

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 49 Session of 2015

INTRODUCED BY SAINATO, BARRAR, COHEN, MILLARD, KOTIK, LONGIETTI,  
D. COSTA, GABLER, MURT, TALLMAN, BROWNLEE, MATZIE, HARHAI,  
DONATUCCI AND MAHONEY, JANUARY 21, 2015

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, JANUARY 21, 2015

AN ACT

1 Amending the act of June 24, 1976 (P.L.424, No.101), entitled,  
2 as amended, "An act providing for the payment of death  
3 benefits to the surviving spouse or children or parents of  
4 firefighters, ambulance service or rescue squad members, law  
5 enforcement officers or National Guard members who die as a  
6 result of the performance of their duties," providing for the  
7 payment of death benefits to members of the Pennsylvania  
8 Civil Air Patrol.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 1(a), (a.1), (c) and (e) of the act of  
12 June 24, 1976 (P.L.424, No.101), referred to as the Emergency  
13 and Law Enforcement Personnel Death Benefits Act, amended  
14 October 9, 2009 (P.L.588, No.51), are amended to read:

15 Section 1. (a) In the event a law enforcement officer,  
16 ambulance service or rescue squad member, firefighter, certified  
17 hazardous material response team member, member of the  
18 Pennsylvania Civil Air Patrol or National Guard member dies as a  
19 result of the performance of his duties, such political  
20 subdivision, Commonwealth agency or, in the case of National

1 Guard members, the Adjutant General, or, in the case of a member  
2 of a Commonwealth law enforcement agency, the authorized  
3 survivor or the agency head, within [90 days] three years from  
4 the date of death, shall submit certification of such death to  
5 the Commonwealth.

6 (a.1) A firefighter, ambulance service or rescue squad  
7 member, law enforcement officer, certified hazardous material  
8 response team member, member of the Pennsylvania Civil Air  
9 Patrol or National Guard member who suffers a fatal heart attack  
10 or stroke while on duty or not later than 24 hours after  
11 participating in a physical training exercise or responding to  
12 an emergency is presumed to have died as a result of the  
13 performance of his duties for purposes of this act.

14 \* \* \*

15 (c) A volunteer ambulance service, certified hazardous  
16 material response team or rescue squad member or member of the  
17 Pennsylvania Civil Air Patrol shall be deemed to be acting in  
18 the performance of his duties for the purposes of this act going  
19 to or directly returning from an emergency which the ambulance  
20 service, certified hazardous material response team [or], rescue  
21 squad or member of the Pennsylvania Civil Air Patrol attended  
22 including travel from and direct return to an ambulance service,  
23 certified hazardous material response team [or], rescue squad or  
24 Pennsylvania Civil Air Patrol member's home, place of business  
25 or other place where he or she shall have been when he or she  
26 received the call or alarm or while participating in drills in  
27 which the ambulance service, certified hazardous material  
28 response team [or], rescue squad or Pennsylvania Civil Air  
29 Patrol shall have participated or while repairing or doing other  
30 work about or on any emergency vehicle or buildings and grounds

1 of the ambulance service, certified hazardous material response  
2 team [or], rescue squad or Pennsylvania Civil Air Patrol upon  
3 the authorization of the chief of the ambulance service,  
4 certified hazardous material response team [or], rescue squad or  
5 Pennsylvania Civil Air Patrol or other person in charge while  
6 answering any emergency calls for any purpose or while riding  
7 upon any vehicles which are owned or used by the ambulance  
8 service, certified hazardous material response team [or], rescue  
9 squad or Pennsylvania Civil Air Patrol.

10 \* \* \*

11 (e) The Commonwealth of Pennsylvania shall pay out of the  
12 General Fund to the surviving spouse or, if there is no  
13 surviving spouse, the minor children of a National Guard member,  
14 certified hazardous material response team member, member of the  
15 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance  
16 service or rescue squad member who died as a result of the  
17 performance of his duties the sum of \$100,000, adjusted in  
18 accordance with subsection (f) of this section. When no spouse  
19 or minor children survive, the benefit shall be paid to the  
20 parent or parents of such National Guard member, certified  
21 hazardous material response team member, member of the  
22 Pennsylvania Civil Air Patrol, volunteer firefighter, ambulance  
23 service or rescue squad member. The benefit shall be payable  
24 whether or not the National Guard member or certified hazardous  
25 material response team member, member of the Pennsylvania Civil  
26 Air Patrol, volunteer firefighter, ambulance service or rescue  
27 squad member died as a result of the performance of his duty  
28 within the Commonwealth of Pennsylvania.

29 \* \* \*

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