

## No. 2016-110

## AN ACT

## HB 49

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

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

Section 1. Section 1(a), (a.1), (c) and (e) of the act of June 24, 1976 (P.L.424, No.101), referred to as the Emergency and Law Enforcement Personnel Death Benefits Act, amended October 9, 2009 (P.L.588, No.51) and May 13, 2015 (P.L.1, No.1), are amended to read:

Section 1. (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 **[four]** *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 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.

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(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 **[or]**,

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 [or], 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 [or], 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 [or], rescue squad *or Pennsylvania Civil Air Patrol* upon the authorization of the chief of the ambulance service, certified hazardous material response team [or], 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 [or], rescue squad *or Pennsylvania Civil Air Patrol*.

\* \* \*

(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.

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

APPROVED—The 26th day of October, A.D. 2016

TOM WOLF