

LD8531158

HOUSE BILL NO. 2253

Offered January 23, 1995

A BILL to amend and reenact §§ 27-1 through 27-4 of the Code of Virginia, relating to fire protection; responding to emergencies.

Patrons—Connally, Almand, Darner and Van Landingham; Senators: Calhoun, Holland, E.M. and Howell

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 27-1 through 27-4 of the Code of Virginia are amended and reenacted as follows:

§ 27-1. Fire fighters, emergency medical technicians, and equipment may in emergencies go or be sent beyond territorial limits.

Whenever the necessity arises during any *actual or potential* emergency resulting from fire, *personal injury*, or other public disaster, the fire fighters *or emergency medical technicians* of any county, city or town may, together with all necessary equipment, lawfully go or be sent beyond the territorial limits of such county, city or town to any point within or without the Commonwealth, to assist in meeting such emergency.

In such event the acts performed for such purpose by such fire fighters *or emergency medical technicians*, and the expenditures made for such purpose by such county, city or town, shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city or town when acting through its fire fighters *or emergency medical technicians* for a public or governmental purpose within its territorial limits shall be enjoyed by it to the same extent when such county, city or town is so acting, under this section or under other lawful authority, beyond its territorial limits.

The fire fighters *or emergency medical technicians* of any county, city or town, when acting hereunder, or under other lawful authority, beyond the territorial limits of such county, city or town, shall have all the immunities from liability and exemptions from laws, ordinances and regulations, and shall have all of the pension, relief, disability, workers' compensation and other benefits, enjoyed by them while performing their respective duties.

§ 27-2. Contracts of cities or towns to furnish fire protection; emergency medical services.

The governing body of any city or town may, in its discretion, authorize or require the fire department *or emergency medical services department or division* thereof to render aid in cases of *actual or potential fire or medical emergency* occurring beyond their limits, and may prescribe the conditions on which such aid may be rendered, and may enter into a contract, or contracts, with *nearby*, adjacent or adjoining counties and cities, within or without the Commonwealth, *including the District of Columbia*, for rendering aid in fire protection *or in emergency medical response* in such counties, cities, or any district, or sanitary district thereof *or in the District of Columbia*, on such terms as may be agreed upon by such governing body and the governing body of *the District of Columbia or of* such counties or cities and/or district, including sanitary districts; provided, that each of the parties to such agreement may contract as follows: (1) waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; (2) indemnify and save harmless the other parties to such agreement from all claims by third parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement. When the fire department *or emergency medical services department or division* of any city or town is operating under such permission or contract, or contracts, on any call beyond the corporate limits of the city or town, it shall be deemed to be operating in a governmental capacity, and subject only to such liability for injuries as it would be if it were operating within the corporate limits of such city or town.

§ 27-2.1. Contracts for fire protection or emergency medical services for federal and state property.

Any county, city or town may contract with the federal or state governments to provide fire *or emergency medical service* to federal or state property located within or without the boundaries of the county, city or town.

In the absence of a written contract, any acts performed and all expenditures made by a county, city or town in providing fire protection *or emergency medical services* to property owned by the federal government shall be deemed conclusively to be for a public and governmental purpose and all of the immunities from liability enjoyed by a county, city or town when acting through its fire fighters *or emergency medical technicians* for a public or governmental purpose within or without its territorial

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60 limits shall be enjoyed by it to the same extent when such county, city or town is so acting, under the
61 provisions of this section, or under other lawful authority.

62 The fire fighters *or emergency medical technicians* of any county, city or town when acting
63 hereunder, or under other lawful authority, shall have all of the immunities from liability and
64 exemptions from laws, ordinances and regulations, and shall have all of the pension, relief, disability,
65 workers' compensation and other benefits enjoyed by them while performing their respective duties.

66 The amount of compensation to the county, city or town pursuant to the contract shall be a matter
67 within the sole discretion of the governing body of the county, city or town.

68 § 27-3. Contract of county with city or another county for fire protection; emergency medical
69 services.

70 The governing body of any county adjoining or near any city, *town*, or county, within or without the
71 Commonwealth, *including the District of Columbia*, having and maintaining fire-fighting *or emergency*
72 *medical services* equipment may contract with any such city, *town*, or county, upon such terms as such
73 governing body may deem proper, for fighting fires *or responding to medical emergencies* in such
74 county, *town*, or city and may prescribe the terms and conditions upon which ~~fires~~ *such services* may be
75 ~~fought~~ *provided* on privately owned property in the county, *town*, or city and may raise funds with
76 which to pay for such services, by levying and collecting annually, at such rates as such governing body
77 may deem sufficient, a special tax upon the property in such county, or in any magisterial district
78 thereof, subject to local taxation.

79 § 27-3.1. Public liability insurance to cover claims arising out of mutual aid agreements.

80 The governing body of any city, county or town in ~~this~~ *the* Commonwealth is authorized to procure
81 or extend the necessary public liability insurance to cover claims arising out of mutual aid agreements
82 executed with other cities, counties, or towns outside the Commonwealth, *including the District of*
83 *Columbia*.

84 § 27-4. Contract of county, city or town to furnish fire protection; emergency medical services.

85 Any county, city or town which operates fire-fighting equipment as provided for in § 27-15.2 and
86 any county, city or town mentioned in § 27-23.6 may contract with counties, cities or towns in, adjacent
87 to, or near such county, city or town, *including the District of Columbia*, for fire protection *or*
88 *emergency medical services* in the manner provided for in § 27-2.