

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2092 Session of
2015

INTRODUCED BY TALLMAN, MILLARD, LEWIS, DIAMOND, SCHLEGEL CULVER,
PHILLIPS-HILL, GILLEN, KNOWLES, BARRAR AND SAINATO,
MAY 23, 2016

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MAY 23, 2016

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in volunteer firefighters, further
3 providing for scope of subchapter, for definitions, for
4 confirmation, for powers, for power and authority in places
5 other than where appointed and for badge of authority and
6 subordination.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Sections 7431, 7432, 7434, 7435(a), 7436 and 7437
10 of Title 35 of the Pennsylvania Consolidated Statutes are
11 amended to read:

12 § 7431. Scope of subchapter.

13 This subchapter applies to a volunteer fire company in [any
14 city, borough, town, township or home rule municipality] a
15 political subdivision.

16 § 7432. Definitions [(Reserved)].

17 The following words and phrases when used in this subchapter
18 shall have the meanings given to them in this section unless the
19 context clearly indicates otherwise:

1 "Chief elected executive officer." The mayor, chairperson of
2 the board or chief executive officer of a political subdivision.

3 "Chief law enforcement officer." The head of a municipal law
4 enforcement agency which regularly provides primary police
5 services to a political subdivision. If the political
6 subdivision in which a fire police officer is serving does not
7 have a head of a municipal law enforcement agency, an officer of
8 the Pennsylvania State Police.

9 "Fire police officer." A member of a volunteer fire company
10 nominated by the members of the volunteer fire company and
11 confirmed by the chief elected executive officer to perform
12 traffic control and crowd control duties at incident sites or
13 local events.

14 "Incident." An event or condition which constitutes an
15 actual or imminent threat to public health and safety and public
16 or private property.

17 "Incident commander." The individual responsible for all
18 incident-related activities, including the development of
19 strategies and tactics and the ordering and releasing of
20 resources as provided under the National Incident Management
21 System.

22 "Mutual aid." Mutual assistance and sharing of resources
23 among participating political subdivisions in the prevention of,
24 response to and recovery from threats to public health and
25 safety that are beyond the capability of an affected political
26 subdivision to respond.

27 "Political subdivision." The term shall include a council of
28 governments.

29 § 7434. Confirmation.

30 Special fire police nominated under this subchapter shall,

1 before they enter upon their duties, be confirmed by the [mayor
2 of the city, the mayor of the borough or town, the chairman of
3 the board of commissioners or supervisors of the township or the
4 chief executive officer of a home rule municipality, as the case
5 may be] chief elected executive officer.

6 § 7435. Powers.

7 (a) Specific powers.--When confirmed and sworn and
8 displaying a badge of authority, special fire police shall have
9 full power to regulate traffic and keep crowds under control at
10 or in the vicinity of any fire on which their companies are in
11 attendance and to exercise other police powers necessary to
12 facilitate and prevent interference with the work of firemen in
13 extinguishing fires. They shall also have the police powers
14 necessary to perform their duties when functioning as special
15 fire police at any function, event or parade conducted by and
16 under the auspices of a volunteer fire company, or another
17 event, function or parade conducted by an organization other
18 than a volunteer fire company, provided that the request to
19 perform these duties is made by the governing body of the [city,
20 borough, town, township or home rule municipality] political
21 subdivision in which the event will be conducted, or when
22 accidents, floods or any other emergencies require performance
23 of traffic-control and crowd-control duties. The duties may be
24 performed without prior request from the governing body until
25 the arrival of proper State[, city, borough, town, township or
26 home rule municipality] or political subdivision police
27 authority and thereafter subject to direction of the police
28 authority until the emergency no longer exists. A person
29 functioning as special fire police and performing a duty under
30 any of the conditions in this subsection shall be deemed to be

1 performing the duties of his employment.

2 * * *

3 § 7436. Power and authority in places other than where
4 appointed.

5 Whenever a volunteer fire company is in attendance on a fire
6 or when the special fire police are on special duty as provided
7 under this subchapter, the special fire police in a [city,
8 borough, town or township] political subdivision, other than the
9 one in which the fire company is organized, shall have the same
10 power and authority in another [city, borough, town or township]
11 political subdivision as they would have where they were
12 appointed.

13 § 7437. Badge of authority and subordination.

14 All special fire police when on duty shall display a badge of
15 authority and shall be subject to the control of the [chief of
16 police, if any, of the city, borough, town or township in which
17 they are serving, or, if none, of a member of the Pennsylvania
18 State Police] chief law enforcement officer.

19 Section 2. This act shall take effect in 60 days.