
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2838 Session of
2004

INTRODUCED BY DiGIROLAMO, SOLOBAY, SEMMEL, ARGALL, ARMSTRONG,
BASTIAN, BOYD, BROWNE, BUNT, CAUSER, CLYMER, S. E. CORNELL,
CRAHALLA, CURRY, DAILEY, DALEY, DeLUCA, DENLINGER, DeWEESE,
J. EVANS, FAIRCHILD, FEESE, FLEAGLE, FORCIER, FREEMAN,
GEORGE, GERGELY, GILLESPIE, GINGRICH, GOOD, GOODMAN, GRUCELA,
HALUSKA, HARHAI, HARPER, HARRIS, HERSHEY, HESS, HORSEY,
JAMES, KELLER, KENNEY, KILLION, KOTIK, LaGROTTA, LEACH,
LEDERER, LEVDANSKY, LEWIS, MANDERINO, MANN, MARKOSEK, McCALL,
MELIO, MICOZZIE, MILLARD, S. MILLER, MUNDY, O'NEILL, PAYNE,
PETRARCA, PHILLIPS, PICKETT, PISTELLA, RAYMOND, READSHAW,
SAINATO, SAYLOR, SCAVELLO, SHANER, B. SMITH, STABACK, STERN,
SURRA, E. Z. TAYLOR, J. TAYLOR, THOMAS, TIGUE, WALKO, WATERS,
WATSON, WEBER, WILT, WOJNAROSKI, YOUNGBLOOD, YUDICHAK,
EACHUS, PETRI, WRIGHT AND PALLONE, SEPTEMBER 17, 2004

REFERRED TO COMMITTEE ON INSURANCE, SEPTEMBER 17, 2004

AN ACT

1 Providing for automobile insurance coverage for members of
2 volunteer fire companies and volunteer ambulance services.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Volunteer
7 Fire Company and Volunteer Ambulance Service Automobile
8 Insurance Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

1 "Commissioner." The Insurance Commissioner of the
2 Commonwealth.

3 "Insurer." Any insurance company, association or exchange or
4 any other entity subject to the jurisdiction of the Insurance
5 Department.

6 "Volunteer ambulance service." Any nonprofit chartered
7 corporation, association or organization located in this
8 Commonwealth and which is regularly engaged in the service of
9 providing emergency medical care and transportation of patients.

10 "Volunteer fire company." Any nonprofit chartered
11 corporation, association or organization located in this
12 Commonwealth which provides fire protection services and other
13 voluntary emergency services within this Commonwealth. Voluntary
14 emergency services provided by a volunteer fire company may
15 include voluntary ambulance and voluntary rescue services.

16 Section 3. Prohibited cancellation or refusal of insurance.

17 No insurer covering any property or casualty risks shall
18 cancel, refuse to write or renew or surcharge private passenger
19 or commercial automobile insurance because the insured is an
20 active member of a volunteer fire company or volunteer ambulance
21 service.

22 Section 4. Administrative penalty.

23 Upon investigation and an administrative hearing pursuant to
24 the act of July 22, 1974 (P.L.589, No.205), known as the Unfair
25 Insurance Practices Act, the commissioner may issue an order
26 requiring the insurer to cease and desist from engaging in any
27 violation of this act or may suspend or revoke the insurer's
28 license.

29 Section 5. Injunction.

30 If the alleged violator fails to comply with an order of the

1 commissioner following hearing to cease and desist from
2 violating this act, the commissioner may cause an action for
3 injunction to be filed in the Commonwealth Court or the court of
4 common pleas of the county in which the violation occurred.

5 Section 6. Civil penalties.

6 In addition to any other penalties imposed pursuant to this
7 act, the court may, in an action filed by the commissioner,
8 impose the following civil penalties:

9 (1) for each violation of this act that the insurer knew
10 or reasonably should have known that the act or conduct was a
11 violation, a penalty of not more than \$5,000 for each
12 violation but not to exceed an aggregate penalty of \$50,000
13 in any six-month period;

14 (2) for each violation of this act that the insurer did
15 not know or reasonably should have known that the act or
16 conduct was a violation, a penalty of not more than \$1,000
17 for each violation but not to exceed an aggregate penalty of
18 \$10,000 in any six-month period; and

19 (3) for each violation of an order issued by the
20 commissioner pursuant to section 4, while such order is in
21 effect, a penalty of not more than \$10,000.

22 Section 7. Effective date.

23 This act shall take effect immediately.