

HOUSE BILL 357

By Powers

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8 and Title 68, relative to rescue squads.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 140, is amended by adding the following language as a new part:

68-140-701. Short title.

This part is known and may be cited as the "Rescue Squad Recognition Act."

68-140-702. Definitions.

As used in this part, unless the context otherwise requires, "rescue squad":

(1) Means a department of a municipality, county, or political subdivision, or a nonprofit organization that offers its services, for or without pay, for the purpose of performing rescue services, or for other emergency response purposes, in at least four (4) of the following eleven (11) disciplines:

- (A) Animal technical rescue;
- (B) Rope rescue;
- (C) Floodwater rescue;
- (D) Vehicle and machinery rescue;
- (E) Confined space rescue;
- (F) Structural collapse rescue;
- (G) Swiftwater rescue;
- (H) Trench rescue;
- (I) Subterranean rescue;
- (J) Dive rescue; or

(K) Wilderness search and rescue;

(2) Means eighty-five percent (85%) of a nonprofit organization's dedicated team is meeting the national fire protection association 1006 standards for qualifications for each discipline described in subdivision (1);

(3) Means a nonprofit organization's dedicated team consists of at least seventy-five percent (75%) of personnel who volunteer or undertake time, resources, and labor to provide emergency response to a county, municipality, or political subdivision;

(4) Means an organization that qualifies as a nonprofit organization under the Internal Revenue Code § 501(c)(3) (26 U.S.C. § 501(c)(3)), and chartered by this state; and

(5) Does not include law enforcement agencies or emergency medical agencies licensed by the Tennessee emergency medical services board or a fire department as defined in § 68-102-302.

68-140-703. State fire marshal's standards and qualifications.

A municipality, county, or political subdivision shall not operate a rescue squad, and a nonprofit organization shall not operate as a rescue squad, unless the rescue squad has been duly recognized and authorized to perform rescue services pursuant to this part by the state fire marshal's office. The state fire marshal, in consultation with the Tennessee Association of Rescue Squads and other interested industry groups, shall promulgate rules pursuant to the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, relative to the standards and qualifications for becoming and remaining a rescue squad.

68-140-704. Application for operation of rescue squad — Classification —

Certificate of recognition — Recognition renewal.

(a) To obtain recognition from the state fire marshal's office, a municipality, county, or political subdivision wanting to operate a rescue squad, or a nonprofit organization wanting to operate as a rescue squad, shall file an application with the state fire marshal's office, and file a renewal application to continue operating, in accordance with the following:

(1) The application must be made on a form prescribed by the state fire marshal and must be accompanied by a processing fee not to exceed fifty dollars (\$50.00). The state fire marshal may require that the form be signed and notarized by the highest-ranking official of the rescue squad;

(2) Upon being granted recognized status as a rescue squad, the state fire marshal shall issue a certificate of recognition to the rescue squad. The certificate is valid for a period of three (3) years from the date of issuance; and

(3) Approximately six (6) months prior to the expiration of the three-year certificate, the state fire marshal's office shall notify each rescue squad by certified mail of the expiration of the certificate. A rescue squad whose certificate is expiring shall complete a recognition renewal form prescribed by the state fire marshal and submit a renewal fee not to exceed fifty dollars (\$50.00) at least thirty (30) days prior to expiration of the rescue squad's certification of recognition.

(b) The form prescribed by the state fire marshal's office must include a process for a rescue squad whose certificate of charter with the secretary of state is active before July 1, 2025, to apply for an exemption, as described in § 68-140-709.

68-140-705. Approval of local elected governing body — Certificate of recognition requirement.

(a) A new rescue squad must not be established or recognized without the approval of the local elected governing body in which jurisdiction the rescue squad will operate. This approval must include the geographical territory to be covered by the new rescue squad.

(b) A governmental unit, person, or nonprofit organization shall not operate as a rescue squad without a valid certificate of recognition issued by the state fire marshal in accordance with this part.

68-140-706. Option of "Non-Recognition."

Notwithstanding §§ 68-140-703 and 68-140-705, if any department within a municipality, county, or political subdivision, as well as any nonprofit organization, decides not to function as a rescue squad as defined in § 68-140-702, then such department or nonprofit organization must notify the state fire marshal's office and the local elected governing body that the rescue squad is choosing to opt out of this part and take on all responsibilities assigned by the local elected governing body.

68-140-707. Nonrenewal, revocation, or suspension of certificate of recognition.

(a) The state fire marshal may refuse to issue or renew and revoke or suspend any application for or renewal of a certificate of recognition if the:

(1) Rescue squad has violated:

(A) This part;

(B) Any rule duly promulgated by the state fire marshal; or

(C) Any other state or federal law;

(2) Rescue squad fails to renew its certification;

(3) Rescue squad fails to submit the required fee; or

(4) Local elected governing body withdraws recognition of the rescue squad.

(b) The state fire marshal shall notify the local elected governing body within thirty (30) days of refusing to renew, revoking, or suspending any certificate of recognition of a rescue squad.

(c) The local elected governing body shall notify the state fire marshal within thirty (30) days of withdrawing approval of the rescue squad.

(d) The Uniform Administrative Procedures Act, compiled in title 4, chapter 5, governs all matters and procedures respecting the hearing and judicial review of any contested case arising under this part.

68-140-708. Reporting requirements for emergency responses.

(a) Within thirty (30) days of an emergency in which a rescue squad responds, the rescue squad shall complete all necessary reports, documentation, and filing of the emergency to at least one (1) of the following:

- (1) The Tennessee Association of Rescue Squads general reporting system;
- (2) The national fire incident reporting system;
- (3) The national emergency response information system; or
- (4) The standard reporting system for the state fire marshal's office.

68-140-709. Existing chartered rescue squads.

(a) A rescue squad whose certificate of charter with the secretary of state is active before July 1, 2025, may submit an application as described in § 68-140-704 to operate under an exemption if the rescue squad does not currently meet the definition of a rescue squad as defined in § 68-140-702.

(b) If a rescue squad described in subsection (a) properly files the application described in § 68-140-704 and the application is approved by the state fire marshal's

office, then such rescue squad is deemed to be a recognized rescue squad under this part.

(c) A copy of the charter and proof of an active status must be filed with the application each instance the rescue squad applies for an exemption.

68-140-710. Penalty for violations.

A violation of this part is a Class C misdemeanor punishable by a fine only of fifty dollars (\$50.00).

SECTION 2. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 3. For purposes of promulgating rules and carrying out administrative duties necessary to effectuate this act, this act takes effect upon becoming law, the public welfare requiring it. For all other purposes, this act takes effect July 1, 2025, the public welfare requiring it.