanent total or partial disability or death, after four years or more of service in fire fighting for the benefit or safety of the public, caused by extreme over-exertion in times of stress or danger or by exposure to heat, smoke, fumes or gases, arising directly out of the employment of any such firemen. The Commonwealth shall pay the full amount of compensation for disability under this clause.

(1939, P.L.566, No.284, § 108)

Section 1. [Disability payments to certain Commonwealth employees] Any employe of a State penal or correctional institution under the Bureau of Correction of the Department of Justice and any employe of a State mental hospital or Youth Development Center under the Department of Public Welfare, who is injured during the course of his employment by an act of any inmate or any person confined in such institution or by any person who has been committed to such institution by any court of the Commonwealth of Pennsylvania or by any provision of the "Mental Health Act" and any employe of County Boards of Assistance injured by act of an applicant for or recipient of public assistance and any employe of the Department of Public Welfare who has been assigned to or who has volunteered to join the fire fighting

force of any institution of the Department of Public Welfare injured while carrying out fire fighting duties, shall be paid, by the Commonwealth of Pennsylvania, his full salary, until the disability arising therefrom no longer prevents his return as an employe of such department, board or institution at a salary equal to that earned by him at the time of his injury.

All medical and hospital expenses incurred in connection with any such injury shall be paid by the Commonwealth of Pennsylvania until the disability arising from such injury no longer prevents his return as an employe of such department, board or institution at a salary equal to that earned by him at the time of his injury.

During the time salary for such disability shall be paid by the Commonwealth of Pennsylvania any workmen's compensation received or collected for such period shall be turned over to the Commonwealth and paid into the General Fund, and if such payment shall not be so made, the amount so due the Commonwealth shall be deducted from any salary then or thereafter becoming due and owing.

The widow and minor dependents of any employe who dies within one year as a result of such injuries shall be paid benefits equal to fifty per cent of the full salary of the deceased employe.

When a widow and minor dependents not in her custody are entitled to payments, one-half of such payments shall be paid to the widow and one-half to the dependents. In every case the amount payable to minor dependents shall be divided equally among them and be paid to the persons or institutions having custody of them.

In the case of a widow or a widow with minor dependents in her custody, such benefits shall terminate when such widow remarries. In the case of minor dependents, except when in the custody of a remarried widow, such benefits shall terminate when all of the minor dependents become eighteen years of age. Neither a widow nor minor dependents shall receive any benefits under this act [the act of December 8, 1959, P.L.1718, No.632] while receiving benefits under the Federal Social Security Law. The benefits provided by this act shall be reduced by the amount of any workmen's compensation benefits received or collected by any such widow or minor dependents because of the same injury. Payments for the benefit of minor dependents shall be made to the person having legal custody of them.
(1959, P.L.1718, No.632, § 1)

Section 2. [Absence not deducted from leave] No absence from duty of any State employe to whom this act [the act of December 8, 1959, P.L.1718, No.632] applies by reason of any such injury shall in any manner be deducted from any period of leave allowed the employe by law or by regulation.
(1959, P.L.1718, No.632, § 2)

§ 7706. Compensation for accidental injury.

(a) Benefits.--All duly enrolled emergency management volunteers, and such other volunteers as the [Pennsylvania Emergency Management] agency shall by regulation qualify, who are not eligible to receive benefits under the Workmen's Compensation Laws shall be entitled, except during a state of war or period of armed conflict within the continental limits of the United States, to the following benefits relating to injuries sustained while actually engaged in emergency management activities and services or in or en route to and from emergency management tests, drills, exercises or operations authorized by the Pennsylvania Emergency Management Agency and carried out in accordance with rules and orders promulgated and adopted by the agency:

(1) A sum of $20,000 for accidental injury directly causing or leading to death.

(2) A sum not exceeding $15,000 for reimbursement for medical and hospital expenses associated with accidental injury.

(3) Weekly payments of $200, not to exceed six months in duration, beginning on the eighth day of disability directly arising from accidental injury rendering the individual totally incapable of following his normal gainful pursuits.

(b) Source of funds.--All benefits hereby authorized shall be paid out of funds appropriated to the agency. Payments shall be made on the basis of claims submitted to the agency through

the Department of Labor and Industry in accordance with rules and orders promulgated and adopted by the agency.
(35 Pa.C.S. § 7706)

Chapter 5. Unemployment Compensation

Section 302.1. Relief from Charges.--Notwithstanding any other provisions of this act [the Unemployment Compensation Law] assigning charges for compensation paid to employes, except for section 302(a)(2), the department shall relieve an employer of charges for compensation in accordance with this section and section 213 of this act.

(a) Circumstances allowing relief:

* * *

(2) If an individual's unemployment is directly caused by a major natural disaster declared by the President of the United States pursuant to section 102(1) of the Disaster Relief Act of 1970 (Public Law 91-606, 42 U.S.C. § 4401 et seq.) and the individual would have been eligible for disaster unemployment assistance as provided in section 240 of the Disaster Relief Act of 1970 with respect to that unemployment but for the receipt of unemployment compensation, an employer shall be relieved of charges for compensation paid to such individual with respect to any week of unemployment occurring due to the natural disaster, to a maximum of the eight weeks immediately following the declaration of emergency by the President of the United States.

* * *

(1936, Sp.Sess.2, P.L.2897, No.1, § 302.1)

Section 1002. Services Excluded from "Employment."--Except for services performed in the employ of a hospital or institution of higher education not otherwise excluded in this act [the Unemployment Compensation Law], for the purposes of this article [Article X of the Unemployment Compensation Law] the term "employment" shall not include services performed by:

* * *

(10) Employes serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency.

* * *

(1936, Sp.Sess.2, P.L.2897, No.1, § 1002)

Chapter 6. Workers' Compensation

Section 108. ["Occupational disease" defined] The term "occupational disease," as used in this act [the Workers' Compensation Act], shall mean only the following diseases.

* * *

(m) Tuberculosis, serum hepatitis, infectious hepatitis or hepatitis C in the occupations of blood processors, fractionators, nursing, or auxiliary services involving exposure to such diseases.

(m.1) Hepatitis C in the occupations of professional and volunteer firefighters, volunteer ambulance corps personnel, volunteer rescue and lifesaving squad personnel, emergency medical services personnel and paramedics, Pennsylvania State Police officers, police officers requiring certification under 53 Pa.C.S. Ch. 21 (relating to employees), and Commonwealth and county correctional employes, and forensic security employes of the Department of Public Welfare, having duties including care, custody and control of inmates involving exposure to such disease. Hepatitis C in any of these occupations shall establish a presumption that such disease is an occupational disease within the meaning of this act, but this presumption shall not be conclusive and may be rebutted. This presumption shall be rebutted if the employer has established an employment screening program, in accordance with guidelines established by the department in coordination with the Department of Health and the Pennsylvania Emergency Management Agency and published in the Pennsylvania Bulletin, and testing pursuant to that

program establishes that the employe incurred the Hepatitis C virus prior to any job-related exposure.

* * *

(o) Diseases of the heart and lungs, resulting in either temporary or permanent total or partial disability or death, after four years or more of service in fire fighting for the benefit or safety of the public, caused by extreme over-exertion in times of stress or danger or by exposure to heat, smoke, fumes or gasses, arising directly out of the employment of any such firemen.

* * *

(r) Cancer suffered by a firefighter which is caused by exposure to a known carcinogen which is recognized as a Group 1 carcinogen by the International Agency for Research on Cancer.

(1915, P.L.736, No.338, § 108)

Section 301. [Employer liability for compensation] * * *

(f) Compensation pursuant to cancer suffered by a firefighter shall only be to those firefighters who have served four or more years in continuous firefighting duties, who can establish direct exposure to a carcinogen referred to in section 108(r) relating to cancer by a firefighter and have successfully passed a physical examination prior to asserting a claim under this subsection or prior to engaging in firefighting duties and the examination failed to reveal any evidence of the condition of cancer. The presumption of this subsection may be rebutted by substantial competent evidence that shows that the firefighter's cancer was not caused by the occupation of firefighting. Any claim made by a member of a volunteer fire company shall be based on evidence of direct exposure to a carcinogen referred to in section 108(r) as documented by reports filed pursuant to the Pennsylvania Fire Information Reporting System and provided that the member's claim is based on direct exposure to a carcinogen referred to in section 108(r). Notwithstanding the limitation under subsection (c)(2) with respect to disability or death resulting from an occupational disease having to occur within three hundred weeks after the last date of employment in an occupation or industry to which a claimant was exposed to the hazards of disease, claims filed pursuant to cancer suffered by the firefighter under section 108(r) may be made within six hundred weeks after the last date of employment in an occupation or industry to which a claimant was exposed to the hazards of disease. The presumption provided for under this subsection shall only apply to claims made within the first three hundred weeks.

(1915, P.L.736, No.338, § 301)

Section 601. ["Employe" further defined] (a) In addition to those persons included within the definition of the word "employe" as defined in section 104, "employe" shall also include:

(1) members of volunteer fire departments or volunteer fire companies, including any paid fireman who is a member of a volunteer fire company and performs the services of a volunteer fireman during off-duty hours, who shall be entitled to receive compensation in case of injuries received while actively engaged as firemen or while going to or returning from a fire which the fire company or fire department attended including travel from and the direct return to a fireman's home, place of business or other place where he shall have been when he received the call or alarm or while participating in instruction fire drills in which the fire department or fire company shall have participated or while repairing or doing other work about or on the fire apparatus or buildings and grounds of the fire company or fire department upon the authorization of the chief of the fire company or fire department or other person in charge or while answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the fire company or fire department or while performing any other duties of such fire company or fire department as authorized by the municipality or while performing duties imposed by section 15, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act;

(2) all members of volunteer ambulance corps of the various municipalities who shall be and are hereby declared to be employes of such municipality for the purposes of this act who

shall be entitled to receive compensation in the case of injuries received while actually engaged as ambulance corpsmen or while going to or returning from any fire, accident, or other emergency which such volunteer ambulance corps shall attend including travel from and the direct return to a corpsman's home, place of business or other place where he shall have been when he received the call or alarm; or while participating in ambulance corps of which they are members; or while repairing or doing other work about or on the ambulance apparatus or buildings and grounds of such ambulance corps upon the authorization of the corps president or other person in charge; or while answering any emergency call for any purpose or while riding in or upon the ambulance apparatus owned by the ambulance corps of which they are members at any time or while performing any other duties of such ambulance corps as are authorized by the municipality;

(3) members of volunteer rescue and lifesaving squads of the various municipalities who shall be and are hereby declared to be employes of such municipalities for the purposes of this act and who shall be entitled to receive compensation in the case of injuries received while actually engaged as a rescue and lifesaving squad member attending to any emergency to which that squad has been called or responded including travel from and the direct return to a squad person's home, place of business or other place where he shall have been when he received the call or alarm or while participating in rescue and lifesaving drills in which the squad is participating; while repairing or doing other work about or on the apparatus, buildings and grounds of such rescue and lifesaving squad upon the authorization of the chief or other person in charge; or while riding in or upon the apparatus of the rescue and lifesaving squad and at any time while performing any other duties authorized by the municipality;

* * *

(7) all forest firefighters are hereby declared to be employes of the Commonwealth for the purposes of this act and shall be entitled to receive compensation in case of injuries received while actually engaged in the performance of their duties as forest firefighters or forest fire protection employes which duties shall include participation in the extinguishing of forest fires or traveling to and from forest fires or while performing any other duties relating to forest fire protection as authorized by the Secretary of Environmental Resources or his designee.

(8) All volunteer members of hazardous materials response teams who shall be and are hereby declared to be employes of the Commonwealth agency, county, municipality, regional hazardous materials organization, volunteer service organization, corporation, partnership or of any other entity which organized the hazardous materials response team for the primary purpose of responding to the release of a hazardous material. All such volunteer members of hazardous materials response teams shall be entitled, under this act, to receive compensation in the case of injuries received while actively engaged as hazardous materials response team members or while going to or returning from any emergency response incident or accident which the hazardous materials response team attended, including travel from and direct return to a team member's home, place of business or other place where the member shall have been when the member received the call or alarm to respond to the emergency incident or accident; or while participating in hazardous materials response drills or exercises in which the hazardous materials response team is participating; or while repairing or doing other work about or on the hazardous materials response team apparatus or buildings and grounds of the hazardous materials response team upon the authorization of the chief of the hazardous materials response team or other person in charge; or while answering any emergency calls for any purpose; or while riding upon the hazardous materials response team apparatus which is owned or used by the hazardous materials response team in responding to an emergency or drill or with the express permission of the chief of the team; or while performing any other duties of such hazardous materials response team as authorized by the Commonwealth agency, county, municipality, regional hazardous materials organization, volunteer service organization, corporation, partnership or any other entity which duly organized the hazardous materials response team.

(9) All local coordinators of emergency management, as defined in 35 Pa.C.S. § 7502 (relating to local coordinator of emergency management), of the various municipalities who shall be and are hereby declared to be employes of such municipalities for the purposes of this

act and who shall be entitled to receive compensation in the case of injuries received while actually engaged as local coordinator of emergency management at any emergency to which he has been called or responded, including travel from and the direct return to his home, place of business or other place where he shall have been when he received the call or alarm or while performing any other duties authorized by the municipality.

(10) An employe who, while in the course and scope of his employment, goes to the aid of a person and suffers injury or death as a direct result of any of the following:

(i) Preventing the commission of a crime, lawfully apprehending a person reasonably suspected of having committed a crime or aiding the victim of a crime. For purposes of this clause, the terms "crime" and "victim" shall have the same meanings as given to them in section 103 of the act of November 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act."

(ii) Rendering emergency care, first aid or rescue at the scene of an emergency.

(b) In all cases where an injury which is compensable under the terms of this act is received by an employe as defined in this section, there is an irrebuttable presumption that his wages shall be at least equal to the Statewide average weekly wage for the purpose of computing his compensation under sections 306 and 307.

(c) Whenever any member of a volunteer fire company, volunteer fire department, volunteer ambulance corps, or rescue and lifesaving squad is injured in the performance of duties in State Parks and State Forest Land, they shall be deemed to be an employe of the Department of Environmental Resources.

(d) The term "municipality" when used in this article [Article VI of the Workers' Compensation Act] shall mean all cities, boroughs, incorporated towns, or townships. (1915, P.L.736, No.338, § 601)

Section 602. [Premiums for rescue volunteers] (a) The following shall apply:

(1) A municipality or an area of a municipality which receives emergency services pursuant to a contract, standing agreement or arrangement from a volunteer emergency service provider located in a host municipality shall reimburse the host municipality under the provisions of either clause (2) or (3).

(2) Reimbursement under clause (1) shall be for a portion of the cost of the workers' compensation premiums covering the members of the volunteer emergency service provider. The appropriate portion of the cost shall be determined as follows:

(i) Determine the population ratio of the municipality or the area of the municipality receiving emergency services to the entire population (host municipality and the municipality or the area of the municipality) receiving emergency services from the volunteer emergency service provider. The following shall apply:

(A) No segment of the population of the municipality or area of the municipality receiving emergency services may be included in more than one service area for purposes of calculating the ratio under subclause (i).

(B) If the first due area for fire protection services and the first due area for emergency medical services differ within a municipality or an area of a municipality receiving emergency services, then the ratio under subclause (i) shall be calculated using the first due area for fire protection services.

(ii) Multiply the ratio under subclause (i) by the host municipality's entire cost of the workers' compensation premium for covering members of the volunteer emergency service provider.

(3) The host municipality and the municipality receiving the emergency services may agree to share the cost on some other basis.

(b) As used in this section:

"Emergency services" shall mean any of the following:

(i) Fire protection services.

(ii) Ambulance services.

(iii) Emergency medical services.

(iv) Quick response services.

(v) Emergency management services.
(vi) Rescue and lifesaving services.
(vii) Hazardous material support services.
(viii) Certified hazardous materials response services.

"Host municipality" shall mean a municipality that is responsible for workers' compensation premiums for an emergency service provider located within its corporate boundaries.

"Volunteer emergency service provider" shall mean any of the following:
(i) A volunteer fire company.
(ii) A volunteer ambulance corps.
(iii) A volunteer quick response service.
(iv) A volunteer rescue and lifesaving squad.
(v) A volunteer hazardous materials support team.
(vi) A volunteer certified municipal emergency management coordinator.
(vii) A volunteer hazardous materials response team.

(1915, P.L.736, No.338, § 602)

PART XII. TAXATION

Section 1. [Certain classes of personal property] Be it enacted, &c., That all personal property of the classes hereinafter enumerated, owned, held or possessed by any resident, which, as used in this section, shall mean any person, persons, copartnership, or unincorporated association or company, resident, located, or liable to taxation within this Commonwealth, or by any joint-stock company or association, limited partnership, bank or corporation whatsoever, formed, erected or incorporated by, under, or in pursuance of any law of this Commonwealth or of the United States, or of any other state or government, and liable to taxation within this Commonwealth, whether such personal property be owned, held, or possessed by such resident in his, her, their, or its own right, or as active trustee, agent, attorney-in-fact, or in any other capacity, or by any resident as trustee, agent or attorney-in-fact, jointly with one or more trustees, agents or attorney-in-fact, domiciled in another state, where such personal property is held and managed in this Commonwealth, except as executor or administrator of the estate of a non-resident decedent, and except as trustee for a resident or non-resident religious, charitable or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individual for the use, benefit, or advantage of any other person, copartnership, unincorporated association, company, joint-stock company or association, limited partnership, bank or corporation, and the equitable interest in any such personal property of the classes hereinafter enumerated, owned, held or possessed by any resident, where the legal title to such personal property is vested in a trustee, agent, or attorney-in-fact, domiciled in another state, or where the legal title to such personal property is vested in more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state, and one or more of whom are domiciled within this Commonwealth, and such personal property is held and managed in another state, and where such resident is entitled to receive all or any part of the income therefrom--is hereby made taxable annually for county purposes, and, in cities coextensive with counties, for city and county purposes, at a rate not to exceed four mills of each dollar of the value thereof, and no failure to assess or return the same shall discharge such owner or holder thereof, from liability therefor, that is to say,--

All mortgages; all moneys owing by solvent debtors, whether by promissory note, or penal or single bill, bond, or judgment; all articles of agreement and accounts bearing interest; all public loans whatsoever, except those issued by this Commonwealth or the United States, and except the public loans and obligations of any county, city, borough, town, township, school district, and incorporated district of this Commonwealth, and except the bonds and obligations of bodies corporate and politic of this Commonwealth, known as municipal authorities; all loans issued by any corporation, association, company, or limited partnership, created or formed under the laws of this Commonwealth or of the United States, or of any other state or government, including car-trust securities and loans secured by bonds or any other form of

certificate or evidence of indebtedness, whether the interest be included in the principal of the obligation or payable by the terms thereof, except such loans as are made taxable for State purposes by section seventeen of the act, approved the twenty-second day of June, one thousand nine hundred thirty-five (Pamphlet Laws 414), as reenacted and amended; all shares of stock in any bank, corporation, association, company, or limited partnership, created or formed under the laws of this Commonwealth or of the United States, or of any other state or government, except shares of stock in any bank, bank and trust company, national banking association, savings institution, corporation, or limited partnership liable to a tax on its shares or a gross premiums tax, or liable to or relieved from the capital stock or franchise tax for State purposes under the laws of this Commonwealth; and all moneys loaned or invested in other states, territories, the District of Columbia, or foreign countries; all other moneyed capital owing to individual citizens of the State: Provided, That this section shall not apply to bank notes, or notes discounted or negotiated by any bank or banking institution, savings institution, or trust company, nor to loans, shares of stock, or other securities, held by bankers or brokers solely for trading purposes; nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business; nor to interest bearing accounts in any bank or banking institution, savings institution, employes' thrift or savings association, whether operated by employes or the employer, or trust company; nor to personal property held in the commercial department and owned in its own right by a banking institution, savings institution, or trust company, in liquidation by a receiver, trustee, or other fiduciary, nor to personal property formerly held by a banking institution in its own right, but assigned by it to one or more trustees for liquidation and payment to the creditors and stockholders of such banking institutions, it being the intent and purpose of this proviso that no tax be assessed or collected for the years one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six, one thousand nine hundred and thirty-seven, one thousand nine hundred and thirty-eight, one thousand nine hundred and thirty-nine, one thousand nine hundred and forty, and thereafter upon the personal property enumerated herein, nor shall this act apply to the proceeds of any life insurance policy held in whole or in part by the insurer, nor the principal value of annuities nor to any personal property held in any trust, forming part of a stock, bonus, pension or profit sharing plan of an employer for the exclusive benefit of his employes, or their beneficiaries, which trust under the latest ruling of the Commissioner of Internal Revenue is exempted from Federal income tax, nor to any personal property held under the provisions of a plan established by or for an individual or individuals for retirement purposes if such plan meets the requirements for exemption from Federal income tax of income earned on investments held under its provisions, nor to any personal property that is held by an employe for retirement purposes under the provisions of a stock purchase plan established by the employer for the exclusive benefit of his or her employes: And provided further, That the provisions of this act [the Intangible Personal Property Tax Law] shall not apply to building and loan associations, or to shares of stock issued by building and loan associations, or to savings institutions having no capital stock; and, if at any time, either now or hereafter, any persons, individuals, or bodies corporate have agreed or shall hereafter agree to issue his, their, or its securities, bonds or other evidences of indebtedness, clear of and free from the said tax, whose rate may not exceed four mills, herein provided for, or any part thereof, or have agreed or shall hereafter agree to pay the same, nothing herein contained shall be so construed as to relieve or exempt him, it, or them from paying the said tax, whose rate may not exceed four mills, on any of the said such securities, bonds, or other evidences of indebtedness, as may be held, owned by, or owing to the said savings institution having no capital stock: And provided further, That the provisions of this act shall not apply to fire companies, firemen's relief associations, life, casualty or fire insurance corporations having no capital stock, secret and beneficial societies, labor unions and labor union relief associations, and all beneficial organizations paying sick or death benefits, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies, or unions: And provided further, That corporations, limited partnerships, and joint-stock associations, liable to tax on their shares or the aforesaid capital stock or franchise tax for State purposes, shall not be required to make any report or pay any further tax, under this section, on the mortgages, bonds, and

other securities owned by them in their own right; but corporations, limited partnerships, and joint-stock associations, holding such securities as trustees, executors, administrators, guardians, or in any other manner, except as mere custodian for the real owner, and except as executor or administrator of the estate of a nonresident decedent, and except as trustee for a resident or nonresident religious, charitable or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individual, shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals: And provided further, That none of the classes of property made taxable by this section for county purposes, and, in cities coextensive with counties, for city and county purposes, shall be taxed or taxable for any other local purpose, under the laws of this Commonwealth: And provided further, That the provisions of this section shall not apply to personal property, of the class hereinabove enumerated, received or acquired with proceeds of money or property received from any person or persons, copartnership, or unincorporated association or company, nonresident in or not located within this Commonwealth, or from any joint-stock company or association, limited partnership, bank or corporation formed, erected, or incorporated by, under or in pursuance of, any law of the United States, or of any state or government other than this Commonwealth, by any person or persons, copartnership, unincorporated association, company, joint-stock company or association, limited partnership, bank, or corporation as active trustee, agent, attorney-in-fact, or in any other capacity, for the use, benefit, or advantage of any person or persons, copartnership, or unincorporated association or company, nonresident in or not located within this Commonwealth, or for the use, benefit or advantage of any joint-stock company or association, limited partnership, bank or corporation formed, erected, or incorporated by, under, or in pursuance of any law of the United States, or of any state or government other than this Commonwealth; nor shall the provisions of this section apply to personal property held for the use, benefit or advantage of any resident who shall have in each of the ten preceding calendar years given or contributed all of his net income to any corporation organized or operated exclusively for religious, charitable, scientific, literary, or educational purposes.

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest, or in case of divided equitable interests in the same personal property, then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein.

For the purposes of this act, the value of any taxable shares of stock issued by any regulated investment company as defined under the provisions of the Federal Internal Revenue Code of 1948, shall be that part of the current value of such shares, to be determined by multiplying said current value by a fraction, the numerator of which shall be the total value of so much of the personal property owned by the regulated investment company as would be taxable by this act if owned by a resident of Pennsylvania and the denominator of which shall be the total value of all of the personal property owned by the regulated investment company. (1913, P.L.507, No.335, § 1)

Section 1. [Special tax for purchase of fire engines and apparatus] Be it enacted, &c., That the burgess and council or town council of each of the several boroughs of this Commonwealth are authorized, in the manner hereinafter provided, to levy and collect in each and every year, when necessary, an annual special tax, in addition to the taxes now allowed by law to be assessed and collected for the general purposes, not exceeding three mills on each dollar of the assessed valuation of the borough as ascertained for county purposes. (1923, P.L.70, No.46, § 1)

Section 2. [Expenditure] The money so raised and collected shall be used and expended under the direction and authority of the councils of the several boroughs for the following purposes, and none other: For the purpose of the purchase of fire engines, fire apparatus, and fire hose, for the use of the borough, or for the purpose of assisting any existing fire engine company or fire company or companies in any of the said boroughs in the purchase, renewal,

or repair of their respective fire engines, fire apparatus, or fire hose, or for the purchase of land upon which to erect a fire house or for the erection and maintenance of a fire house or fire houses. Any of said boroughs are also authorized to expend moneys in its treasury, collected for general purposes, for any of the purposes provided for in this act [the act of April 18, 1923, P.L.70, No.46].
(1923, P.L.70, No.46, § 2)

Section 1. [Special tax for building fire houses and other purposes] Be it enacted, &c., That the burgess and council, or town council, of each of the several boroughs of this Commonwealth are authorized, in the manner hereinafter provided, to levy and collect, in each and every year when necessary, an annual special tax, in addition to the taxes now allowed by law, to be assessed and collected for the general purposes, not exceeding two mills on each dollar of the assessed valuation of the borough as ascertained for county purposes.
(1927, P.L.673, No.338, § 1)

Section 2. [Expenditure] The money so raised and collected shall be used and expended, under the direction and authority of the councils of the several boroughs, for the following purposes, and none other: For the purpose of building fire houses, lockups, and municipal buildings. Any of said boroughs are also authorized to expend moneys in its treasury collected for general purposes for any of the purposes provided for in this act [the act of May 4, 1927, P.L.673, No.338].
(1927, P.L.673, No.338, § 2)

Section 1709. Tax Levies [in Townships of the First Class].--(a) The board of township commissioners may levy taxes by resolution for taxes levied at the same rate as or a rate lower than the previous fiscal year, and by ordinance if the tax rate increases from the previous fiscal year, upon all property and upon all occupations within the township made taxable for township purposes, as ascertained by the valuation for county purposes made by the assessors of the several counties of this Commonwealth for the year for which the township taxes are levied, for the purposes and at the rate hereinafter specified: Provided, however, That such valuation shall be subject to correction by the county commissioners of the several counties, and to appeal by the taxable persons in accordance with existing laws.

* * *

Two. (i) An annual tax not exceeding three mills for the purpose of:

(A) building and maintaining suitable places for the housing of fire apparatus;

(B) purchasing, maintaining and operating fire apparatus;

(C) making of appropriations to fire companies within or without the township;

(D) contracting with adjacent municipalities or volunteer fire companies therein for fire protection;

(E) the training of fire personnel and payments to fire training schools and centers;

(F) the purchase of land upon which to erect a fire house; and

(G) the erection and maintenance of a fire house or fire training school and center.

(ii) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of fire suppression employes of the township or a fire company serving the township.

(iii) If an annual tax for the purposes specified in this clause is proposed to be set at a level higher than three mills the question shall be submitted to the voters of the township, and the county board of elections shall frame the question in accordance with the election laws of the Commonwealth for submission to the voters of the township.

* * *

Seven. (i) An annual tax not exceeding one-half mill for the purpose of supporting ambulance, rescue and other emergency services serving the township, except as provided in subsection (c).

(ii) The township may appropriate up to one-half of the revenue generated from a tax

under this clause for the purpose of paying salaries, benefits or other compensation of employes of an ambulance, rescue or other emergency service serving the township.

(b) This section does not include the levy of any taxes upon particular districts, or parts of any township, for particular purposes, nor special levies otherwise provided for in this act.

(c) The tax for supporting ambulance and rescue squads serving the township shall not exceed the rate specified in clause seven of subsection (a) except when the question is submitted to the voters of the township in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth, in which case the rate shall not exceed three mills. The county board of elections shall frame the question to be submitted to the voters of the township in accordance with the election laws of the Commonwealth.
(1931, P.L.1206, No.331, § 1709)

Section 1802. Fire Hydrants and Water Supply [in Townships of the Second Class].--(a) The board of supervisors may place, replace, operate, maintain and repair or contract with water companies or municipal authorities for the placing, replacing, operating, maintaining and repairing of fire hydrants to water mains, maintaining pressures approved by fire insurance underwriters along highways, streets, roads and alleys within the township or provide for or acquire a water supply system equipped to supply sufficient water for the protection of property from fire. The moneys necessary for providing or acquiring these fire protection services may be obtained by one of the following methods:

(1) The board of supervisors may annually assess the cost of fire protection by an equal assessment upon all property, whether or not exempt from taxation by existing law, within seven hundred and eighty feet of any fire hydrant based upon the assessment of property for county tax purposes.

(2) The board of supervisors may annually assess the cost of fire protection by an equal assessment on all property, whether or not exempt from taxation under existing law, abutting upon highways, streets, roads and alleys within seven hundred and eighty feet of any fire hydrant in proportion to the number of feet the property abuts any water main or within seven hundred and eighty feet of any fire hydrant on the water main. The board of supervisors may provide for an equitable reduction from the frontage of lots at intersections or where, due to the irregular shape of lots, an assessment of the full frontage would be inequitable.

(3) The board of supervisors may pay the cost for fire protection out of the general township fund. If the board of supervisors elects to pay the cost of fire protection services out of the general fund, any special fire protection districts and annual assessments shall be abolished. All moneys in the separate accounts for the special fire protection districts shall be paid into the general fund.

(b) When assessments are made under this section, no assessment shall be made against any farmland or an airport which is privately owned and which is not open nor intended to be open to the public; but vacant lots between built-up sections, either tilled or not tilled, are not farmland.

(c) All assessments for fire protection shall be collected by the tax collector under section 3301(a).

(d) The assessment may be billed on the annual real estate tax bill for township purposes if authorized by the board of supervisors.
(1933, P.L.103, No.69, § 1802)

Section 3205. Township and Special Tax Levies [in Townships of the Second Class].--(a) The board of supervisors may by resolution levy taxes upon all real property within the township made taxable for township purposes, as ascertained by the last adjusted valuation for county purposes, for the purposes and at the rates specified in this section. All taxes shall be collected in cash.

* * *

(4) An annual tax not exceeding three mills to purchase and maintain fire apparatus and a suitable place to house fire apparatus, to make appropriations to fire companies located inside and outside the township, to make appropriations for the training of fire company personnel and

for fire training schools or centers and to contract with adjacent municipal corporations or volunteer fire companies therein for fire protection.

(i) The township may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this clause for the purpose of paying salaries, benefits or other compensation of fire suppression employes of the township or a fire company serving the township.

(ii) If an annual tax is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the township.

(5) A tax not exceeding two mills to establish and maintain fire hydrants and fire hydrant water service.

* * *

(7) An annual tax sufficient to pay interest and principal on any indebtedness incurred under 53 Pa.C.S. Pt. VII Subpt. B (relating to indebtedness and borrowing).

(8) An annual tax not exceeding one-half mill to support ambulance, rescue and other emergency services serving the township.

* * *

(1933, P.L.103, No.69, § 3205)

Section 3301. Assessments Collected by Tax Collector [in Townships of the Second Class].--(a) When any assessment for street lights, fire hydrant service, police protection or other service is implemented by the board of supervisors and charged to the tax collector for collection, assessments for the service shall be filed with the township tax collector. The tax collector shall give thirty days' notice that the assessments are due and payable. The notice shall state the due date to each party assessed and be served by mailing notice to the owner of the property. The tax collector is entitled to the same commission for the collection of these assessments as for the collection of the general township tax. If any assessment remains unpaid ninety days after the due date, it shall be turned over to the township solicitor for collection by means of an action in assumpsit for recovery or a municipal lien filed against the property of the delinquent owner for the amount of the unpaid assessment, plus interest established by the board of supervisors from the date the assessment was due. If an owner has two or more lots against which there is an assessment for the same year, the lots shall be embraced in one claim. Assessments, when collected, shall be paid over to the township treasurer, who shall deposit and keep them in a separate account, to be paid out only for expenses incurred in providing the service. Each special assessment account shall be audited by the board of auditors of the township.

* * *

(1933, P.L.103, No.69, § 3301)

Section 204. Exemptions from Taxation [under The General County Assessment Law].--(a) The following property shall be exempt from all county, city, borough, town, township, road, poor and school tax, to wit:

* * *

(3) All hospitals, universities, colleges, seminaries, academies, associations and institutions of learning, benevolence, or charity, including fire and rescue stations, with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same, founded, endowed, and maintained by public or private charity: Provided, That the entire revenue derived by the same be applied to the support and to increase the efficiency and facilities thereof, the repair and the necessary increase of grounds and buildings thereof, and for no other purpose: And provided further, That any charitable organization providing residential housing services in which the charitable nonprofit organization receives subsidies for at least ninety-five per centum of the residential housing units from a low-income Federal housing program shall remain a "purely public charity" and tax exempt provided that any surplus from such assistance or subsidy is monitored by the appropriate governmental agency and used solely to advance common charitable purposes within the charitable organization;

* * *

(13) All fire and rescue stations which are founded, endowed and maintained by public or private charity, together with the grounds thereto annexed and necessary for the occupancy and enjoyment of the same, and social halls and grounds owned and occupied by fire and rescue stations, used on a regular basis for activities which contribute to the support of fire and rescue stations: Provided, That the net receipts from such activities are used solely for the charitable purposes of the fire and rescue stations.

(b) Except as otherwise provided in clauses (11) and (13) of this section, all property real or personal, other than that which is actually and regularly used and occupied for the purposes specified in this section, and all such property from which any income or revenue is derived, other than from recipients of the bounty of the institution or charity, shall be subject to taxation, except where exempted by law for State purposes, and nothing herein contained shall exempt same therefrom.

* * *

(1933, P.L.853, No.155, § 204)

Section 2. Tax on Mortgages, Judgments, etc. [in School Districts of the First Class A]; Imposition and Rate of Tax; Exceptions.--All personal property of the classes hereinafter enumerated, owned, held, or possessed by any resident, whether such personal property be owned, held, or possessed by such resident in his, her, their or its own right, or as active trustee, agent, attorney-in-fact, or in any other capacity, or by any resident as trustee, agent or attorney-in-fact, jointly with one or more trustees, agents, or attorney-in-fact, domiciled in another state; or within this Commonwealth, but outside the school district levying the tax, where such personal property is held and managed in such school district of the first class A, except as executor or administrator of the estate of a non-resident decedent, and except as trustee for a resident or non-resident religious, charitable or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individuals for the use, benefit or advantage of any other person, copartnership, unincorporated association, company, joint-stock company or association, limited partnership, bank or corporation; and the equitable interest in any such personal property of the classes hereinafter enumerated, owned, held or possessed by any resident, where the legal title to such personal property is vested in a trustee, agent, or attorney-in-fact domiciled in another state, or within this Commonwealth, but outside the school district levying the tax; or where the legal title to such personal property is vested in more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state, or within this Commonwealth, but outside the school district levying the tax, and one or more of whom are domiciled within such school district, such personal property is held and managed in another state, or within this Commonwealth but outside the school district levying the tax, and where such resident is entitled to receive all or part of the income therefrom, is hereby made taxable annually for the year one thousand nine hundred forty-eight, and annually thereafter for public school purposes in school districts of the first class A, and shall be levied upon annually by the board of public education in every such school district at the rate of not less than one (1) nor more than four (4) mills on each dollar of the value thereof, and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor that is to say:

All mortgages, all moneys owing by solvent debtors, whether by promissory note or penal or single bill, bond or judgment, all articles of agreement and accounts bearing interest, all public loans whatsoever, except those issued by this Commonwealth or the United States, and except the public loans and obligations of any county, city, borough, town, township, school district, and incorporated district of this Commonwealth, and except the bonds and obligations of bodies corporate and politic of this Commonwealth known as municipal authorities, all loans issued by any corporation, association, company, or limited partnership, created or formed under the laws of this Commonwealth, or of the United States or of any other state or government, including car-trust securities, and loans secured by bonds or any other form of certificate or evidence of indebtedness, whether the interest be included in the principal of the obligation or payable by the terms thereof, except such loans as are made taxable for state purposes by section 17 of the act, approved the twenty-second day of June, one thousand nine

hundred thirty-five (Pamphlet Laws 414), as reenacted and amended, all shares of stock in any bank, corporation, association, company, or limited partnership created or formed under the laws of this Commonwealth or of the United States or of any other state or government, except shares of stock in any bank, bank and trust company, national banking association, savings institution, corporation, or limited partnership liable to a tax on its shares, or a gross premiums tax, or liable to or relieved from the capital stock or franchise tax for State purposes under the laws of this Commonwealth, and all moneys loaned or invested in other states, territories, the District of Columbia, or foreign countries, all other moneyed capital owing to individual citizens of the school district levying the tax: Provided, That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution, savings institution, or trust company, nor to loans, shares of stock, or other securities held by bankers or brokers solely for trading purposes, nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business, nor to interest bearing accounts in any bank or banking institution, savings institution, employes' thrift or savings association, whether operated by employes or the employer or trust company, nor to personal property held in the commercial department and owned in its own right by a banking institution, savings institution, or trust company in liquidation by a receiver, trustee, or other fiduciary, nor to personal property formerly held by a banking institution in its own right but assigned by it to one or more trustees for liquidation and payment to the creditors, and stockholders of such banking institutions, nor shall this act apply to the proceeds of any life insurance policy held in whole or part by the insurer, nor the principal value of annuities, nor to any personal property held in any trust forming part of a stock, bonus, pension or profit sharing plan of an employer for the exclusive benefit of his employes or their beneficiaries, which trust under the latest ruling of the Commissioner of Internal Revenue is exempted from Federal income tax nor to any personal property held under the provisions of a plan established by or for an individual or individuals for retirement purposes if such plan meets the requirements for exemption from Federal income tax of income earned on investments held under its provisions: And provided further, That the provisions of this act [the act of June 20, 1947, P.L.733, No.319] shall not apply to building and loan associations, or to shares of stock issued by building and loan associations, or to savings institutions having no capital stock, and if at any time, either now or hereafter, any persons, individuals or bodies corporate have agreed, or shall hereafter agree, to issue his, their or its securities, bonds or other evidences of indebtedness clear of, and free from, the tax herein provided for, or any part thereof, or have agreed or shall hereafter agree to pay the same, nothing herein contained shall be so construed as to relieve or exempt him, it, or them, from paying the tax on any of such securities, bonds or other evidences of indebtedness as may be held, owned by, or owing to, the said savings institution having no capital stock: And provided further, That the provisions of this act shall not apply to fire companies, firemen's relief associations, life, casualty or fire insurance corporations having no capital stock, secret and beneficial societies, labor unions, and labor union relief associations, and all beneficial organizations paying sick or death benefits, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies or unions: And provided, further, That corporations, limited partnerships, and joint-stock associations liable to tax on their shares, or the aforesaid capital stock or franchise tax for State purposes, shall not be required to make any report, or pay any further tax under this section on the mortgages, bonds and other securities owned by them in their own right, but corporations, limited partnerships, and joint-stock associations holding such securities as trustees, executors, administrators, guardians, or in any other manner, except as mere custodian for the real owner, and except as executor or administrator of the estate of a nonresident decedent, and except as trustee for a resident or nonresident religious, charitable, or educational organization, no part of the net earnings which inures to the benefit of any private stockholder or individual shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals: And provided, further, That the provisions of this section shall not apply to personal property of the classes hereinabove enumerated, received or acquired with proceeds of money or property received from any person or persons, copartnership or unincorporated association, or company nonresident in, or not located within such school district, or from any joint-stock

company or association, limited partnership, bank or corporation, formed, erected or incorporated by, under, or in pursuance of any law of the United States or of any state or government other than this Commonwealth by any person or persons, copartnership, unincorporated association, company, joint-stock company, or association, limited partnership, bank or corporation, as active trustee, agent, attorney-in-fact, or in any other capacity for the use, benefit, or advantage of any person or persons, copartnership, or unincorporated association or company, nonresident in, or not located within, such school district, or for the use, benefit, or advantage of any joint-stock company or association, limited partnership, bank, or corporation formed, erected or incorporated by, under, or in pursuance of any law of the United States or of any state or government other than this Commonwealth, nor shall the provisions of this section apply to personal property held for the use, benefit or advantage of any resident who shall have, in each of the ten preceding calendar years, given or contributed all of his net income to any corporation organized or operated exclusively for religious, charitable, scientific, literary or educational purposes.

The value of the equitable interest in any personal property, made subject to tax by this section, shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest or in case of divided equitable interests in the same personal property, then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein.

The value of any taxable shares of stock issued by any regulated investment company, as defined under the provisions of the Federal Internal Revenue Code in effect during the year for which the tax return is filed, shall be that part of the current value of said shares to be determined by multiplying said current value by a fraction the numerator of which shall be the total value of so much of the personal property owned by the regulated investment company as would be taxable by this act if owned by a resident of Pennsylvania and the denominator of which shall be the total value of all of the personal property owned by the regulated investment company.
(1947, P.L.733, No.319, § 2)

Section 2. Tax on Mortgages, Judgments, etc. [in School Districts of the First Class]; Imposition and Rate of Tax; Exceptions.--Except in any school district of the first class in which a tax on nonbusiness income from personal property, including but not limited to a tax on the interest or dividends from securities, is levied and in which the personal property tax authorized by this act of May 23, 1949 (P.L.1676), as amended, has not been levied for the year all personal property of the classes hereinafter enumerated, owned, held, or possessed by, any resident, whether such personal property be owned, held, or possessed by such resident in his, her, their, or its, own right, or as active trustee, agent, attorney-in-fact, or in any other capacity, or by any resident as trustee, agent or attorney-in-fact, jointly with one or more trustees, agents or attorneys-in-fact, domiciled in another state, or within this Commonwealth, but outside the school district levying the tax, where such personal property is held and managed in such school district of the first class, except as executor or administrator of the estate of a non-resident decedent, and except as trustee for a resident or non-resident religious, charitable, or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individuals for the use, benefit or advantage of any other person, copartnership, unincorporated association, company, joint-stock company or association, limited partnership, bank or corporation; and the equitable interest in any such personal property of the classes hereinafter enumerated, owned, held, or possessed by, any resident, where the legal title to such personal property is vested in a trustee, agent or attorney-in-fact domiciled in another state, or within this Commonwealth, but outside the school district levying the tax; or where the legal title to such personal property is vested in more than one trustee, agent or attorney-in-fact, one or more of whom are domiciled in another state, or within this Commonwealth, but outside the school district, levying the tax, and one or more of whom are domiciled within such school district, such personal property is held and managed in another state, or within this Commonwealth, but outside the school district levying the tax, and where such resident is entitled to receive all or part of the income therefrom, is hereby made

taxable annually for the year one thousand nine hundred fifty, and annually thereafter, for public school purposes in school districts of the first class, and shall be levied upon annually by the board of public education in every such school district at the rate of not less than one (1) nor more than four (4) mills on each dollar of the value thereof, and no failure to assess or return the same shall discharge such owner or holder thereof from liability therefor, that is to say:

All mortgages, all moneys owing by solvent debtors, whether by promissory note or penal or single bill, bond or judgment, all articles of agreement and accounts bearing interest, all public loans whatsoever, except those issued by this Commonwealth or the United States, and except the public loans and obligations of any county, city, borough, town, township, school district, and incorporated district of this Commonwealth, and except the bonds and obligations of bodies corporate and politic of this Commonwealth, known as municipal authorities; all loans issued by any corporation, association, company or limited partnership, created or formed under the laws of this Commonwealth, or of the United States or of any other state or government, including car-trust securities, and loans secured by bonds, or any other form of certificate or evidence of indebtedness, whether the interest be included in the principal of the obligation or payable by the terms thereof, and all scrip, bonds, certificates and evidences of indebtedness issued, and all scrip, bonds, certificates and evidences of indebtedness assumed, or on which interest shall be paid by any and every private corporation, incorporated or created under the laws of this Commonwealth, or the laws of any other state or of the United States, and doing business in any school district of the first class levying the tax, except first class or nonprofit corporations; all shares of stock in any bank, corporation, association, company, or limited partnership, created or formed under the laws of this Commonwealth or of the United States or of any other state or government, except shares of stock in any bank, bank and trust company, national banking association, savings institutions, corporation, or limited partnership, liable to a tax on its shares, or a gross premiums tax, or liable to or relieved from the capital stock or franchise tax for State purposes under the laws of this Commonwealth, and all moneys loaned or invested in other states, territories, the District of Columbia, or foreign countries; all other moneyed capital owing to individual citizens of the school district levying the tax: Provided, That this section shall not apply to bank notes or notes discounted or negotiated by any bank or banking institution, savings institution or trust company, nor to loans, shares of stock, or other securities, held by bankers or brokers solely for trading purposes, nor to accounts or debit balances owing by customers of bankers or brokers in the usual courses of business, nor to interest bearing accounts in any bank or banking institution, savings institution, employes thrift or savings association, whether operated by employes or the employer or trust company, nor to personal property held in the commercial department and owned in its own right by a banking institution, savings institution, or trust company in liquidation by a receiver, trustee, or other fiduciary, nor to personal property formerly held by a banking institution in its own right but assigned by it to one or more trustees for liquidation and payment to the creditors and stockholders of such banking institutions, nor shall this act apply to the proceeds of any life insurance policy held in whole or part by the insurer, nor the principal value of annuities, nor to any personal property held in any trust forming part of a stock, bonus, pension or profit sharing plan of an employer for the exclusive benefit of his employes or their beneficiaries, which trust, under the latest ruling of the Commissioner of Internal Revenue, is exempted from Federal income tax, nor to any personal property held under the provisions of a plan established by or for an individual or individuals for retirement purposes if such plan meets the requirements for exemption from Federal income tax of income earned on investments held under its provisions: And provided further, That the provisions of this act [the act of May 23, 1949, P.L.1676, No.509] shall not apply to building and loan associations or to shares of stock issued by building and loan associations, or to savings institutions having no capital stock, and if at any time, either now or hereafter, any persons, individuals or bodies corporate have agreed or shall hereafter agree to issue his, their, or its securities, bonds, or other evidences of indebtedness, clear of and free from the tax herein provided for, or any part thereof, or have agreed or shall hereafter agree to pay the same, nothing herein contained shall be so construed as to relieve or exempt him, it, or them, from paying the tax on any of such securities, bonds, or other evidences of indebtedness as may be held, owned by, or owing to, the said savings institution having no

capital stock: And provided further, That the provisions of this act shall not apply to fire companies, firemen's relief associations, life, casualty, or fire insurance corporations having no capital stock, secret and beneficial societies, labor unions and labor union relief associations, and all beneficial organizations paying sick or death benefits, or either or both, from funds received from voluntary contributions or assessments upon members of such associations, societies or unions: And provided further, That corporations, limited partnerships and joint-stock associations liable to tax on their shares, or the aforesaid capital stock or franchise tax, for State purposes, shall not be required to make any report, or pay any further tax under this section on the mortgages, bonds and other securities owned by them in their own right, but corporations, limited partnerships and joint-stock associations holding such securities as trustees, executors, administrators, guardians, or in any other manner, except as executor or administrator of the estate of a nonresident decedent, and except as trustee for a resident or nonresident religious, charitable or educational organization, no part of the net earnings of which inures to the benefit of any private stockholder or individual, shall return and pay the tax imposed by this section upon all securities so held by them as in the case of individuals: And provided further, That the provisions of this section shall not apply to personal property of the classes hereinabove enumerated, received or acquired with proceeds of money or property received from any person or persons, copartnership, or unincorporated association or company nonresident in, or not located within, such school district, or from any joint-stock company or association, limited partnership, bank or corporation formed, erected, or incorporated, by, under, or in pursuance of, any law of the United States or of any state or government other than this Commonwealth, by any person or persons, copartnership, unincorporated association, company, joint-stock company or association, limited partnership, bank, or corporation, as active trustee, agent, attorney-in-fact, or in any other capacity, for the use, benefit or advantage of any person or persons, copartnership, or unincorporated association or company nonresident in, or not located within, such school district, or for the use, benefit or advantage of any joint-stock company or association, limited partnership, bank or corporation, formed, erected, or incorporated, by, under, or in pursuance of, any law of the United States or of any state or government other than this Commonwealth, nor shall the provisions of this section apply to personal property held for the use, benefit or advantage of any resident who shall have, in each of the ten preceding calendar years, given or contributed all of his net income to any corporation organized or operated exclusively for religious, charitable, scientific, literary, or educational purposes.

The value of the equitable interest in any personal property made subject to tax by this section shall be measured by ascertaining the value of the personal property in which such resident has the sole equitable interest, or in case of divided equitable interests in the same personal property, then by ascertaining such part of the value of the whole of such personal property as represents the equitable interest of such resident therein.

The value of any taxable shares of stock issued by any regulated investment company, as defined under the provisions of the Federal Internal Revenue Code of 1948, shall be that part of the current value of said shares to be determined by multiplying said current value by a fraction, the numerator of which shall be the total value of so much of the personal property owned by the regulated investment company as would be taxable by this act if owned by a resident of Pennsylvania and the denominator of which shall be the total value of all of the personal property owned by the regulated investment company.
(1949, P.L.1676, No.509, § 2)

Section 301.1. Delegation of Taxing Powers and Restrictions Thereon.--* * *

(f) Such local authorities shall not have authority by virtue of this act [The Local Tax Enabling Act]:

* * *

(9) To levy, assess or collect any tax on individuals for the privilege of engaging in an occupation except that such a tax, to be known as the local services tax, may be levied, assessed and collected only by the political subdivision of the taxpayer's place of employment. The following apply:

* * *

(ii) If a school district levied an emergency and municipal services tax on the effective date of this subclause, the school district may continue to levy the local services tax in the same amount the school district collected on the effective date of this subclause. However, if a municipality located in whole or in part within the school district subsequently levies the local services tax, the school district may only collect five dollars ($5) on persons employed within the municipality each calendar year. A school district that did not levy an emergency and municipal services tax on the effective date of this subclause shall be prohibited from levying the local services tax. If a school district and a municipality located in whole or in part within the school district both levy a local services tax at a combined rate exceeding ten dollars ($10), the school district's pro rata share of the aggregate local services taxes levied on persons employed within the municipality shall be collected by the municipality or its tax officer based on payroll periods as provided under subclause (i) and shall be paid to the school district on a quarterly basis within sixty days of receipt by the municipality or its tax officer.

(iii) Except as provided in subclause (ii), no person shall be subject to the payment of the local services tax by more than one political subdivision during each payroll period as established by subclause (iv).

* * *

(1965, P.L.1257, No.511, § 301.1)

Section 330. Restricted Use.--(a) Any municipality deriving funds from the local services tax may only use the funds for:

(1) Emergency services, which shall include emergency medical services, police services and fire services.

* * *

(1965, P.L.1257, No.511, § 330)

Section 702. Collection of Delinquent Per Capita, Occupation, Occupational Privilege, Emergency and Municipal Services, Local Services and Income Taxes from Employers, etc.--The tax collector under Chapter 3 and the tax officer under Chapter 5 shall demand, receive and collect from all employers, other than the Commonwealth, employing persons owing delinquent per capita, occupation or occupational privilege taxes under Chapter 3 or emergency and municipal services, local services and income taxes under Chapter 5, or whose spouse owes delinquent per capita, occupation or occupational privilege taxes under Chapter 3 or emergency and municipal services, local services and income taxes under Chapter 5, or having in possession unpaid commissions or earnings belonging to any person or persons owing delinquent per capita, occupation or occupational privilege taxes under Chapter 3 or emergency and municipal services, local services and income taxes under Chapter 5, or whose spouse owes delinquent per capita, occupation or occupational privilege taxes under Chapter 3 or emergency and municipal services, local services and income taxes under Chapter 5, upon the presentation of a written notice and demand certifying that the information contained therein is true and correct and containing the name of the taxable or the spouse thereof and the amount of tax due. Upon the presentation of such written notice and demand, it shall be the duty of any employer to deduct from the wages, commissions or earnings of such individual employes, then owing or that shall within sixty days thereafter become due, or from any unpaid commissions or earnings of any such taxable in the employer's possession, or that shall within sixty days thereafter come into the employer's possession, a sum sufficient to pay the respective amount of the delinquent taxes and costs, shown upon the written notice or demand, and to pay the same to the tax collector of the taxing district or to the tax officer for the tax collection district in which such delinquent tax was levied within sixty days after such notice shall have been given. No more than ten percent of the wages, commissions or earnings of the delinquent taxpayer or spouse thereof may be deducted at any one time for delinquent taxes and costs. The employer shall be entitled to deduct from the moneys collected from each employe the costs incurred from the extra bookkeeping necessary to record such transactions, not exceeding two percent of the amount of money so collected and paid over to the tax

collector or tax officer. Upon the failure of any employer to deduct the amount of such taxes or to pay the same over to the tax collector or tax officer, less the cost of bookkeeping involved in such transaction, as herein provided, within the time hereby required, the employer shall forfeit and pay the amount of such tax for each such taxable whose taxes are not withheld and paid over, or that are withheld and not paid over together with a penalty of ten percent added thereto, to be recovered by an action of assumpsit in a suit to be instituted by the tax collector or tax officer, or by the proper authorities of the taxing district or tax collection district, as debts of like amount are now by law recoverable, except that such person shall not have the benefit of any stay of execution or exemption law. The tax collector or tax officer shall not proceed against a spouse or the spouse's employer until the tax collector or tax officer has pursued collection remedies against the delinquent taxpayer and his employer under this section.
(1965, P.L.1257, No.511, § 702)

Section 703. Collection of Delinquent Per Capita, Occupation, Occupational Privilege, Emergency and Municipal Services, Local Services and Income Taxes from the Commonwealth.--Upon presentation of a written notice and demand under oath or affirmation, to the State Treasurer or any other fiscal officer of the State, or its boards, authorities, agencies or commissions, it shall be the duty of the treasurer or officer to deduct from the wages then owing, or that shall within sixty days thereafter become due to any employe, a sum sufficient to pay the respective amount of the delinquent per capita, occupation or occupational privilege, emergency and municipal services, local services under Chapter 3 and income taxes under Chapter 5 and costs shown on the written notice. The same shall be paid to the tax collector or the tax officer of the tax collection district of the taxing district in which said delinquent tax was levied within sixty days after such notice shall have been given.
(1965, P.L.1257, No.511, § 703)

Section 707. Costs of Collection of Delinquent Per Capita, Occupation, Occupational Privilege, Emergency and Municipal Services, Local Services and Income Taxes.--(a) A bureau, political subdivision or private agency designated by a governing body of a political subdivision or a tax collection district to collect and administer per capita, occupation or occupational privilege, emergency and municipal services, local services taxes under Chapter 3 or income taxes under Chapter 5 may impose and collect the reasonable costs incurred to provide notices of delinquency or to implement similar procedures utilized to collect delinquent taxes from a taxpayer as approved by the governing body of the political subdivision or the tax collection committee. Reasonable costs collected may be retained by the tax collector under Chapter 3 or the tax officer under Chapter 5. An itemized accounting of all costs collected shall be remitted to the political subdivision or the tax collection committee on an annual basis.

(b) Costs related to the collection of unpaid per capita, occupation, occupational privilege, emergency and municipal services or local services taxes may only be assessed, levied and collected for five years from the last day of the calendar year in which the tax was due.

* * *

(1965, P.L.1257, No.511, § 707)

Section 204. Exclusions from [Sales and Use] Tax.--The tax imposed by section 202 shall not be imposed upon any of the following:

* * *

(10) The sale at retail to or use by (i) any charitable organization, volunteer firemen's organization, volunteer firefighters' relief association as defined in 35 Pa.C.S. § 7412 (relating to definitions) or nonprofit educational institution, or (ii) a religious organization for religious purposes of tangible personal property or services other than pursuant to a construction contract: Provided, however, That the exclusion of this clause shall not apply with respect to any tangible personal property or services used in any unrelated trade or business carried on by such organization or institution or with respect to any materials, supplies and equipment used and transferred to such organization or institution in the construction, reconstruction, remodeling, renovation, repairs and maintenance of any real estate structure, other than

building machinery and equipment, except materials and supplies when purchased by such organizations or institutions for routine maintenance and repairs. If the department has issued sales tax-exempt status to a volunteer firefighters' organization or a volunteer firefighters' relief association, the sales tax-exempt status may not expire unless the activities of the organization or association change so that the organization or association does not qualify as an institution of purely public charity in which case the organization or association shall immediately notify the department of the change. If the department ascertains that an organization or association no longer qualifies as an institution of purely public charity, the department may revoke the sales tax-exempt status of the organization or association.

* * *

(13) The sale at retail, or use of wrapping paper, wrapping twine, bags, cartons, tape, rope, labels, nonreturnable containers, all other wrapping supplies and kegs used to contain malt or brewed beverages, when such use is incidental to the delivery of any personal property, except that any charge for wrapping or packaging shall be subject to tax at the rate imposed by section 202, unless the property wrapped or packaged will be resold by the purchaser of the wrapping or packaging service. As used in this paragraph, the term "cartons" includes corrugated boxes used by a person engaged in the manufacture of snack food products to deliver the manufactured product, whether or not the boxes are returnable for potential reuse.

* * *

(49) The sale at retail or use of food and beverages by nonprofit associations which support sports programs or youth centers. For purposes of this clause, the phrases:

(i) "nonprofit association" means an entity which is organized as a nonprofit corporation or nonprofit unincorporated association under the laws of this Commonwealth or the United States or any entity which is authorized to do business in this Commonwealth as a nonprofit corporation or unincorporated association under the laws of this Commonwealth, including, but not limited to, youth or athletic associations, volunteer fire, ambulance, religious, charitable, fraternal, veterans, civic, or any separately chartered auxiliary of the foregoing, if organized and operated on a nonprofit basis;

* * *

(57) The sale at retail to or use by a construction contractor of building machinery and equipment and services thereto that are:

(i) transferred pursuant to a construction contract for any charitable organization, volunteer firemen's organization, volunteer firefighters' relief association, nonprofit educational institution or religious organization for religious purposes, provided that the building machinery and equipment and services thereto are not used in any unrelated trade or business; or

* * *

(71) The sale at retail or use of food and beverages by a volunteer firemen's organization to raise funds for the purposes of the volunteer firemen's organization.

* * *

(1971, P.L.6, No.2, § 204)

Section 237. Collection of [Sales and Use] Tax.--* * *

(c) Exemption Certificates. If the tax does not apply to the sale or lease of tangible personal property or services, the purchaser or lessee shall furnish to the vendor a certificate indicating that the sale is not legally subject to the tax. The certificate shall be in substantially such form as the department may, by regulation, prescribe. Where the tangible personal property or service is of a type which is never subject to the tax imposed or where the sale or lease is in interstate commerce, such certificate need not be furnished. Where a series of transactions are not subject to tax, a purchaser or user may furnish the vendor with a single exemption certificate in substantially such form and valid for such period of time as the department may, by regulation, prescribe. The department shall provide all school districts and intermediate units with a permanent tax exemption number. An exemption certificate, which is complete and regular and on its face discloses a valid basis of exemption if taken in good faith, shall relieve the vendor from the liability imposed by this section. An exemption certificate accepted by a vendor from a natural person domiciled within this Commonwealth or any

association, fiduciary, partnership, corporation or other entity, either authorized to do business within this Commonwealth or having an established place of business within this Commonwealth, in the ordinary course of the vendor's business, which on its face discloses a valid basis of exemption consistent with the activity of the purchaser and character of the property or service being purchased or which is provided to the vendor by a charitable, religious, educational, volunteer firefighters' relief association or volunteer firemen's organization and contains the organization's charitable exemption number and which, in the case of any purchase costing two hundred dollars ($200) or more, is accompanied by a sworn declaration on a form to be provided by the department of an intended usage of the property or service which would render it nontaxable, shall be presumed to be taken in good faith and the burden of proving otherwise shall be on the Department of Revenue.

* * *

(1971, P.L.6, No.2, § 237)

Section 303. Classes of Income.--(a) The classes of income referred to above are as follows:

(1) Compensation.

(i) All salaries, wages, commissions, bonuses and incentive payments whether based on profits or otherwise, fees, tips and similar remuneration received for services rendered whether directly or through an agent and whether in cash or in property except income derived from the United States Government for active duty outside the Commonwealth of Pennsylvania as a member of its armed forces and income from the United States Government or the Commonwealth of Pennsylvania for active State duty for emergency within or outside the Commonwealth of Pennsylvania, including duty ordered pursuant to 35 Pa.C.S. Ch. 76 (relating to Emergency Management Assistance Compact).

* * *

(1971, P.L.6, No.2, § 303)

Section 902. [Insurance premiums tax] * * *

(b) Disposition of Taxes.--The taxes paid by foreign fire insurance companies under this article [Article IX of the Tax Reform Code of 1971] shall continue to be distributed and used for firemen's relief pension or retirement purposes, as provided by section two of the act, approved the twenty-eighth day of June, one thousand eight hundred ninety-five (Pamphlet Laws 408), as amended; and the taxes paid by foreign casualty insurance companies under this article shall continue to be distributed and used for police pension, retirement or disability purposes as provided by the act, approved the twelfth day of May, one thousand nine hundred forty-three (Pamphlet Laws 259), as amended.

* * *

(1971, P.L.6, No.2, § 902)

Section 902.1. Credits for Assessments Paid.--* * *

(d) The credits allowed by this section shall not reduce the amounts which would otherwise be payable for firemen's relief pension or retirement purposes or for police pension, retirement or disability purposes. The department shall transfer by June 30 of each fiscal year an amount equal to the credits taken under this section by foreign fire and casualty insurance companies from the General Fund to the Municipal Pension Aid Fund and the Fire Insurance Tax Fund, as appropriate.

* * *

(1971, P.L.6, No.2, § 902.1)

Section 2413. Disposition of certain funds.

(a) Transfer.--One-sixth of the tax collected under this article [Article XXIX of the Tax Reform Code of 1971] in a fiscal year, not to exceed $2,000,000, shall be transferred annually for use as follows:

* * *

(2) Twenty-five percent of the amount transferred under this subsection shall be deposited into a special account in the State Treasury designated as the Online Training Educator and Training Reimbursement Account for the purposes of developing, delivering and sustaining training programs for volunteer firefighters in this Commonwealth.

(3) (Repealed).

* * *

(1971, P.L.6, No.2, § 2413)

Section 3003.5. Refund Petitions.--(a) Effective January 1, 1995, petitions for refund of taxes, penalties, fines, additions and other moneys collected by the Department of Revenue except those claims for refunds of liquid fuels taxes paid by political subdivisions, farmers, nonpublic schools not operated for profit, volunteer fire companies, volunteer rescue squads, volunteer ambulance services, users of liquid fuel in propeller-driven aircraft or engines and agencies of the Federal Government and of the Commonwealth and the Boat Fund of the Pennsylvania Fish and Boat Commission shall be heard and determined by the Department of Revenue as provided in the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code," and the Department of Revenue shall thereafter have, except as set forth in Article XXVII, the powers and duties formerly granted to the Board of Finance and Revenue with respect to such refunds. Also effective January 1, 1995, the Board of Finance and Revenue shall no longer have the power and duty to hear and determine any petition for refund of taxes, penalties, fines, additions or other moneys collected by the Department of Revenue, except that thereafter the board may either hear and determine any such petitions filed with it prior to January 1, 1995, or it may transfer such petitions to the Department of Revenue.

* * *

(1971, P.L.6, No.2, § 3003.5)

Section 8. Roll-Back Taxes; Special Circumstances [under Pennsylvania Farmland and Forest Land Assessment Act of 1974].--* * *

(b) Unpaid roll-back taxes shall be a lien upon the property collectible in the manner provided by law for the collection of delinquent taxes. Roll-back taxes shall become due on the date of change of use or on the date a well site restoration report is filed with the county assessor under section 6(c.1)(3), or with regard to a wind power generation system under section 6(c.2), on the date the notice of the installation of the system is received by the county assessor, or any other termination of preferential assessment and shall be paid by the owner of the land at the time of change in use, or any other termination of preferential assessment, to the county treasurer or to the tax claim bureau, as the case may be, whose responsibility it shall be to make proper distribution of the taxes to the taxing bodies wherein the property is located. Nothing in this section shall be construed to require the taxing body of a taxing district in which land enrolled in preferential use is situated to accept the roll-back taxes due and payable to that taxing district if the use of the land is changed for the purpose of granting or donating such land to:

* * *

(4) a volunteer fire company;

(5) a volunteer ambulance service;

* * *

(1974, P.L.973, No.319, § 8)

Section 518. Keystone opportunity zone job tax credit, keystone opportunity improvement zone job tax credit or keystone opportunity expansion zone job tax credit.

* * *

(l) Hold-harmless clause.--The tax credits allowed by this section shall not reduce the amounts which would otherwise be payable for firemen's relief pension or retirement purposes or for police pension retirement or disability purposes. The Department of Revenue shall transfer by June 30 of each fiscal year an amount equal to the tax credits taken under this

section by foreign fire and casualty insurance companies from the General Fund to the Municipal Pension Aid Fund and the Fire Insurance Tax Fund, as appropriate.
(1998, P.L.705, No.92, § 518)

Section 4. Maternal Mortality Review Committee.

* * *

(b) Members.--The committee shall consist of the following members:

* * *

(10) An emergency medical services provider.

* * *

(2018, P.L.118, No.24, § 4)

Section 5. Purpose and duties of [Maternal Mortality Review] committee.

* * *

(b) Duties.--The following apply:

* * *

(2) In conducting a review of a maternal death case, the committee may review the following:

* * *

(v) Information made available by firefighters or emergency services personnel.

* * *

(viii) Emergency medical services records.

* * *

(2018, P.L.118, No.24, § 5)

§ 1302. Tax levy [in boroughs].

(a) Authority.--The council of the borough shall have power, by resolution for taxes levied at the same rate as or a rate lower than the previous fiscal year, and by ordinance if the tax rate increases from the previous fiscal year, to levy and collect annually a tax not exceeding 30 mills for general borough purposes, unless the council by majority action, upon due cause shown by resolution, petitions the court of common pleas, in which case the court may order a rate of not more than five mills additional to be levied and in addition any of the following taxes:

* * *

(6) For the purchase of fire engines, fire apparatus and fire hose for the use of the borough or for assisting any fire company in the borough in the purchase, renewal or repair of any of its fire engines, fire apparatus or fire hose, for the purposes of making appropriations to fire companies both within and without the borough and of contracting with adjacent municipalities or volunteer fire companies in adjacent municipalities for fire protection, for the training of fire personnel and payments to fire training schools and centers or for the purchase of land upon which to erect a firehouse, or for the erection and maintenance of a firehouse or fire training school and center, not exceeding three mills. The following shall apply:

(i) The borough may appropriate up to one-half, but not to exceed one mill, of the revenue generated from a tax under this paragraph for the purpose of paying salaries, benefits or other compensation of fire suppression employees of the borough or a fire company serving the borough.

(ii) If an annual tax for the purposes specified in this paragraph is proposed to be set at a level higher than three mills, the question shall be submitted to the voters of the borough, and the county board of elections shall frame the question in accordance with the election laws of this Commonwealth for submission to the voters of the borough.

(7) For building a firehouse, fire training school and center, lockup or municipal building, not exceeding two mills, additional millage permitted only following a favorable referendum on the matter held in accordance with the election laws of this Commonwealth.

* * *

(9) For the purpose of supporting ambulance, rescue and other emergency services serving the borough, not to exceed one-half mill, except as provided in subsection (e). The borough may appropriate up to one-half of the revenue generated from a tax under this paragraph for the purpose of paying salaries, benefits or other compensation of employees of the ambulance, rescue or other emergency service.

* * *

(e) Tax for ambulance and rescue squads.--The tax for supporting ambulance and rescue squads serving the borough shall not exceed the rate specified in subsection (a)(9) except when the question is submitted to the voters of the borough in the form of a referendum which will appear on the ballot in accordance with the election laws of the Commonwealth, in which case the rate shall not exceed two mills. The county board of elections shall frame the question to be submitted to the voters of the borough in accordance with the election laws of this Commonwealth.
(8 Pa.C.S. § 1302)

§ 2105. Exemptions.

(a) General rule.--The requirements of this chapter [75 Pa.C.S. Ch. 21 (relating to motor carriers road tax identification markers)] and Chapter 96 (relating to motor carriers road tax) do not apply to the following vehicles:

* * *

(3) An emergency vehicle as defined by section 102 (relating to definitions).

* * *

(75 Pa.C.S. § 2105)

§ 9004. Imposition of tax, exemptions and deductions.

* * *

(e) Exceptions [to liquid fuels, fuels and alternative fuels tax].--The tax imposed under subsections (b), (c) and (d) shall not apply to liquid fuels, fuels or alternative fuels:

* * *

(4) Delivered to this Commonwealth, a political subdivision, a volunteer fire company, a volunteer ambulance service, a volunteer rescue squad, a second class county port authority or a nonpublic school not operated for profit on presentation of evidence satisfactory to the department [of Revenue].

* * *

(75 Pa.C.S. § 9004)

§ 9017. Refunds.

* * *

(b) Farm tractors and volunteer fire rescue and ambulance services.--A person shall be reimbursed the full amount of the tax imposed by this chapter [75 Pa.C.S. Ch. 90 (relating to liquid fuels and fuels tax)] if the person uses or buys liquid fuels or fuels on which the tax imposed by this chapter has been paid and consumes them:

* * *

(2) in the operation of a vehicle of a volunteer fire company, volunteer ambulance service or volunteer rescue squad.

* * *

(75 Pa.C.S. § 9017)

PART XIII. TRAINING

Section 1803. Fire Companies, Facilities and Training [in Townships of the Second Class].--(a) The board of supervisors may appropriate moneys for the use of the township or to fire companies located in the township for the operation and maintenance of fire companies, for the purchase and maintenance of fire apparatus, for the construction, repair and maintenance

of fire company houses, for training of fire company personnel and, as set forth in this section, for fire training schools or centers in order to secure fire protection for the inhabitants of the township. The fire companies shall submit to the board of supervisors an annual report of the use of the appropriated moneys for each completed year of the township before any further payments may be made to the fire companies for the current year.

(b) The board of supervisors may by ordinance make rules and regulations for the government of fire companies which are located within the township and their officers.

(c) The board of supervisors may contract with or make grants to near or adjacent municipal corporations or volunteer fire companies therein for fire protection in the township.

(d) No volunteer fire company not in existence in the township before the effective date of this act [the Second Class Township Code] may organize or operate unless the establishment or organization is approved by resolution of the board of supervisors.

(e) The board of supervisors may annually appropriate funds to fire companies located within the township for the training of its personnel and to lawfully organized or incorporated county or regional firemen's associations or an entity created pursuant to the act of July 12, 1972 (P.L.762, No.180), referred to as the Intergovernmental Cooperation Law, to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of fire departments and volunteer fire companies in any city, borough, town or township within this Commonwealth.
(1933, P.L.103, No.69, § 1803)

Section 1550. Firefighter and Emergency Service Training.--(a) Beginning with the 2003-2004 school year and each school year thereafter, a school district may offer firefighter and emergency service training as credit-earning courses to students of the age of sixteen (16) years or older. Such courses may include:

(1) Training as a Firefighter I from the National Board on Fire Service Professional Qualifications.

(2) Training as an emergency medical technician pursuant to the act of July 3, 1985 (P.L.164, No.45), known as the "Emergency Medical Services Act."

(b) A school district that offers firefighter and emergency service training as credit-earning courses shall provide transportation to and supervision during any firefighter and emergency service training program that takes place off school grounds. Supervision of training shall be conducted as a cooperative education program in accordance with the provisions of 22 Pa. Code § 11.28 (relating to out-of-school programs).
(1949, P.L.30, No.14, § 1550)

Section 2152. Fire Training Schools [in Counties of the Second Class and Second Class A].--The county commissioners may appropriate annually funds to lawfully organized or incorporated county or regional firemen's associations to establish, equip, maintain and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of paid fire departments and volunteer fire companies in any city, borough, town or township within the county.

Whenever a firemen's association is comprised of two or more counties or contemplates operation of a regional school in two or more counties, the county commissioners of each county may appropriate funds to the association.
(1953, P.L.723, No.230, § 2152)

Section 1952. Establishment of Fire Training Schools.--The county commissioners of any county may appropriate annually funds to lawfully organized or incorporated county or regional firemen's associations to establish, equip, maintain and operate and may themselves establish, equip, maintain, and operate fire training schools or centers for the purpose of giving instruction and practical training in the prevention, control and fighting of fire and related fire department emergencies to the members of paid fire departments and volunteer fire companies

in any city, borough, town or township within such county.

Whenever a firemen's association is comprised of residents of two or more counties or contemplates operation of a regional school in two or more counties, the county commissioners of each county may appropriate funds to the association.
(1955, P.L.323, No.130, § 1952)

Section 8. Equivalent Training.--The Department of Environmental Resources [now the Department of Environmental Protection] may determine that a coal mine operator is presently providing emergency medical care for its employees which is equivalent to or superior to the emergency medical care provided for hereunder; and, in that event, it shall make a finding that such operator is in compliance with this act [the Coal Mine Emergency Medical Personnel Law].
(1976, P.L.931, No.178, § 8)

Section 318. Host and affected municipality benefits and guarantees.

* * *

(f) Surcharge for municipalities.--With the approval of the department [of Environmental Protection], the operator [of a regional low-level radioactive waste disposal facility] shall establish a reasonable surcharge on rates charged for waste disposed at the regional facility to be paid to the host municipality, host county and affected municipalities for the following purposes:

(1) Training and equipping the first responding fire, police and ambulance services to handle anticipated emergency events at the regional facility or on the transportation routes serving the site within the host or affected municipalities.

(2) Support for affected county emergency management planning, training and central dispatch facilities as may be required to handle anticipated emergency events at the regional facility.

* * *

(1988, P.L.31, No.12, § 318)

Section 6. Financial assistance [under Farm Safety and Occupational Health Act].

* * *

(c) Grant assistance.--The secretary [of Agriculture] may:

(1) Provide for the establishment of a grant program for the purpose of awarding grants to the Pennsylvania Fire Academy, public or private colleges and universities, community colleges and vocational and technical schools which provide technical courses of instruction in farm safety and occupational health to emergency service providers, farmers, members of farm families, farm laborers and others involved in agricultural production or which develop farm safety and occupational health training programs for implementation by the department. Individual grants under this paragraph shall not be more than $30,000 in any one State fiscal year. In determining the amount of such grants, the secretary shall consider the scope and duration of the programs and the number of persons to be served.

(2) Provide for the establishment of a grant program for the purpose of awarding grants to Statewide farm organizations and volunteer fire companies, ambulance services and rescue squads for providing farm safety, occupational health and emergency response programs. Grants under this paragraph shall not be more than $2,500 in any one State fiscal year to any such organization.

* * *

(1994, P.L.944, No.134, § 6)

§ 3308. Additional fine for arson committed for profit.

(a) General rule.--Any person convicted under section 2506 (relating to arson murder) or 3301 (relating to arson and related offenses) where any consideration was paid or payable, in addition to any sentence of imprisonment, shall be fined an amount double the amount of the

consideration or the maximum lawful fine as provided in section 1101 (relating to fines), whichever is greater.

(b) Disposition of fines and forfeitures.--All fines collected and bail deposits forfeited under subsection (a) shall be provided to the Pennsylvania Emergency Management Agency for the Pennsylvania State Firemen's Training School also known as the Vocational Education Fire School and Fire Training and Education Programs.

(18 Pa.C.S. § 3308)

§ 7351. Establishment [of Pennsylvania State Firemen's Training School], purpose and name.

In order to enable the Department of Education more effectively to train firefighters under the program of the Public Service Institute Board established by the department under its vocational education program, there is hereby established a training school for firefighters for practical training in the control and extinguishment of fires. The training school shall be known as the Pennsylvania State Firemen's Training School.

(35 Pa.C.S. § 7351)

§ 7352. Supervision and control.

The management of the school and the control and care of the buildings and grounds owned and used by the Commonwealth for the [Pennsylvania State Firemen's Training] school and the conduct of instruction at the school shall be under the direct supervision and control of the Department of Education.

(35 Pa.C.S. § 7352)

§ 7353. Powers and duties.

The Department of Education and the Public Service Institute Board shall have the power and their duty shall be:

(1) To fix the salaries of the employees of the [Pennsylvania State Firemen's Training] school in conformity with the standards established by the Executive Board.

(2) To make rules and regulations for the government and management of the school and the admission of firefighters from the various political subdivisions to the school.

(3) To prescribe the courses of study and the practical training in connection therewith.

(4) To accept on behalf of the Commonwealth donations of land or equipment for the use of the school.

(35 Pa.C.S. § 7353)

§ 7354. Persons admitted.

All firefighters who are regularly employed by any local political subdivision of this Commonwealth and all regularly enrolled members of volunteer fire companies shall be eligible for admission to the [Pennsylvania State Firemen's Training] school and shall be chosen by the governing authority of each political subdivision. The Public Service Institute Board shall apportion the number admitted to the school so that each county is represented in the ratio that the number of firefighters in each county bears to the total number of firefighters in this Commonwealth.

(35 Pa.C.S. § 7354)

§ 7355. Application for admission.

Application for admission shall be made to the Public Service Institute Board by the political subdivisions in the manner prescribed by the board.

(35 Pa.C.S. § 7355)

§ 7356. Acquisition of site.

The Secretary of Education, with the approval of the Governor, may accept a gift of land

suitable as a site for the school or, if no gift of a suitable site is offered, the secretary shall, with the approval of the Governor, select for acquisition by the Department of General Services in the name of the Commonwealth a tract of land located in or adjacent to the borough of Lewistown for the erection, construction, furnishing and equipping thereon by the Department of General Services of the Pennsylvania State Firemen's Training School. The title to the lands so acquired, whether by gift or otherwise, shall be approved by the Attorney General. If it shall be found that the Commonwealth owns State lands suitable in whole or in part for such use, the lands may be designated by the Department of Education, with the approval of the Governor and the department, board or commission having possession and control of the lands, and used for such purpose. Any additional lands necessary may be selected and acquired as herein provided.
(35 Pa.C.S. § 7356)

§ 7357. Conveyance of land and plans for buildings and structures.

Upon the acquisition of any land in the name of the Commonwealth or designation of any land of the Commonwealth, the Department of General Services shall have the authority to erect or construct and furnish and equip thereon the buildings and other structures necessary for the Pennsylvania State Firemen's Training School. The plans and specifications of the school, whether erected on land acquired directly by the Department of General Services or by conveyance to it from the Commonwealth, shall be subject to the approval of the Department of Education and shall provide for suitable buildings and other necessary equipment, structures and improvements.
(35 Pa.C.S. § 7357)

PART XIV. VIOLATIONS AND OFFENSES

Chapter 1. Fire Wardens

Section 3. Wardens to report to quarter sessions; penalty for failure to report

The fire wardens of each township throughout the Commonwealth shall, in the first week of each term of the court of quarter sessions of their respective counties, make returns to said court, under oath or affirmation, of all violations occurring within their respective townships which may come or be brought to their notice of any of the provisions of any law now enacted, or hereafter to be enacted for the purpose of protecting forests from fire, and it shall be the special duty of the judge of said court to see these returns are faithfully made; and on failure of any fire warden to comply with this provision, or if it be found upon examination or inquiry by said court that any fire warden has either wilfully or negligently omitted to report all such violation occurring within his township, or having failed to perform his duty as set forth in section one of this act [the act of March 30, 1897, P.L.9, No.7], such fire warden or constable shall be deemed guilty of wilfully or negligently making a false return, or neglect of duty, and the court shall suspend him from office and direct the district attorney to indict and try him, and, if found guilty, he shall be fined in a sum not exceeding fifty dollars, and undergo an imprisonment not exceeding three months, both or either, at the discretion of the court.
(1897, P.L.9, No.7, § 3)

Section 20. [Failure or refusal of fire warden to perform duty] If any fire-warden shall fail, or wilfully or negligently refuse, to perform his duty, or shall render a false or fraudulent statement of services alleged to have been performed; or shall fail or refuse to pay promptly the respective amounts due those who have assisted in the extinguishing of said fires, after said amounts have been transmitted to him by the Commissioner of Forestry; such fire-warden shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars, or undergo imprisonment not exceeding three months, either or both, at the discretion of the court.
(1909, P.L.781, No.601, § 20)

Section 21. [Refusal to aid fire wardens] If any fire-warden, being in need of assistance in the suppression of fire, shall call upon any person to render such assistance, and such person shall refuse to render assistance, without a just, fair, and legal excuse, and one which is satisfactory to the fire-warden, he is hereby declared to be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding fifty dollars, or imprisonment not exceeding one month, either or both, at the discretion of the court.
(1909, P.L.781, No.601, § 21)

Section 1001. Penalty for Neglect of Duty [by Fire Warden].--If a fire warden shall fail to perform his duty, or shall render a false or fraudulent statement of service alleged to have been performed, or shall fail to pay promptly the respective amounts due those who have rendered service, after said amounts have been transmitted to him, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding five hundred dollars, or undergo imprisonment not exceeding six months, or both, in the discretion of the court.
(1915, P.L.797, No.353, § 1001)

Section 1002. Penalty for Refusing to Aid a Fire-Warden.--If any fire warden, being in need of assistance in the suppression of fire, shall call upon any person to render assistance, and such person shall refuse without a just and fair excuse he shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding one hundred dollars, and, in default of the payment of such fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid, not, however, exceeding thirty days.
(1915, P.L.797, No.353, § 1002)

Section 1003. Penalty for Hindering an Officer in His Duties.--A person who shall prevent or obstruct, or attempt to prevent or obstruct, a fire warden or ex officio fire warden in the performance of a duty required by this act [the act of June 3, 1915, P.L.797, No.353], or the exercise of the rights of entry, access, or examination by any warden or officer of this bureau, shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding one hundred dollars, and, in default of the payment of such fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid, not, however, exceeding thirty days.
(1915, P.L.797, No.353, § 1003)

Section 1. [Duty of chief forest fire warden relating to public nuisance] Be it enacted. &c., That the chief forest fire warden shall, subject to the approval of the Secretary of Forests and Waters [now the Department of Conservation and Natural Resources], have the power, and it shall be his duty, to declare a public nuisance any property which, by reason of its condition or operation, is a special forest fire hazard, and, as such, endangers other property or human life. He shall notify the owner of such property, or the person responsible for the condition or operation thereof, that it has been declared a public nuisance and order him to abate it. In the case of a railroad, such notice and order shall be served upon the superintendent of the division upon which the nuisance exists.
(1929, P.L.515, No.219, § 1)

Section 2. [Abatement of public nuisance; notice and order of chief forest fire warden] If any owner of such property, or the person responsible for its condition or operation, shall fail, neglect or refuse to comply with the notice and order of the chief forest fire warden requiring the abatement of such nuisance, the chief forest fire warden, or his duly authorized agent, may enter upon the property to which such notice and order relate and abate such public nuisance. The expense of such abatement shall be paid by the owner of the property, or the person responsible for the condition or operation thereof, and, if such owner or person shall fail, neglect or refuse to pay the same, it may be collected by the chief forest fire warden, in the name of the Commonwealth, in an action of assumpsit brought against such owner or person in

the court of common pleas of the county in which the nuisance was located. All moneys recovered in such action shall be paid into the General Fund of the State Treasury through the Department of Revenue.
(1929, P.L.515, No.219, § 2)

Section 3. [Noncompliance with order of chief forest fire warden] Every owner or person refusing to comply with an order of the chief forest fire warden requiring the abatement of a nuisance under this act, shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding one hundred dollars, and, in default of the payment of such fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid. The neglect or refusal of any officer, agent, or other person acting for or employed by a corporation, and having within the scope of his employment supervision over the property declared to be a public nuisance, to comply with an order of the chief forest fire warden, issued under this act, shall be deemed to be the neglect or refusal of the corporation itself.

Every day's continuance in the nonabatement of a nuisance, after an order by the chief forest fire warden to abate the same, shall be a separate and distinct offense.
(1929, P.L.515, No.219, § 3)

Chapter 2. Miscellaneous Offenses

Section 3. [Violations relating to fire drills in factories] Any person who violates or fails to comply with the provisions of this act [the act of June 7, 1911, P.L.677, No.267] shall be guilty of a misdemeanor, and on conviction shall be sentenced to pay a fine of not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00), and to undergo imprisonment in the county jail for not less than ten days nor more than sixty days, either or both.
(1911, P.L.677, No.267, § 3)

Section 1. [Penalties and liabilities relating to arson] Be it enacted, &c., That where a fire originates on the premises, in cities of the second class, cities of the third class, and boroughs, occupied by any person, firm, or corporation, as a result of his or its criminal intent, design, or wilful negligence, or where said person, firm, or corporation has failed to comply with any law or ordinance of said cities or boroughs, or any lawful regulation or requirement of any State or municipal authority, enacted or made for the prevention of fire or the spreading thereof, such person, firm, or corporation shall, in addition to the present penalties for the punishment of persons convicted of arson, or the payment of any fine or penalty for the violation of any law, ordinance, or lawful regulation or requirement of any State or municipal authority enacted or made for the prevention of fire or the spreading thereof, be liable in a civil action to said cities and boroughs for the payment of all costs and expenses of the fire departments of said cities and boroughs, incurred in and about the use of employes receiving compensation for services, apparatus, and material in the extinguishment of, or any attempt to extinguish, any fire originating as aforesaid. The amount of such costs and expenses shall be determined by the directors of the department of public safety in cities of the second and third class, and by the burgess in all boroughs. The amount of such costs and expenses shall be determined by the directors of public safety and the burgess, based upon the wages of paid firemen and other officials for the time they were engaged in the extinguishment or the attempt to extinguish such fire, a reasonable amount as rental for the use of the apparatus, and the cost of water or other material used in the extinguishment or the attempt to extinguish such fire, with an additional amount of ten per centum on the total amount, as aforesaid, as supervisory or overhead charges; and the said amounts collected shall be paid into the city or borough treasury for the use and maintenance of the fire departments.
(1915, P.L.262, No.155, § 1)

Section 1005. Penalty for Causing Fire On or Within Woodlots, Forests, or Wild

Lands.--(a) It shall be unlawful for any person to set fire to, or to cause to be set on fire, either accidentally or otherwise, directly or indirectly, in person or by agent, any woodlot, forest, or wild land, or property, material, or vegetation being or growing thereon, without permission of the owner, either by dropping lighted matches, tobacco, or other substances, or in any other manner whatsoever; or to start fires anywhere and permit them to spread to woodlots, forest, or wild land, thereby causing damage to or destruction of such property, as aforesaid.

It shall be unlawful to use fire for the purpose of smoking out birds, bees, animals, or any other creature, from hollow trees, logs, or subterranean holes or caverns, when by so doing the fire may or does spread to adjoining or neighboring woodlots, forest, or wild lands.

Any person violating any of the foregoing provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined for each offense not exceeding five hundred dollars, or undergo imprisonment not exceeding six months, or both, in the discretion of the court.

(b) If any person shall maliciously set fire to, or cause to be set on fire, directly or indirectly, in person or by agent any woodlot, forest, or wild land, or property, material, or vegetation, being or growing thereon, such person shall be guilty of a felony, and, upon conviction, shall be sentenced to pay a fine not exceeding five thousand dollars, and be imprisoned in a penitentiary for a period not exceeding ten years.

(c) This section shall not apply to the setting of a back fire, in good faith, to extinguish a fire then burning.

* * *

(1915, P.L.797, No.353, § 1005)

Section 1006. [Neglect by Railroad Companies] Every steam and electric railroad company, owning or operating lines of railroad within the State, which shall neglect or refuse to put into effect such reasonable regulations for the prevention of forest fire as may be deemed necessary by the chief forest fire-warden and approved by the Public Service Commission [now the Pennsylvania Public Utility Commission], shall forfeit and pay to the Commonwealth of Pennsylvania, for each neglect or refusal, the sum of one hundred dollars, to be recovered by an action of assumpsit, instituted in the name of the Commonwealth by the Attorney General.

Every day's continuance in refusal to comply with such regulations, after a notice from the chief forest fire-warden and the lapse of a reasonable length of time for compliance therewith, which time shall be fixed in the notice, shall be a separate and distinct offense.
(1915, P.L.797, No.353, § 1006)

Section 1007. Disposition of Fines [under Forest Fire Protection Law].--Moneys received from the payment of fines shall be paid to the treasurer of the county in which suit is brought, for the use of the county, except as otherwise provided in this act [the Forest Fire Protection Law].
(1915, P.L.797, No.353, § 1007)

Section 1009. Penalty for Mutilating Notices.--Any person who shall, without authority, destroy, deface, or remove any notice, sign, or poster of the Department of Forests and Waters [now the Department of Conservation and Natural Resources], posted for the better protection of woodlots, forests, or wild lands from fire, shall, upon conviction thereof in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding ten dollars, and, in default of the payment of such fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid.
(1915, P.L.797, No.353, § 1009)

Section 2003. Discrimination Prohibited.--(a) An insurer may not cancel or refuse to write or renew a policy of automobile insurance for any of the following reasons:

* * *

(13) Any accident which occurred under the following circumstances:

* * *

(viii) accident occurring when using automobile in response to any emergency if the operator of the automobile at the time of the accident was a paid or volunteer member of any police or fire department, first aid squad or any law enforcement agency. This exception does not include an accident occurring after the automobile ceases to be used in response to such emergency; or

* * *

(1921, P.L.682, No.284, § 2003)

Section 2. [Violations relating to forest fire prevention] Each and every person violating any provision of such proclamation [of the Governor relating to forest fire prevention] shall, upon conviction in a summary proceeding before any magistrate, alderman, or justice of the peace, be sentenced to pay a fine not exceeding one hundred dollars, and, in default of the payment of such fine and costs, be imprisoned in the county jail one day for each dollar of fine and costs unpaid; not, however, exceeding thirty days.
(1925, P.L.590, No.317, § 2)

Section 3. [Fire menace or hazard] (a) The Pennsylvania State Police, or its assistants, upon the complaint of any person, or whenever it or they shall deem it necessary, shall inspect the buildings and premises within their jurisdiction. Whenever any of the said officers shall find any buildings or structures which, for want of repairs or by reason of age or dilapidated condition or accumulation of waste, rubbish, debris, explosive or flammable substance in any buildings or on premises, constituting a fire menace or hazard, or for any other cause, making it especially liable to fire, and endangering property, and so situated as to endanger other property, it or they shall order the same to be removed or remedied, if the same is reasonably practicable, thereby lessening the danger of fire. Whenever such officer shall find, in any building, combustible or explosive matter, or flammable conditions, which are in violation of any law or ordinance applicable thereto, or are dangerous to the safety of such buildings, thereby endangering other property, it or they shall order the same to be removed or remedied, and such order shall contain a notice that an appeal therefrom may be taken, and shall forthwith be complied with by the owner or occupant of such premises or buildings.

(b) If such order is made by any assistant to the Pennsylvania State Police, such owner or occupant may, within five days, appeal to the Pennsylvania State Police, which shall, within ten days, review such order and file its decision thereon, and unless by its authority the order is revoked or modified, it shall remain in full force and be obeyed by such owner or occupant. Any owner or occupant, who feels aggrieved by any order of the Pennsylvania State Police, or by any decision upholding or modifying any order of any of its assistants, may, within five days after the same has been made or filed by the Pennsylvania State Police, file his petition with the court of common pleas of the county where the property subject to the proceeding is located, praying a review of such order, and it shall be the duty of the court to hear the same at the first convenient day and to make such order in the premises as right and justice may require.

(c) The service of any such order shall be made upon the owner or occupant of the premises to whom it is directed by either delivering a true copy of same to such occupant personally, or by delivering the same to and leaving it with any person in charge of the premises, or, in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to, and leaving with, the said person a true copy of the said order, or if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy to the owner's last known post office address.

(d) Any owner or occupant refusing or neglecting to comply with any final order or notice issued by the Pennsylvania State Police, or under its direction by any inspector or member of the Pennsylvania State Police, shall, upon conviction thereof under summary proceedings instituted before any magistrate, alderman, or justice of the peace in the county where such violations occur, be sentenced to pay a fine of not less than fifty dollars ($50.00), nor more than

two hundred dollars ($200.00), and in default of the payment of such fine and costs, to be imprisoned in the county prison one day for each dollar of fine and costs unpaid. Upon conviction after hearing, the sentences provided in this act [the act of April 27, 1927, P.L.450, No.291] shall be imposed and shall be final unless an appeal be taken in the manner prescribed by law.

All fines collected under this act shall be paid into the General Fund in the State Treasury through the Department of Revenue.

* * *

(1927, P.L.450, No.291, § 3)

Section 13. Prosecutions.--Any person who shall violate any of the provisions of this act [the Fire and Panic Act], or the rules and regulations of the Department of Labor and Industry, or who shall fail or refuse to observe orders for the enforcement of the said provisions or rules and regulations issued by duly authorized officers of the Department of Labor and Industry, or who shall hinder or delay or interfere with any officer charged with the enforcement of this act in the performance of his duty, shall, upon conviction thereof, be punished by a fine of not more than five thousand dollars ($5,000.00) and costs, or not more than three (3) months imprisonment in the county jail, or either, or both, in the discretion of the court.

Any person who shall fail or refuse to vacate a building or portion of a building, or who shall fail to cease work in the erecting, remodeling, adapting or altering of a building, or who shall fail to vacate or place out of service any structure, after due notice having been served upon him by an officer of the Department of Labor and Industry and proper notice having been placed upon the building or structure by such officer, shall be liable for a penalty of one hundred fifty dollars ($150.00) a day for each day he shall have so failed or refused to vacate, cease work on, or place out of service the building, portion of building or structure upon which such notice has been placed, the said penalty to be collectible in the same manner as any fine payable to the Commonwealth.

Prosecutions for violations of this act, or the rules and regulations of the Department of Labor and Industry, may be instituted by the Secretary of Labor and Industry, or under his directions by any authorized representative of the said department, or by duly appointed chiefs of fire departments for violations of the portions of this act, they are especially called upon by this act to enforce, and shall be in the form of summary criminal proceedings instituted before a magistrate, alderman, or justice of the peace. Upon conviction after a hearing, the sentences provided in this act shall be imposed, and shall be final unless an appeal be taken in the manner prescribed by law.

All fines collected under this act shall be forwarded to the Department of Labor and Industry, who shall pay the same into the State Treasury for the use of the Commonwealth.
(1927, P.L.465, No.299, § 13)

Section 648. Penalty.--Any township commissioner [in a township of the first class] who by his vote causes to be appointed any person to the police force or as a fire apparatus operator contrary to the provisions of this subdivision [Subdivision (d) of Article VI of the First Class Township Code], or any township commissioner or member of the civil service commission who wilfully refuses to comply with or conform to the provisions of this subdivision, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one hundred dollars ($100) or suffer imprisonment not exceeding three months, or both.
(1931, P.L.1206, No.331, § 648)

Section 7.1. [Penalty relating to certain employees in cities of the second class] Whoever knowingly makes an appointment or a promotion or a transfer in the competitive class in the bureau of fire in any city of the second class contrary to the provisions of this act, or wilfully refuses or neglects otherwise to comply with or to conform to any of the provisions of this act [the act of June 27, 1939, P.L.1207, No.405], shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than fifty dollars ($50)

nor more than five hundred dollars ($500), or undergo imprisonment not exceeding six months, or both.
(1939, P.L.1207, No.405, § 7.1)

Section 13.4. Operating a Methamphetamine Laboratory and Illegal Dumping of Methamphetamine Waste.--* * *

(c) In addition to restitution under 18 Pa.C.S. § 1110 [(relating to restitution for cleanup of clandestine laboratories)], a person who is convicted of an offense under this section shall be ordered to reimburse the appropriate law enforcement agency, emergency medical services organization, fire company or other organization for the costs of cleaning up the environmental hazards associated with the operation of the laboratory or the possession or use of a precursor or reagent substance to manufacture methamphetamine.
(1972, P.L.233, No.64, § 13.4)

Section 13.5. Environmental Costs.--In addition to restitution under 18 Pa.C.S. § 1110 (relating to restitution for cleanup of clandestine laboratories), a person who is convicted of an offense involving the operation of a methamphetamine laboratory or the possession or use of a precursor or reagent substance to manufacture methamphetamine shall be ordered to reimburse the appropriate law enforcement agency, emergency medical services organization, fire company or other organization for the costs of cleaning up the environmental hazards associated with the operation of the laboratory or the possession or use of a precursor or reagent substance to manufacture methamphetamine.
(1972, P.L.233, No.64, § 13.5)

Section 602. Dogs used for law enforcement.

(a) Illegal to taunt law enforcement dogs.--It shall be unlawful for any person to willfully and maliciously taunt, torment, tease, beat, kick or strike any dog, including any search and rescue or detection dogs, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of such department or agency, in the performance of the functions or duties of such department or agency or to commit any of the stated acts in the course of interfering with any such dog used by the department or agency or any member or supervised handler thereof in the performance of the functions or duties of the department or agency or of such officer or member or supervised handler. Any person who violates any of the provisions of this subsection commits a felony of the third degree.

(b) Illegal to torture certain dogs.--It shall be unlawful for any person to willfully or maliciously torture, mutilate, injure, disable, poison or kill any dog, including any search and rescue or detection dog, used by any municipal, county or State police or sheriff's department or agency, fire department or agency or handler under the supervision of such department or agency, in the performance of the functions or duties of the department or agency or to commit any of the stated acts in the course of interfering with any such dog used by the department or agency or any member or supervised handler thereof in the performance of any of the functions or duties of the department or agency or of such officer or member or supervised handler. Any person who violates any of the provisions of this subsection commits a felony of the second degree.

(c) Illegal to deny facilities or service due to dog use.--It shall be unlawful for the proprietor, manager or employee of a theater, hotel, motel, restaurant or other place of entertainment, amusement or accommodation to refuse, withhold from or deny to any person, due to the use of a working police dog, detection dog or search and rescue dog used by any State or county or municipal police or sheriff's department or agency, fire department, search and rescue unit or agency or handler under the supervision of those departments, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of the theater, hotel, motel, restaurant or other place of public entertainment, amusement or accommodation. Any person who violates any of the provisions of this subsection commits a misdemeanor of the third degree.

(d) Quarantine of certain dogs not required.--Quarantine of dogs as required by law shall not apply to dogs owned by any municipal or State police department or agency when such dogs are under the direct supervision and care of a police officer and subject to routine veterinary care.
(1982, P.L.784, No.225, § 602)

Section 11. Trade secrets.

* * *

(b) Disclosure to treating physicians and nurses.--Notwithstanding any other provision of this act [the Worker and Community Right-to-Know Act], an employer, manufacturer, importer or supplier shall disclose the chemical identification or other information claimed as a trade secret to a treating physician or nurse when such information is needed for medical diagnosis or treatment of an exposed person. The employer, manufacturer, importer or supplier may require the physician or nurse to sign a confidentiality agreement before disclosing the trade secret. In the case of a medical emergency, the employer, manufacturer, importer or supplier shall first disclose the trade secret to the treating physician or nurse but may later require a confidentiality agreement when circumstances permit.

* * *

(g) Penalty.--Any officer or employee of the Commonwealth, contractor to the Commonwealth, physician or employee of a county health department, local fire department or local police department who has access to any confidential information and who willingly or knowingly discloses the confidential information to any person not authorized to receive it, shall, upon conviction thereof, be guilty of a misdemeanor of the third degree. The person or institution which discloses the confidential information is liable for damages to the full extent of those damages. Violation of this section shall be prima facie evidence of trespass under Pennsylvania common law.

* * *

(1984, P.L.734, No.159, § 11)

§ 1194. Penalty [relating to appointment of borough fire and police employees].

A member of council who, by vote, appoints any person to the police force or as a fire apparatus operator contrary to the provisions of this subchapter [8 Pa.C.S. Ch. 11 Subch. J (relating to civil service for police or fire apparatus operators)], or a member of council or member of the commission who willfully refuses to comply with or conform to the provisions of this subchapter, commits a misdemeanor and, upon conviction, shall be sentenced to pay a fine not exceeding $100 or to imprisonment not exceeding 90 days, or both.
(8 Pa.C.S. § 1194)

§ 2702. Aggravated assault.

* * *

(c) Officers, employees, etc., enumerated.--The officers, agents, employees and other persons referred to in subsection (a) shall be as follows:

* * *

(2) Firefighter.

* * *

(21) Emergency medical services personnel.

* * *

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

* * *

"Emergency medical services personnel." The term includes, but is not limited to, doctors, residents, interns, registered nurses, licensed practical nurses, nurse aides, ambulance attendants and operators, paramedics, emergency medical technicians and members of a hospital security force while working within the scope of their employment.
(18 Pa.C.S. § 2702)

§ 2706. Terroristic threats.

* * *

(b) Restitution.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of the evacuation, including, but not limited to, fire and police response; emergency medical service or emergency preparedness response; and transportation of an individual from the building, place of assembly or facility.

* * *

(18 Pa.C.S. § 2706)

§ 2715. Threat to use weapons of mass destruction.

* * *

(c) Emergency response costs.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of the evacuation, including, but not limited to, fire and police response; emergency medical service or emergency preparedness response; and transportation of an individual from the building, place of assembly or facility.

* * *

(18 Pa.C.S. § 2715)

§ 2716. Weapons of mass destruction.

* * *

(d) Restitution.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of the evacuation, including, but not limited to, fire and police response; emergency medical service or emergency preparedness response; and transportation of an individual from the building, place of assembly or facility.

* * *

(18 Pa.C.S. § 2716)

§ 3301. Arson and related offenses.

(a) Arson endangering persons.--

(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby recklessly places another person in danger of death or bodily injury, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) he commits the act with the purpose of destroying or damaging an inhabited building or occupied structure of another.

(2) A person who commits arson endangering persons is guilty of murder of the second degree if the fire or explosion causes the death of any person, including but not limited to a firefighter, police officer or other person actively engaged in fighting the fire, and is guilty of murder of the first degree if the fire or explosion causes the death of any person and was set with the purpose of causing the death of another person.

(a.1) Aggravated arson.--

(1) A person commits a felony of the first degree if he intentionally starts a fire or causes an explosion, or if he aids, counsels, pays or agrees to pay another to cause a fire or explosion, whether on his own property or on that of another, and if:

(i) he thereby attempts to cause, or intentionally, knowingly or recklessly causes bodily injury to another person, including, but not limited to, a firefighter,

police officer or other person actively engaged in fighting the fire; or

(ii) he commits an offense under this section which is graded as a felony when a person is present inside the property at the time of the offense.

(2) A person who commits aggravated arson is guilty of murder of the second degree if the fire or explosion causes the death of any person, including, but not limited to, a firefighter, police officer or other person actively engaged in fighting the fire.

(a.2) Arson of historic resource.--A person commits a felony of the second degree if the person, with the intent of destroying or damaging a historic resource of another, does any of the following:

(1) Intentionally starts a fire or causes an explosion, whether on the person's own property or that of another.

(2) Aids, counsels, pays or agrees to pay another to cause a fire or explosion.

(b) Sentence.--

(1) A person convicted of violating the provisions of subsection (a)(2), murder of the first degree, shall be sentenced to death or life imprisonment without right to parole; a person convicted of murder of the second degree, pursuant to subsection (a)(2), shall be sentenced to life imprisonment without right to parole. Notwithstanding provisions to the contrary, no language herein shall infringe upon the inherent powers of the Governor to commute said sentence.

(2) A person convicted under subsection (a.1) may be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years if:

(i) bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire; or

(ii) serious bodily injury results to a civilian.

* * *

(h) Limitations on liability.--The provisions of subsections (a), (b), (c), (d), (d.1) and (e) shall not be construed to establish criminal liability upon any volunteer or paid firefighter or volunteer or paid firefighting company or association if said company or association endangers a participating firefighter or real or personal property in the course of an approved, controlled fire training program or fire evolution, provided that said company or association has complied with the following:

* * *

(4) participation of firefighters in the program or exercise if voluntary.

* * *

(18 Pa.C.S. § 3301)

§ 3305. Injuring or tampering with fire apparatus, hydrants, etc.

Whoever willfully and maliciously cuts, injures, damages, or destroys or defaces any fire hydrant or any fire hose or fire engine, or other public or private fire equipment, or any apparatus appertaining to the same, commits a misdemeanor of the third degree.
(18 Pa.C.S. § 3305)

§ 3306. Unauthorized use or opening of fire hydrants.

Whoever opens for private usage any fire hydrant without authorization of the water authority or company having jurisdiction over such fire hydrant, commits a summary offense.
(18 Pa.C.S. § 3306)

§ 3308. Additional fine for arson committed for profit.

(a) General rule.--Any person convicted under section 2506 (relating to arson murder) or 3301 (relating to arson and related offenses) where any consideration was paid or payable, in addition to any sentence of imprisonment, shall be fined an amount double the amount of the consideration or the maximum lawful fine as provided in section 1101 (relating to fines), whichever is greater.

(b) Disposition of fines and forfeitures.--All fines collected and bail deposits forfeited under subsection (a) shall be provided to the Pennsylvania Emergency Management Agency for the

Pennsylvania State Firemen's Training School also known as the Vocational Education Fire School and Fire Training and Education Programs.
(18 Pa.C.S. § 3308)

§ 4905. False alarms to agencies of public safety.

(a) Offense defined.--A person commits an offense if he knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, for dealing with emergencies involving danger to life or property.

(b) Grading.--An offense under this section is a misdemeanor of the first degree unless the transmission of the false alarm of fire or other emergency occurs during a declared state of emergency and the false alarm causes the resources of the organization to be diverted from dealing with the declared state of emergency, in which case the offense is a felony of the third degree.
(18 Pa.C.S. § 4905)

§ 5516. Facsimile weapons of mass destruction.

(a) Offense defined.--A person commits an offense if the person intentionally, knowingly or recklessly manufactures, sells, purchases, transports or causes another to transport, delivers or causes another to deliver, possesses or uses a facsimile weapon of mass destruction and by such action causes any of the following:

* * *

(2) Alarm or reaction on the part of any of the following:

* * *

(ii) A law enforcement organization.

* * *

(b.1) Restitution.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of the evacuation, including, but not limited to, fire and police response; emergency medical service or emergency preparedness response; and transportation of an individual from the building, place of assembly or facility.

* * *

(18 Pa.C.S. § 5516)

§ 5531. Definitions [relating to cruelty to animals].

The following words and phrases when used in this subchapter [18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to animals)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Police animal." An animal, including, but not limited to, dogs and horses, used by the Pennsylvania State Police, a police department created by a metropolitan transportation authority operating under 74 Pa.C.S. Ch. 17 (relating to metropolitan transportation authorities), a police department created under the act of April 6, 1956 (1955 P.L.1414, No.465), known as the Second Class County Port Authority Act, the Capitol Police, the Department of Corrections, a county facility or office or by a municipal police department, fire department, search and rescue unit or agency or handler under the supervision of the department, search and rescue unit or agency in the performance of the functions or duties of the department, search and rescue unit or agency, whether the animal is on duty or not on duty. The term shall include, but not be limited to, an accelerant detection dog, bomb detection dog, narcotic detection dog, search and rescue dog and tracking animal.

"Search and rescue dog." A dog that is trained to locate lost or missing persons, victims of natural or manmade disasters and human bodies.

* * *

(18 Pa.C.S. § 5531)

§ 6902. Willful obstruction of emergency telephone calls.

(a) Offense defined.--A person is guilty of a summary offense if he willfully refuses to relinquish immediately a party line when informed that the line is needed for an emergency call to a fire department or police department or for medical aid or ambulance service, or if he secures the use of a party line by falsely stating that the line is needed for an emergency call.

* * *

(c) Definitions.--As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Emergency." A situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

"Party line." A subscriber's line telephone circuit, consisting of two or more main telephone stations connected therewith each station with a distinctive ring or telephone number.

(18 Pa.C.S. § 6902)

§ 7511. Control of alarm devices and automatic dialing devices.

(a) Automatic dialing devices.--A person may not attach or use an automatic dialing device without doing all of the following:

(1) Providing the disclosure under subsection (b).

(2) Obtaining prior written approval from a public safety agency to use the automatic dialing device to alert the public safety agency of an alarm condition. The public safety agency shall not be responsible for any costs for the installation and maintenance of any dedicated telephone line or equipment associated with the alarm termination.

(b) Disclosure.--A person seeking approval under subsection (a) shall disclose the telephone number of a person to be contacted if the automatic dialing device is activated and all relevant facts concerning the design and layout of the premises to be protected by the automatic dialing device. The person shall inform the public safety agency of any change in the information required by this subsection as soon as practicable.

(c) False alarms prohibited.--

(1) A person that owns, uses or possesses an alarm device or automatic dialing device may not, after causing or permitting three false alarms to occur in a consecutive 12-month period, cause or permit a subsequent false alarm to occur in the same consecutive 12-month period. A person that violates this paragraph commits a summary offense and shall, upon conviction, be sentenced to pay a fine of not more than $300.

(2) Venue for prosecution of an offense under this subsection shall lie at any of the following places:

(i) Where the alarm originated.

(ii) Where the alarm was received by the:

(A) public service agency; or

(B) third person designated to notify the public service agency.

(3) Notwithstanding 42 Pa.C.S. § 3733 (relating to deposits into account) or any other law, the disposition of fines shall be as follows:

(i) The fine shall be paid to the municipality if all of the following apply:

(A) The public safety agency which responded to the false alarm serves the municipality.

(B) The prosecution is initiated by the public safety agency under clause (A) or by the municipality.

(ii) The full amount of the fine shall be paid to the Commonwealth if all of the following apply:

(A) The Pennsylvania State Police is the public safety agency which responded to the false alarm.

(B) The prosecution is initiated by the Pennsylvania State Police.

(C) There is no prosecution under subparagraph (i).

(d) Suspension or revocation of approval.--The public safety agency may refuse, revoke or suspend the approval granted under subsection (a) if the public safety agency determines any of the following:

(1) The request for approval contains a statement of material fact which is false.
(2) The person failed to comply with this section.
(3) The person violated subsection (c).

* * *

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Alarm." A communication to a public safety agency indicating that a crime, fire or other emergency warranting immediate action by that public safety agency has occurred or is occurring.

"Alarm device." A device designed to automatically transmit an alarm:

(1) directly to a public safety agency; or
(2) to a person that is instructed to notify the public safety agency of the alarm.

"Automatic dialing device." A device which is interconnected to a telephone line and preprogrammed to transmit the coded signal of an alarm to a dedicated telephone trunk line or to dial a predetermined telephone number to an alarm to a public safety agency.

"Dedicated telephone trunk line." A telephone line or lines which serve a public safety agency which is dedicated to receiving transmissions from an automatic dialing device.

"False alarm." The activation of an alarm device to which a public safety agency responds when a crime, fire or other emergency has not occurred.

"Person." An individual, corporation, partnership, incorporated association or other similar entity.

"Public safety agency." The Pennsylvania State Police or any municipal police or fire department.

(18 Pa.C.S. § 7511)

§ 7707. Penalties.

(a) General rule.--Any person violating any of the plans and programs adopted and promulgated by the Pennsylvania Emergency Management Council shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding $200 or imprisonment not exceeding 30 days or both, for the first offense, and a fine not exceeding $500 or imprisonment not exceeding 90 days or both, for each subsequent offense.

(b) Loss of funds.--Those political subdivisions in violation of section 7501 (relating to general authority of political subdivisions), section 7502 (relating to local coordinator of emergency management), section 7503 (relating to powers and duties of political subdivisions) or section 7504 (relating to coordination, assistance and mutual aid) shall, at the direction of the council, be subject to loss of Federal personnel and administrative funding for the remainder of the fiscal year in which conviction is established. Reinstatement of Federal personnel and administrative funding shall take place the year following approval of remedial action to the violation.

(35 Pa.C.S. § 7707)

§ 8154. Prohibited acts.

(a) Making false ambulance requests.--It shall be unlawful for any person to intentionally report a medical emergency and summon an EMS response if the person does not have good cause to believe that there is a medical emergency for which an EMS response is needed. A person violating this subsection commits a summary offense.

(b) Obstruction.--It is unlawful for any person to intentionally impede or obstruct any EMS provider in the performance of official duties if the EMS provider displays accepted department insignia or credentials. A person violating this subsection commits a summary offense.

(c) Impersonating an emergency medical services provider.--It is unlawful for any person to display an insignia or credentials or act in any manner that would lead reasonable persons to conclude that the person is an EMS provider if that person is not an EMS provider with a current registration to practice or that the person is a higher-level EMS provider than the level at which the person is certified and currently registered to practice. A person violating this subsection commits a summary offense.

(d) Misrepresentation of license.--It is unlawful for any person who does not possess an EMS agency license issued by the department under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] to advertise, display vehicle markings or exhibit any other means that would lead a reasonable person to conclude that the person is a licensed EMS agency or provides a type or level of emergency care other than that for which the person is licensed to provide. A person violating this subsection commits a summary offense.
(35 Pa.C.S. § 8154)

§ 8155. Surrender of license, accreditation or certification.

The department shall require a person whose license, accreditation or certification has been suspended or revoked under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)] to return to the department in the manner the department directs the license, accreditation document or certificate. A person who fails to do so commits a misdemeanor of the third degree.
(35 Pa.C.S. § 8155)

§ 8156. Penalties.

(a) Unlicensed agency.--A person who operates a service or vehicle for which a license is required under section 8129 (relating to emergency medical services agencies) and who does not have a license to operate the service or vehicle commits a misdemeanor of the third degree.

(b) Unauthorized practice.--A person who provides EMS without an EMS provider's certification or other legal authority to provide EMS commits a misdemeanor of the third degree. A provider who provides EMS without a current registration of the EMS provider's certification and without other legal authority to provide EMS commits a summary offense.

(c) Fine.--In addition to any other civil remedy or criminal penalty provided for under this chapter [35 Pa.C.S. Ch. 81 (relating to emergency medical services system)], the department may levy a civil penalty of up to $5,000 per day upon a person who owns or operates an EMS agency in this Commonwealth, without having a license to operate that agency in this Commonwealth, and a fine of up to $1,000 per day upon a person who provides EMS without an EMS provider's certification or other legal authority to provide EMS.
(35 Pa.C.S. § 8156)

§ 8331.2. Good Samaritan civil immunity for use of automated external defibrillator.

* * *

(d) Obstruction of emergency medical services personnel.--Nothing in this section shall relieve a person who uses an AED from civil damages when that person obstructs or interferes with care and treatment being provided by emergency medical services personnel or a health professional.

* * *

(42 Pa.C.S. § 8331.2)

§ 9720.6. Sentencing for arson offenses.

The Pennsylvania Commission on Sentencing shall provide for a sentencing enhancement for arson offenses if any of the following factors are present:

(1) bodily injury results to a firefighter, police officer or other person actively engaged in fighting the fire;

(2) serious bodily injury results to a civilian;

(3) more than three people were present inside the property at the time of the offense;

(4) the fire caused more than $1,000,000 in property damage; or

(5) the actor used, attempted to use or possessed an explosive or incendiary device as defined in 18 Pa.C.S. § 5515(a) (relating to prohibiting of paramilitary training).

(42 Pa.C.S. § 9720.6)

§ 3111.1. Obedience to traffic-control devices warning of hazardous conditions.

(a) General rule.--The driver of any vehicle, unless otherwise directed by an emergency service responder, shall not drive past, around or through a sign or traffic-control device closing a road or highway due to an existing or potentially hazardous condition.

(b) Penalty.--Any person violating this section commits a summary offense and shall, upon conviction, pay a fine of not more than $250 unless the violation results in the utilization of the services of a first responder or emergency medical or rescue personnel, including towing services, in which case the fine shall be increased to not less than $250 nor more than $500.

(c) Emergency response costs.--A person convicted of violating this section shall, in addition to any other sentence imposed or restitution ordered under 42 Pa.C.S. § 9721(c) (relating to sentencing generally), be sentenced to pay restitution in an amount equal to the cost of fire and police response and emergency medical service or emergency preparedness response resulting from the offense.

(75 Pa.C.S. § 3111.1)

§ 3353. Prohibitions in specified places.

(a) General rule.--Except when necessary to avoid conflict with other traffic or to protect the safety of any person or vehicle or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

* * *

(2) Stand or park a vehicle:

* * *

(ii) Within 15 feet of a fire hydrant.

* * *

(v) Within 20 feet of the driveway entrance to any fire station or, when properly sign posted, on the side of a street opposite the entrance to any fire station within 75 feet of the entrance.

* * *

(75 Pa.C.S. § 3353)

§ 3708. Unauthorized driving over fire hose.

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any highway, private road or driveway, for use at any fire or alarm of fire, without the consent of a fire department officer, a police officer or other appropriately attired person authorized to direct, control or regulate traffic at the scene.

(75 Pa.C.S. § 3708)

PART XV. MISCELLANEOUS PROVISIONS

Section 2116. Emergency Services [relating to quality health care accountability and protection].--(a) If an enrollee seeks emergency services and the emergency health care provider determines that emergency services are necessary, the emergency health care provider shall initiate necessary intervention to evaluate and, if necessary, stabilize the condition of the enrollee without seeking or receiving authorization from the managed care plan. The managed care plan shall pay all reasonably necessary costs associated with emergency services provided during the period of emergency, subject to all copayments, coinsurances or deductibles. When processing a reimbursement claim for emergency services, a managed care plan shall consider both the presenting symptoms and the services provided. The emergency health care provider shall notify the enrollee's managed care plan of the provision of emergency services and the condition of the enrollee. If an enrollee's condition has stabilized and the enrollee can be transported without suffering detrimental consequences or aggravating the enrollee's condition, the enrollee may be relocated to another facility to receive continued care and treatment as necessary.

(b) For emergency services rendered by a licensed emergency medical services agency, as defined in 35 Pa.C.S. § 8103 (relating to definitions), that has the ability to transport patients

or is providing and billing for emergency services under an agreement with an emergency medical services agency that has that ability, the managed care plan may not deny a claim for payment solely because the enrollee did not require transport or refused to be transported.

(c) For emergency services provided to medical assistance participants, the following provisions shall apply:

(1) The provisions of subsection (b) shall apply to the same services provided to medical assistance participants under Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

(2) Payment for the services shall be in accordance with the current managed care contracted rates.

(3) Sufficient funds shall be appropriated each fiscal year for payment of the services.

(d) The provisions of subsection (b) shall apply to all group and individual major medical health insurance policies issued by a licensed health insurer.

(1921, P.L.682, No.284, § 2116)

Section 1729-H. Department of Human Services.

The following apply to appropriations for the Department of Human Services:

* * *

(3) The following shall apply:

* * *

(iv.1) From money appropriated for medical assistance fee-for-service care, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2019:

(A) For basic life support, not less than $180 per loaded trip.

(B) For advanced life support, not less than $300 per loaded trip.

(C) For air ambulance transport, not less than $3,325.53 per loaded trip.

(D) For ground mileage, not less than $2 per mile for each loaded mile beyond 20 loaded miles.

(E) For air mileage, not less than $22.45 per mile for each loaded mile beyond 20 loaded miles.

* * *

(v.1) From money appropriated for medical assistance capitation, sufficient funds are included to provide rates for ambulance transportation at the following amounts, beginning on January 1, 2019:

(A) For basic life support, not less than $180 per loaded trip.

(B) For advanced life support, not less than $300 per loaded trip.

(C) For air ambulance transport, not less than $3,325.53 per loaded trip.

(D) For ground mileage, not less than $2 per mile for each loaded mile beyond 20 loaded miles.

(E) For air mileage, not less than $22.45 per mile for each loaded mile beyond 20 loaded miles.

* * *

(1929, P.L.343, No.176, § 1729-H)

Section 14. [Health club] Employee available to administer CPR.

* * *

(c.1) Exception.--A health club that offers services during nonstaffed hours shall not be subject to the requirements of subsections (a) and (c) if the health club complies with all of the following:

(1) Every health club offering health club services during nonstaffed hours prior to the effective date of this subsection shall comply with all of the following:

(i) The portion of the premises in which members are permitted access during nonstaffed hours must meet all of the following:

(A) Consist of not more than 6,000 square feet.

(B) Meet the requirements of the municipality in which the health club is

located concerning accessibility to emergency services responders from the outside of the health club.
* * *

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:
* * *

"Emergency services." Services, including firefighting, law enforcement, ambulance and medical services, provided for the protection or preservation of persons or property in circumstances of immediate and significant threat of injury or harm.
* * *

(1989, P.L.672, No.87, § 14)

§ 6315. Taking child into protective custody.

(a) General rule.--A child may be taken into protective custody:
* * *

(6) By an emergency services provider on the grounds of an entity that employs or otherwise provides access to the emergency services provider under Chapter 65 [23 Pa.C.S. Ch.65 (relating to newborn protection)].
* * *

(23 Pa.C.S. § 6315)

§ 6502. Definitions [relating to newborn protection].

The following words and phrases when used in this chapter [23 Pa.C.S. Ch. 65 (relating to newborn protection)] shall have the meanings given to them in this section unless the context clearly indicates otherwise:
* * *

"Emergency services provider." An emergency medical responder, emergency medical technician, advanced emergency medical technician or a paramedic as defined in 35 Pa.C.S. § 8103 (relating to definitions).
* * *

(23 Pa.C.S. § 6502)

§ 6504. Health care providers accepting newborns.
* * *

(b) Accepting newborns.--When a health care provider accepts a newborn pursuant to this chapter, a parent, police officer or emergency services provider may provide a health care provider with information about the newborn's medical history and any identifying information.
(23 Pa.C.S. § 6504)

§ 6504.2. Emergency services providers accepting newborns.

(a) Duties.--In accepting a newborn under this chapter, an emergency services provider shall:

(1) take the newborn into protective custody as specified under section 6315(a)(6) (relating to taking child into protective custody); and

(2) ensure the newborn is transported to a hospital and placed into the care of a health care provider as specified under section 6504 (relating to health care providers accepting newborns).

(b) Medical history.--When an emergency services provider accepts a newborn under this chapter, a parent may provide the emergency services provider with information about the newborn's medical history and identifying information.

(c) Temporary signage.--An entity employing an emergency services provider accepting newborns under this chapter shall ensure its grounds or the grounds of an entity otherwise providing access to an emergency services provider clearly indicate, for a minimum of 18 months, that emergency services providers may accept newborns under section 6315(a) and 18 Pa.C.S. § 4306 (relating to newborn protection).

(23 Pa.C.S. § 6504.2)

§ 6504.3. Incubators for newborns.

(a) Provision optional.--A hospital, police station or other entity employing or otherwise providing access to an emergency services provider may provide an incubator for the care of a newborn accepted under this chapter.

(b) Regulations.--The Department of Health shall promulgate regulations for providing an incubator under subsection (a). The regulations shall include all of the following:

* * *

(2) Procedures to provide emergency care for an infant placed in an incubator.

* * *

(4) Design and function requirements for an incubator which shall include all of the following:

(i) Installation of an incubator at a hospital, police station or other entity which employs or otherwise provides access to an emergency services provider.

* * *

(v) Providing notice to the personnel of a hospital, police station or other entity which employs or otherwise provides access to an emergency services provider within 30 seconds of the infant being placed by the parent in the incubator.

(vi) Triggering a 911 call if the personnel of a hospital, police station or other entity which employs or otherwise provides access to an emergency services provider does not respond within a reasonable amount of time under subparagraph (v).

(5) Operating policy, supervision and maintenance requirements for an incubator, including that only an emergency services provider at an entity that employs or otherwise provides access to the emergency services provider, a health care provider at a hospital or police officer at a police station may take an infant into protective custody in accordance with Chapter 63 (relating to child protective services).

* * *

(23 Pa.C.S. § 6504.3)

§ 6507. Immunity.

Except for a violation of section 6506 (relating to failure to report acceptance of newborns), no emergency services provider, entity that employs or otherwise provides access to an emergency services provider, hospital, health care provider at a hospital or police department, police officer or administrative or managerial personnel of a police department shall be subject to civil liability or criminal penalty solely by reason of complying with the provisions of this chapter [23 Pa.C.S. Ch. 65 (relating to newborn protection)].

(23 Pa.C.S. § 6507)

§ 6509. Duties of department [of Human Services].

The department shall provide educational materials for use by emergency services providers, entities which employ or otherwise provide access to emergency services providers, hospitals, health care providers, employees at hospitals and police officers regarding this chapter, section 6315(a)(3) (relating to taking child into protective custody) and other applicable provisions of Chapter 63 (relating to child protective services) that relate to newborn protection. The department shall promulgate such regulations as may be necessary to implement this chapter, section 6315(a)(3) and other applicable provisions of Chapter 63 that relate to newborn protection. The department shall also provide emergency services providers, entities which employ or otherwise provide access to emergency services providers, health care providers, hospitals, the Pennsylvania State Police and police departments with an informational pamphlet regarding this chapter [23 Pa.C.S. Ch. 65 (relating to newborn protection)], section 6315(a)(3) and other applicable provisions of Chapter 63 that relate to newborn protection which may be distributed to the public. In addition, the department shall comply with the provisions regarding infant abandonment in sections 6365 (relating to services

for prevention, investigation and treatment of child abuse) and 6383 (relating to education and training). A report shall be made annually to the General Assembly on the number and disposition of newborns accepted in accordance with this chapter, section 6315(a)(3) and (5) and other applicable provisions of Chapter 63 that relate to newborn protection.
(23 Pa.C.S. § 6509)

§ 713. Civil Air Patrol.

* * *

(b) Supervision.--The department shall:

* * *

(3) Receive, from the Commonwealth or the Commonwealth's instrumentalities, requests for approval for assistance by the Civil Air Patrol in natural or man-made disasters or emergency situations. A requested and approved mission must be approved or denied in accordance with Federal procedures and in consultation with the Adjutant General or the Adjutant General's designee and the Pennsylvania Emergency Management Agency.

* * *

(d) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Assistance." The term shall include, but is not limited to, the following missions:

(1) Search and rescue.
(2) Disaster relief support.
(3) Homeland security.
(4) Emergency transport services.
(5) Communications support.

(51 Pa.C.S. § 713)

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