

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1193 Session of 2024

INTRODUCED BY MASTRIANO, PENNYCUICK, VOGEL AND MILLER, MAY 3, 2024

SENATOR MASTRIANO, VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, AS AMENDED, JUNE 11, 2024

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, IN COMMONWEALTH SERVICES, FURTHER <--
3 PROVIDING FOR ASSISTANCE TO FIRE COMPANIES AND EMS COMPANIES;
4 AND, in incentives for municipal volunteers of fire companies
5 and nonprofit emergency medical services agencies, further
6 providing for definitions, for volunteer service credit
7 program, for service record, for certification and for duties
8 of State Fire Commissioner.

9 Section 1. The definitions of "active volunteer" and <--
10 "volunteer" in section 79A03 of Title 35 of the Pennsylvania
11 Consolidated Statutes are amended and the section is amended by
12 adding a definition to read:

13 SECTION 1. SECTION 7364(A) AND (B) OF TITLE 35 OF THE <--
14 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

15 § 7364. ASSISTANCE TO FIRE COMPANIES AND EMS COMPANIES.

16 (A) GENERAL RULE.--THE OFFICE IS AUTHORIZED, UPON
17 APPLICATION OF ANY FIRE COMPANY OR EMS COMPANY, TO MAKE LOANS
18 FOR THE FOLLOWING PURPOSES:

19 (1) ESTABLISHING OR MODERNIZING FACILITIES THAT HOUSE
20 FIREFIGHTING EQUIPMENT, AMBULANCE OR RESCUE VEHICLES. THE

1 AMOUNT OF A LOAN FOR ESTABLISHING OR MODERNIZING FACILITIES
2 MADE TO ANY ONE FIRE COMPANY OR EMS COMPANY SHALL NOT EXCEED
3 50% OF THE TOTAL COST OF THE FACILITIES OR MODERNIZATION OR
4 ~~[\$450,000]~~ \$1,000,000, WHICHEVER IS LESS, AND A NOTARIZED
5 FINANCIAL STATEMENT FILED UNDER SUBSECTION (C) SHALL SHOW
6 THAT THE APPLICANT HAS AVAILABLE 20% OF THE TOTAL COST OF THE
7 FACILITIES IN UNOBLIGATED FUNDS. PROCEEDS OF THE LOAN SHALL
8 BE USED ONLY FOR PURPOSES OF STRUCTURE OR LAND ACQUISITION OR
9 RENOVATION OR CONSTRUCTION AND SHALL NOT BE USED FOR PAYMENT
10 OF FEES FOR DESIGN, PLANNING, PREPARATION OF APPLICATIONS OR
11 ANY OTHER COST NOT DIRECTLY ATTRIBUTABLE TO STRUCTURE OR LAND
12 ACQUISITION OR RENOVATION OR CONSTRUCTION.

13 (2) PURCHASING FIREFIGHTING APPARATUS, AMBULANCES OR
14 RESCUE VEHICLES. THE AMOUNT OF A LOAN MADE FOR PURCHASING
15 FIREFIGHTING APPARATUS TO ANY ONE FIRE COMPANY SHALL NOT
16 EXCEED ~~[\$250,000]~~ \$500,000 FOR ANY SINGLE FIREFIGHTING
17 APPARATUS EQUIPMENT OR UTILITY OR SPECIAL SERVICE VEHICLE OR
18 HEAVY DUTY RESCUE VEHICLE AS DEFINED BY REGULATION OR
19 GUIDELINE, OR 50% OF THE TOTAL COST OF THE EQUIPMENT OR
20 VEHICLE, WHICHEVER IS LESS, EXCEPT FOR LOANS FOR AERIAL
21 APPARATUS AS DEFINED BY REGULATION OR GUIDELINE, WHICH SHALL
22 NOT EXCEED ~~[\$350,000]~~ \$500,000. THE AMOUNT OF A LOAN MADE TO
23 ANY ONE FIRE COMPANY OR EMS COMPANY FOR ANY AMBULANCE OR
24 LIGHT DUTY RESCUE VEHICLE AS DEFINED BY REGULATION OR
25 GUIDELINE SHALL NOT EXCEED ~~[\$125,000]~~ \$250,000 AND FOR A
26 WATERCRAFT RESCUE VEHICLE SHALL NOT EXCEED ~~[\$35,000]~~ \$100,000
27 OR 50% OF THE COST OF THE AMBULANCE OR RESCUE VEHICLE,
28 WHICHEVER IS LESS, AND A NOTARIZED FINANCIAL STATEMENT FILED
29 UNDER SUBSECTION (C) SHALL SHOW THAT THE APPLICANT HAS
30 AVAILABLE 20% OF THE TOTAL COST OF THE VEHICLE IN UNOBLIGATED

1 FUNDS.

2 (3) PURCHASING PROTECTIVE, ACCESSORY OR COMMUNICATION
3 EQUIPMENT. NO FIRE COMPANY OR EMS COMPANY SHALL RECEIVE A
4 LOAN FOR PROTECTIVE, ACCESSORY OR COMMUNICATIVE EQUIPMENT
5 MORE THAN ONCE IN ANY FIVE-YEAR PERIOD. EACH FIRE COMPANY OR
6 EMS COMPANY MAY APPLY FOR A LOAN FOR A MOBILE AND PORTABLE
7 RADIO UNIT FOR EACH EXISTING SERVICEABLE APPARATUS EQUIPMENT,
8 AMBULANCE OR RESCUE VEHICLE. RADIO EQUIPMENT OBTAINED THROUGH
9 LOANS UNDER THIS SUBCHAPTER SHALL BE EQUIPPED WITH A
10 FREQUENCY OR FREQUENCIES LICENSED BY THE FEDERAL
11 COMMUNICATIONS COMMISSION FOR FIREFIGHTING OR EMERGENCY
12 RESPONSE PURPOSES. A NOTARIZED FINANCIAL STATEMENT SHALL BE
13 FILED AND LOANS UNDER THIS SUBCHAPTER FOR THE PURCHASE OF
14 PROTECTIVE, ACCESSORY OR COMMUNICATIVE EQUIPMENT SHALL NOT
15 EXCEED [~~\$25,000~~] \$150,000.

16 (4) REFINANCING DEBT INCURRED OR CONTRACTS ENTERED INTO
17 AFTER NOVEMBER 4, 1975, AND USED FOR THE PURCHASE OF
18 APPARATUS EQUIPMENT OR FOR THE CONSTRUCTION OR MODERNIZATION
19 OF FACILITIES OR FOR MODIFICATION OF APPARATUS EQUIPMENT IN
20 ORDER TO COMPLY WITH NATIONAL FIRE PROTECTION ASSOCIATION
21 STANDARDS.

22 (5) REPAIR OR REHABILITATION OF APPARATUS EQUIPMENT.
23 WHERE IT HAS BEEN DETERMINED THAT EXISTING APPARATUS
24 EQUIPMENT NO LONGER MEETS THE STANDARDS OF THE NATIONAL FIRE
25 PROTECTION ASSOCIATION AND THE REPAIR OR REHABILITATION OF
26 SUCH EQUIPMENT WILL BRING IT IN COMPLIANCE WITH NATIONAL FIRE
27 PROTECTION ASSOCIATION STANDARDS, LOANS FOR THE REPAIR OR
28 REHABILITATION FOR A SINGLE APPARATUS EQUIPMENT SHALL BE FOR
29 AT LEAST \$3,000 BUT SHALL NOT EXCEED THE LESSER OF [~~\$80,000~~]
30 \$150,000 OR 80% OF THE TOTAL COST OF REPAIR OR

1 REHABILITATION.

2 (6) PURCHASING OF USED FIREFIGHTING APPARATUS,
3 EQUIPMENT, USED AMBULANCES, USED RESCUE VEHICLES, USED
4 COMMUNICATIONS EQUIPMENT, USED ACCESSORY EQUIPMENT OR USED
5 PROTECTIVE EQUIPMENT, EXCEPT THAT THE USED VEHICLES AND
6 EQUIPMENT SHALL MEET THE NATIONAL FIRE PROTECTION ASSOCIATION
7 (NFPA) STANDARDS AND LOANS FOR THE PURCHASE OF A USED SINGLE
8 APPARATUS EQUIPMENT SHALL NOT EXCEED [~~\$200,000~~] \$350,000 OR
9 80% OF THE TOTAL COST OF THE EQUIPMENT, WHICHEVER IS LESS.

10 * * *

11 (B) LOANS.--LOANS MADE BY THE OFFICE IN THE AMOUNT OF
12 \$50,000 OR LESS SHALL BE FOR A PERIOD OF NOT MORE THAN TEN
13 YEARS. LOANS IN EXCESS OF \$50,000 BUT NOT IN EXCESS OF \$300,000
14 SHALL BE FOR A PERIOD OF NOT MORE THAN [~~15~~] 20 YEARS. THE
15 PAYBACK PERIOD OF ANY LOAN IN EXCESS OF \$300,000 SHALL NOT
16 EXCEED [~~20~~] 30 YEARS. LOANS SHALL BE SUBJECT TO THE PAYMENT OF
17 INTEREST AT 2% PER YEAR AND SHALL BE SUBJECT TO SUCH SECURITY AS
18 SHALL BE DETERMINED BY THE COMMISSIONER. THE TOTAL AMOUNT OF
19 INTEREST EARNED BY THE INVESTMENT OR REINVESTMENT OF ALL OR ANY
20 PART OF THE PRINCIPAL OF ANY LOAN SHALL BE RETURNED TO THE
21 OFFICE AND TRANSFERRED TO THE FIRE AND EMERGENCY MEDICAL
22 SERVICES LOAN FUND AND SHALL NOT BE CREDITED AS PAYMENT OF
23 PRINCIPAL OR INTEREST ON THE LOAN. EXCEPT AS PROVIDED IN
24 SUBSECTION (A) (5) AND (7), THE MINIMUM AMOUNT OF ANY LOAN SHALL
25 BE \$25,000.

26 * * *

27 SECTION 2. THE DEFINITIONS OF "ACTIVE VOLUNTEER" AND
28 "VOLUNTEER" IN SECTION 79A03 OF TITLE 35 ARE AMENDED AND THE
29 SECTION IS AMENDED BY ADDING A DEFINITION TO READ:
30 § 79A03. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "Active volunteer." A volunteer for a volunteer fire company
5 [or], nonprofit emergency medical services agency or volunteer
6 HAZMAT Team who has complied with the requirements of the
7 volunteer service credit program and who is certified under
8 section 79A23 (relating to certification).

9 * * *

10 "HAZMAT Team." As the term "certified hazardous material
11 response team" is defined in section 103 of the act of December
12 7, 1990 (P.L.639, No.165), known as the Hazardous Material
13 Emergency Planning and Response Act.

14 * * *

15 "Volunteer." A member of a volunteer fire company [or], a
16 nonprofit emergency medical services agency or a volunteer
17 HAZMAT Team.

18 * * *

19 Section ~~2~~ 3. Sections 79A21, 79A22, 79A23(a) and (c) and <--
20 79A33(1) of Title 35 are amended to read:

21 § 79A21. Volunteer service credit program.

22 (a) Establishment.--The governing body may establish a
23 volunteer service credit program that establishes the annual
24 requirements for the certification of a volunteer in active
25 service at a volunteer fire company [or], a nonprofit emergency
26 medical services agency or a volunteer HAZMAT Team.

27 (b) Activities.--The volunteer service credit program shall
28 consider the following activities in determining credit toward a
29 certification of active service:

30 (1) The number of emergency calls to which a volunteer

1 responds.

2 (2) The level of training and participation in formal
3 training and drills for a volunteer.

4 (3) The total amount of time expended by a volunteer on
5 administrative and other support services, including
6 fundraising and facility or equipment maintenance.

7 (4) The involvement in other events or projects that aid
8 the financial viability, emergency response or operational
9 readiness of a volunteer fire company [or], a nonprofit
10 emergency medical services agency or a volunteer HAZMAT Team.

11 (c) Guidelines.--The governing body shall, with the advice
12 of the chief of a volunteer fire company and the supervisor or
13 chief of a nonprofit emergency medical services agency or the
14 head of the volunteer HAZMAT Team or their designees, adopt
15 guidelines, including forms and applications, necessary to
16 implement this section.

17 (d) Eligibility list.--A notarized list of eligible active
18 volunteers shall be submitted to the governing body, no later
19 than 45 days before tax notices are to be distributed, by the
20 following:

21 (1) The chief of a volunteer fire company, where
22 applicable.

23 (2) The supervisor or chief of a nonprofit emergency
24 medical services agency, where applicable.

25 (3) The head of a volunteer HAZMAT Team.

26 (e) Exclusion.--An eligible active volunteer may only
27 receive a tax credit under this subchapter once for each
28 governing body.

29 (F) HAZMAT.--IN ORDER TO RECEIVE A TAX CREDIT UNDER THIS <--
30 SECTION, AN ELIGIBLE ACTIVE VOLUNTEER OF A VOLUNTEER HAZMAT TEAM

1 MUST DO ALL OF THE FOLLOWING:

2 (1) MAINTAIN HAZMAT OPERATIONS OR A TECHNICIAN
3 CERTIFICATE.

4 (2) ATTEND A MINIMUM OF FOUR HAZMAT DRILLS OR EXERCISES
5 PER YEAR.

6 § 79A22. Service record.

7 (a) Log.--The chief of a volunteer fire company [or] the
8 supervisor or chief of a nonprofit emergency medical services
9 agency or the head of the volunteer HAZMAT Team or their
10 designees shall establish and maintain a service log that
11 documents the activities of each volunteer that qualify for
12 credit toward active service under the volunteer service credit
13 program and the calculation of the total credits earned for each
14 volunteer in the volunteer fire company [or] nonprofit
15 emergency medical services agency or volunteer HAZMAT Team.

16 (b) Review.--Service logs established and maintained by
17 volunteer fire companies [or] nonprofit emergency medical
18 services agencies or volunteer HAZMAT Teams shall be subject to
19 periodic review by the commissioner, the Auditor General, the
20 governing body where the volunteer fire company [or] nonprofit
21 emergency medical services agency or volunteer HAZMAT Team is
22 located and the governing body where the volunteer fire company
23 [or] nonprofit emergency medical services agency or volunteer
24 HAZMAT Team provides services.

25 § 79A23. Certification.

26 (a) Self-certification.--The active volunteer shall sign and
27 submit an application for certification to the chief of the
28 volunteer fire company [or] the supervisor or chief of the
29 nonprofit emergency medical services agency or head of the
30 volunteer HAZMAT Team where the volunteer serves.

1 * * *

2 (c) Local sign-off.--The chief and another officer of the
3 volunteer fire company [and], the supervisor or chief and
4 another officer of the nonprofit emergency medical services
5 agency and the head of the volunteer HAZMAT Team shall sign the
6 application attesting to the individual's status as an active
7 volunteer or that the individual can no longer serve as an
8 active volunteer due to injury. The application shall then be
9 forwarded to the municipality, as appropriate, for final review
10 and processing.

11 § 79A33. Duties of State Fire Commissioner.

12 The State Fire Commissioner shall:

13 (1) Establish guidelines for municipalities, volunteer
14 fire companies [and], nonprofit EMS agencies and volunteer
15 HAZMAT Teams regarding the tax credit and post the guidelines
16 online.

17 * * *

18 Section 3 4. This act shall take effect in 60 days.

<--