
By: **Chairman, Environmental Matters Committee (Departmental - State Police)**

Introduced and read first time: January 22, 2001
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 28, 2001

CHAPTER _____

1 AN ACT concerning

2 **Fires and Investigations - Mutual Aid Agreements - Clarification**

3 FOR the purpose of altering the definition of the term "fire, rescue, or emergency
4 medical services entity" in connection with certain mutual aid agreements;
5 clarifying language; and generally relating to mutual aid agreements among
6 fire, rescue, or emergency medical services entities.

7 BY repealing and reenacting, with amendments,
8 Article 38A - Fires and Investigations
9 Section 37, 38, 39, 40, 41, and 42
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 2000 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article 38A - Fires and Investigations**

15 37.

16 (a) (1) In this [section,] SUBTITLE the following terms have the meanings
17 indicated.

18 (2) "Fire, rescue, or emergency medical services entity" means a:

19 (i) Governmental subdivision, by its appropriate designated
20 authority;

- 1 (ii) Board or fire commission of a fire department or governmental
2 subdivision;
- 3 (iii) Fire department;
- 4 (iv) Fire company;
- 5 (v) Rescue squad; or
- 6 (vi) Emergency medical services unit WHICH INCLUDES AN ENTITY
7 PROVIDING EMERGENCY MEDICAL SERVICES AT ~~ALL LEVELS~~ ANY LEVEL.

8 (3) (i) "Mutual aid agreement" means an agreement to establish and
9 carry into effect a plan to assist in extinguishing fires and preserving life and
10 property within this State, the District of Columbia, Virginia, West Virginia,
11 Delaware, or Pennsylvania by providing fire fighting, rescue or emergency medical
12 equipment, personnel and services.

13 (ii) "Mutual aid agreement" includes a reciprocal agreement
14 entered into in accordance with this section prior to July 1, 1989.

15 (b) Except as provided in subsection (d) of this section, a fire, rescue, or
16 emergency medical services entity may enter into and renew a mutual aid agreement
17 with:

18 (1) The District of Columbia;

19 (2) Virginia;

20 (3) West Virginia;

21 (4) Pennsylvania;

22 (5) Delaware; or

23 (6) A fire, rescue, or emergency medical services entity of this State, the
24 District of Columbia, Virginia, West Virginia, Pennsylvania, or Delaware.

25 (c) The agreement may provide that a subscribing party that requests
26 assistance under the agreement indemnifies and saves harmless a party providing
27 assistance under the agreement from all claims by third parties for property damage
28 or personal injury arising out of the mutual aid activities, including travel, of the
29 party providing assistance that occur outside the jurisdiction of the party providing
30 assistance except that the party requesting assistance need not indemnify the party
31 providing assistance if:

32 (1) The party providing assistance does not cooperate in defending
33 against claims made by third parties; or

34 (2) The claims by third parties arise out of malicious acts of the
35 party providing assistance.

1 (d) A fire, rescue, or emergency medical services entity may not enter into a
2 mutual aid agreement unless the agreement provides that each subscribing party
3 shall waive any and all claims against all other parties to the agreement that may
4 arise out of their activities outside their respective jurisdictions under the agreement.

5 38.

6 (a) Any [board of fire commissioners, fire company, rescue squad,
7 governmental subdivision, or fire department,] FIRE, RESCUE, OR EMERGENCY
8 MEDICAL SERVICES ENTITY acting through authorized agents[,] may in their
9 discretion[,] enter into agreement with the federal government for the provision of
10 fire fighting or rescue activities on property which is under the jurisdiction of the
11 United States.

12 (b) Any agreement entered into in accordance with subsection (a) hereof shall
13 be limited to the provision of fire fighting and/or rescue equipment and personnel to
14 extinguish fires and save lives on property which is under the jurisdiction of the
15 United States.

16 (c) No [board of fire commissioners, fire company, rescue squad,
17 governmental subdivision, or fire department] FIRE, RESCUE, OR EMERGENCY
18 MEDICAL SERVICES ENTITY shall enter into any such agreement in accordance with
19 subsections (a) and (b) hereof unless the agreement includes:

20 (1) A waiver by each party of all claims against every other party for
21 compensation for any loss, damage, personal injury, or death occurring in
22 consequence of the performance of such agreement;

23 (2) A provision to indemnify and save harmless the other parties to such
24 agreement from all claims by third parties for property damage or personal injury
25 within the limitations permitted by applicable federal law, that may arise out of the
26 activities of the other parties to such agreement; and

27 (3) Except in Anne Arundel County, a provision that entitles the [board
28 of fire commissioners, fire company, rescue squad, governmental subdivision, or fire
29 department] FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY to obtain
30 reimbursement from the appropriate federal authority for all or any part of the cost
31 incurred in furnishing fire protection on property which is under the jurisdiction of
32 the United States, pursuant to applicable federal law.

33 (d) Any individual who sustains any injury while engaged in and arising out of
34 any activity under this section is entitled to any or all benefits available to the
35 individual under the Maryland Workers' Compensation Act, as the primary remedy to
36 reimburse the individual for expenses for medical bills, loss of earnings and disability
37 arising under or as a result of this section.

38 39.

39 For the purposes of any workers' compensation or other law or benefit which
40 would accrue to personnel, paid or volunteer, who are performing any service

1 anywhere for a [fire department or rescue squad] FIRE, RESCUE, OR EMERGENCY
2 MEDICAL SERVICES ENTITY of this State, or elsewhere, under any mutual aid
3 agreement, said personnel shall be held and considered to have performed that
4 service in the course of employment and in the line of duty in order to fully qualify for
5 any benefits otherwise accruing.

6 40.

7 Necessary expenditures for the purposes of this subtitle shall be made out of any
8 appropriations usually available to [fire companies or rescue squads] A FIRE,
9 RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY.

10 41.

11 The foregoing sections shall be liberally construed in order to effect the purpose
12 of this subtitle to provide for mutual aid for [fire departments and rescue squads] A
13 FIRE, RESCUE, OR EMERGENCY MEDICAL SERVICES ENTITY in time of need.

14 42.

15 (a) In this section, "Board" means the Board of Trustees of the Maryland State
16 Firemen's Association.

17 (b) A person who is a volunteer firefighter or individual serving on a volunteer
18 rescue squad is eligible to receive a benefit from the Board if:

19 (1) The person is temporarily or permanently disabled:

20 (i) As a direct result of actively participating in fighting a fire or
21 while going to or from a fire;

22 (ii) While performing any other duties necessary to the operation or
23 maintenance of the fire company;

24 (iii) While actively participating in the [ambulance, advanced life
25 support] EMERGENCY MEDICAL SERVICES UNIT, or rescue work of a volunteer fire,
26 ambulance, or rescue company or volunteer advanced life support unit in the State; or

27 (iv) While providing emergency or rescue assistance, whether acting
28 alone or at the direction of or with a fire, ambulance, or rescue company or advanced
29 life support unit; and

30 (2) The person is supported by the recommendation of the fire company
31 or volunteer rescue squad of which the person is a member.

32 (c) A benefit under this section shall be paid from the treasury of the
33 Maryland State Firemen's Association in an amount and in a manner that the Board
34 determines for as long as the beneficiary is disabled.

35 (d) A benefit under this section shall be paid to a beneficiary regardless of:

- 1 (1) The district in which the beneficiary was disabled; or
- 2 (2) Whether the beneficiary was disabled in:
- 3 (i) This State;
- 4 (ii) One of the following adjacent states - Delaware, Pennsylvania,
5 West Virginia, Virginia; or
- 6 (iii) The District of Columbia.
- 7 (e) The secretary of the Board shall place and keep the name of each
8 beneficiary under this section on a Disabled Firemen's and Rescue Squadmen's List.
- 9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
10 effect October 1, 2001.