

**The Fire Police Act** is found in Title 35, Health and Safety. It currently consists of three Sections of Chapter 1200. The first section is the basic Fire Police Law, the second relates to mutual aid, and the third reiterates how Fire Police must wear a badge and work for the Police.

The most current change was in 1980.

1201. Nomination and confirmation; powers.

Any volunteer fire department in any city, borough, town, township or home rule municipality may nominate any of its members as special fire police. All special fire police so nominated shall, before they enter upon their duties as such, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township, or the chief executive officer of a home rule municipality, as the case may be. When so confirmed and sworn and displaying a badge of authority they shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise such other police powers as are necessary in order to facilitate and prevent interference with the work of firemen in extinguishing fires and, in addition, shall have the police powers necessary to perform their duties when functioning as special fire police at any function, event, or parade conducted by, and under the auspices of, any volunteer fire company, or any other event, function, or parade conducted by an organization other than a volunteer fire company, providing the request to perform these duties is made by the governing body of the city, borough, town, township, or home rule municipality, in which the event will be conducted, or when accidents, floods, or any other emergencies require performance of such traffic-control and crowd control duties. Such duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township, or home rule municipality, police authority and thereafter subject to direction of such police authority until the emergency no longer exists. A person functioning as special fire police, and performing a duty under any of the above conditions, shall be deemed to be performing the duties of his employment. Fire police performing such duties shall be identifiable by, at minimum, the wearing of a distinctive arm band or hat or uniform or insignia. Under no circumstances shall this act be construed to grant special fire police the right and/or power to use firearms or other weapons in the exercise of special fire police powers granted hereunder.

1202. Powers in another city, borough, town or township.

Whenever any volunteer fire company is in attendance on a fire, or when such special fire police are on special duty as hereinbefore provided, such special fire police in any city, borough, town or township other than the one in which such fire company is organized shall have the same power and authority in such other city, borough, town or township as they would have in that by which they were appointed.

1203. Badge; control.

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, a member of the Pennsylvania State Police.

**CHAPTER 74**  
VOLUNTEER FIREFIGHTERS

**Subchapter**

- A. Preliminary Provisions
- B. Relief Association
- C. Employment Sanctions
- D. Special Fire Police

**Enactment.** Chapter 74 was added November 23, 2010, P.L.1181, No.118, effective January 1, 2011.

**Cross References.** Chapter 74 is referred to in section 7401 of this title.

**SUBCHAPTER A**  
PRELIMINARY PROVISIONS

**Sec.**

- 7401. Scope of chapter.
- 7402. Definitions (Reserved).
- 7403. Insurance and compensation.

**§ 7401. Scope of chapter.**

This chapter relates to volunteer firefighters.

**§ 7402. Definitions (Reserved).****§ 7403. Insurance and compensation.**

A city, borough or township may expend out of the public funds of the municipality an amount necessary to secure insurance or compensation for volunteer firemen killed or injured while going to, returning from or attending fires in the municipality or territory adjacent thereto.

**Special Provisions in Appendix.** See section 7(b.1)(1) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

**SUBCHAPTER B**  
RELIEF ASSOCIATION

**Sec.**

- 7411. Scope of subchapter.
- 7412. Definitions.
- 7413. Statement of purpose.
- 7414. Construction.
- 7415. Structure.
- 7416. Funds.
- 7417. Cooperation agreements.
- 7418. Audits.
- 7419. Dissolution.

**Special Provisions in Appendix.** See section 7(b.1)(5) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

**Cross References.** Subchapter B is referred to in sections 7411, 7412, 7413, 7414, 7417 of this title.

**§ 7411. Scope of subchapter.**

This subchapter relates to relief associations.

**§ 7412. Definitions.**

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

**"Fire service."** The service of organized groups of individuals, not only in training for and in active duty in the protection of the public against fire, but also in the training for and the performance of such other activities as are commonly undertaken by fire companies and their affiliated organizations, including, but not limited to, fire prevention, first aid, rescue and salvage, ambulance service, fire police work, radio communications, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and participation in public celebrations, parades, demonstrations and fundraising campaigns.

**"Volunteer firefighter."** A person who is a member of:

- (1) a fire company organized and existing under the laws of this Commonwealth;
- (2) a fire police unit, rescue squad, ambulance corps or other like organization affiliated with one or more fire companies; or
- (3) a fire company or affiliated organization which participates in the fire service but does not look to that service as his or her primary means of livelihood.

A person does not lose status as a volunteer firefighter solely because he or she may also be a paid firefighter, so long as the person is acting within the scope of his or her responsibilities as a member of a volunteer fire company at the pertinent time and not within the scope of his or her responsibilities as a paid firefighter.

**"Volunteer firefighters' relief association."** An organization formed primarily to afford financial protection to volunteer firefighters against the consequences of misfortune suffered as a result of their participation in the fire service. The organization may contain within its membership the members of one or more fire companies and may serve secondary purposes, as set forth in this subchapter, but only if adequate provisions have been first made to serve the primary purpose.

**§ 7413. Statement of purpose.**

The purpose of this subchapter is to encourage individuals to take part in the fire service as volunteer firefighters by establishing criteria and standards for orderly administration and conduct of affairs of firefighters' relief associations to ensure, as far as circumstances will reasonably permit, that funds shall be available for the protection of volunteer firefighters and their heirs in order to provide:

- (1) Financial assistance to volunteer firefighters who may suffer injury or misfortune by reason of their participation in the fire service.
- (2) Financial assistance to the widow, children and other dependents of volunteer firefighters who lose their lives as a result of their participation in the fire service.
- (3) For payment, either by insurance or by operation of a beneficial fund, of a sum certain to designated beneficiaries of a participating member following the death of a member for any cause and to establish criteria which members must meet in order to qualify as participants in a death benefit fund.

(4) Safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the fire service.

(5) Financial assistance to volunteer firefighters who, after having actively participated in the fire service for a specified minimum term, are no longer physically able to continue participation and are in need of financial assistance.

(6) Funds to aid rehabilitation of volunteer firefighters who have suffered an impairment of their physical capacity to continue to perform their normal occupations.

(7) Sufficient funds to ensure the efficient and economic handling of the business of firefighters' relief associations in accomplishing the objectives of this section.

**§ 7414. Construction.**

This subchapter shall be:

(1) Construed, applied and interpreted, so far as circumstances permit, as justifying the actions of the officers and members of volunteer firefighters' relief associations affected by it, when the actions appear to have been taken in good faith and in a bona fide belief that they were in furtherance of the purposes of this subchapter.

(2) Strictly construed and applied against persons responsible:

(i) for actions taken in willful disregard of the purposes of this subchapter or with reckless indifference to those purposes; and

(ii) if an action which has been called into question results, has resulted or was likely to result in an unmerited personal benefit to one or more of the persons responsible for taking that action.

**§ 7415. Structure.**

(a) **General rule.**--A volunteer firefighters' relief association may be a body corporate, governed by a charter and bylaws or an unincorporated association of individuals governed by bylaws and a constitution. In either case, it must provide for taking and preserving minutes of all meetings and maintenance of such books of account as may be necessary and appropriate to afford a permanent record of its fiscal affairs.

(b) **Constitution or charter.**--The constitution or charter shall:

(1) State the name, purposes and form of the organization.

(2) Designate the class or classes of persons eligible for membership and procedures to be followed in making amendments.

(c) **Bylaws.**--The bylaws shall:

(1) Specify the requirements for securing membership, voting rights of different classes of members, if there be different classes, and conditions under which membership may be terminated.

(2) State the notice requirements and procedure to be followed in calling meetings, as well as quorum requirements for regular and special meetings of the membership and for operations of the association of the body which governs the operations of the association between membership meetings, and shall designate that body, whether it be a board of directors, trustees or any similar body such as an executive committee. Unless otherwise provided for in the bylaws,

powers and duties of officers, directors and trustees shall be those which normally pertain to such positions in nonprofit corporations.

(3) Require that the signatures of at least two officers, one of whom shall be the disbursing officer, shall be required to bind the association by formal contract or to issue a negotiable instrument.

(4) Require that the disbursing officer, whether designated treasurer, comptroller, financial secretary or otherwise, shall be bonded by corporate surety for faithful performance of duty. The amount of the bond shall be at least as great as the maximum cash balance in current funds of the association at any time during the fiscal year, and the premium on the bond shall be a proper charge against funds of the association.

(5) State the procedure to be followed in nominating and electing officers, trustees, directors and members of the executive committee, according to the provisions which have been made for establishment of those positions.

(6) Establish procedures for the approval and payment of expenditures, investment of funds and sale of investments.

(7) Set out the procedure to be followed in amending bylaws.

(8) Specify notice required with respect to proposed bylaw amendments, including the time, place and date when the proposed amendments shall be considered.

(9) Be faithfully preserved, along with amendments thereto and the effective date of the amendments, in permanent form.

(10) Contain such other provisions as may, to the membership, seem appropriate or necessary to the orderly conduct of affairs of the association.

**(d) Standing procedures.**--In addition to adopting bylaws, an association may adopt standing procedures, which shall be such matters as the membership may regard to be of a routine nature. Standing procedures may be adopted, modified or repealed by motion and majority vote but shall not be inconsistent with the bylaws, and they shall be recorded as an appendix to the bylaws.

**(e) Charitable corporation.**--A volunteer firefighters' relief association organized or conducted in accordance with the requirements of this section shall be regarded as a charitable corporation for all purposes, including the right to establish exemption from the operation of certain taxes.

#### **§ 7416. Funds.**

**(a) General rule.**--A volunteer firefighters' relief association may solicit and receive gifts and contributions from any source, including municipal corporations, but shall not have the right to receive any portion of the money distributed to political subdivisions of this Commonwealth under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, unless and until the governing body of at least one political subdivision shall have certified to the Auditor General that the association is a bona fide volunteer firefighters' relief association, affiliated with a fire company which affords protection against fire to all or a portion of the political subdivision.

**(b) Deposit.**--Funds of a volunteer firefighters' relief association may be deposited in any bank, trust company or other banking establishment accredited by the Commonwealth or insured

by the Government of the United States.

**(c) Investments.**--All or any part of the funds of a volunteer firefighters' relief association may be invested:

(1) In any form of investment named in 20 Pa.C.S. Ch. 73 (relating to municipalities investments). First mortgages insuring repayment of loans by relief associations shall provide for a minimum interest payment of 3% and not exceed 80% of the appraised value of real property covered by the mortgage.

(2) In any obligation of a political subdivision, having the power to levy or collect taxes.

(3) In any obligation of an incorporated fire company, provided that the obligation is:

(i) Secured by assets of the company having capital value equal to at least 150% of the amount of the obligation at the time it is made.

(ii) Subject to provisions which amortize the loan at a rate ensuring that the depreciated value of the assets pledged shall continue to be at least 150% of the balance due.

**(d) Limitation.**--No investment shall be acquired, encumbered or sold except pursuant to resolution duly enacted by the governing body of the association.

**(e) Income from investments.**--Income from investments may be invested or spent in the same way as any other income.

**(f) Use.**--Funds of any volunteer firefighters' relief association may be spent:

(1) To pay for such normal and reasonable running expenses as may be appropriate to the businesslike conduct of the affairs of the association, including legal fees, rental or purchase of offices, payment of reasonable compensation of employees and purchase of office equipment and supplies.

(2) To purchase contracts of insurance which, at a minimum, shall afford financial assistance to active members of the fire service represented by the association against losses due to injury suffered in the fire service and may also provide, in the order named:

(i) for payments to the surviving spouse or other dependents of a member in the event of the member's death;

(ii) for protection of active firefighters against disease;

(iii) for replacement or purchase of prosthetic devices such as visual aids, hearing aids, dentures, braces, crutches and the like, where those devices have been lost or damaged while the owner was engaged in the fire service or where the need for those devices arose because of functional impairment attributable to participation in the fire service;

(iv) for repair or replacement, if necessary, of articles of clothing or pocket pagers damaged or lost in the course of participation in the fire service; and

(v) for disability incurred after service for a minimum of 20 years as a volunteer firefighter.

(3) To maintain a beneficiary or death benefit fund and to pay a sum certain from that fund to the beneficiary of a participant in that fund upon death. If a beneficiary is not designated or a designated one has predeceased the participant, the sum certain shall be paid to the estate of the participant.

(4) To pay in full or in part for damage or loss in any of the categories mentioned in paragraph (2) in a specific case where:

(i) no policy of insurance is in force covering the risk; or

(ii) the amount payable under insurance policies in force is inadequate to cover the loss.

(5) To pay the cost of procuring and forwarding tokens of sympathy and goodwill to a volunteer firefighter who may be ill or hospitalized as a result of participation in the fire service or who may die or who may be seriously ill for any reason.

(6) To make cash payments to families in distressed circumstances by reason of age, infirmity or other disability suffered by one of the family members in the course of participation in the fire service as a volunteer firefighter.

(7) To acquire and to maintain membership in any Statewide association or corporation which extends advice and assistance to firefighters' relief associations and to pay to a duly elected delegate the reasonable expenses of travel and maintenance for attending a meeting of the Statewide association or corporation.

(8) To contribute to or to purchase contracts of insurance which will contribute to the cost of rehabilitating and retraining volunteer firefighters who, by reason of their participation in the fire service, have suffered a major impairment of the ability to continue their vocation.

(9) To pay for medical and surgical bills arising from injuries sustained by volunteer firefighters while engaged in activities of a fire company to the extent that the bills are not covered by insurance provided by the relief association.

(10) To pay reasonable expenses actually and necessarily incurred for attending bona fide firefighters' training schools.

(11) To purchase safeguards for preserving life, health and safety of volunteer firefighters to ensure their availability to participate in the volunteer fire service.

(12) To secure insurance against legal liability of volunteer firefighters for loss and expense from claims arising out of performance of official and authorized duties while going to, returning from or attending fires or performing their duties as special fire police.

(13) To maintain comprehensive health, physical fitness and physical monitoring programs that provide for physical fitness activities, nutrition education and instruction and health and fitness evaluation and monitoring, provided that the programs have been approved by the nearest State-licensed health care facility which is authorized to provide that service.

(14) To purchase exercise and fitness equipment for use by volunteer firefighters, except that expenditures for exercise and fitness equipment shall not exceed \$2,000 in any two-year period.

(15) To purchase fire hoses and nozzles.

(16) To purchase fire prevention materials for public distribution.

**§ 7417. Cooperation agreements.**

Two or more volunteer firefighters' relief associations may jointly cooperate to enter into agreements to make expenditures that are authorized under this subchapter. A joint cooperation

agreement may be enforced by and against a volunteer firefighters' relief association.

**§ 7418. Audits.**

(a) **General rule.**--The Office of Auditor General shall have the power and its duty shall be to audit the accounts and records of every volunteer firefighters' relief association receiving money under Chapter 7 of the act of December 18, 1984 (P.L.1005, No.205), known as the Municipal Pension Plan Funding Standard and Recovery Act, as far as may be necessary to satisfy the Auditor General that the money received was or is being expended for no purpose other than that authorized by this subchapter. Copies of all audits shall be furnished to the Governor.

(b) **Findings.**--If the Auditor General finds that any money received by a volunteer firefighters' relief association has been expended for a purpose other than one authorized by this subchapter, the Auditor General shall immediately notify the Governor and shall decline to approve further requisitions calling for payment to the volunteer firefighters' relief association until the improperly expended amount has been reimbursed to the relief association fund.

**§ 7419. Dissolution.**

(a) **Withdrawal.**--If the voters elect to replace a volunteer fire company with a full-paid fire department or company and the volunteer company which has been replaced ceases to render fire service to any community, the volunteer company shall withdraw from the volunteer firefighters' relief association which had extended protection to its membership.

(b) **Continuation.**--Notwithstanding withdrawal of a company under subsection (a), the volunteer firefighters' relief association shall continue granting financial assistance to its remaining members and their families in death, sickness and distress suffered through the unfortunate elements of life.

(c) **New members prohibited.**--A volunteer firefighters' relief association continuing under subsection (b) shall not receive any new members.

(d) **Application.**--When the membership of a relief association functioning under subsection (b) diminishes to five members, the association shall apply to the local common pleas court for dissolution.

(e) **Determination.**--Upon receipt of an application under subsection (d), the court shall direct that:

(1) all bills, including the costs of dissolution, be paid; and

(2) the balance of funds in the treasury of the volunteer firefighters' relief association subject to dissolution be paid to the pension fund of the paid fire department created as set forth in subsection (a).

**SUBCHAPTER C**  
EMPLOYMENT SANCTIONS

**Sec.**

- 7421. Scope of subchapter.
- 7422. Definitions.
- 7423. Prohibition on termination and discipline.
- 7424. Prohibition on discrimination.
- 7425. Lost time.
- 7426. Statements.
- 7427. Violations.



**Special Provisions in Appendix.** See section 7(b.1)(9) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

**Cross References.** Subchapter C is referred to in sections 7421, 7422, 7427 of this title.

**§ 7421. Scope of subchapter.**

This subchapter relates to employment sanctions.

**§ 7422. Definitions.**

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

**"Discipline."** The taking of an action against an employee which adversely affects his regular pay to an extent greater than permitted by section 7425 (relating to lost time), his job status, his opportunity for promotion or his right to any benefit granted by the employer to other similarly situated employees.

**"Discriminate."** To discharge or to discipline in a manner inconsistent with the employer's treatment of other similarly situated employees who are injured in the course of their employment or related activities.

**"Employer."** An individual, partnership, association, corporation, business trust or a person or group of persons acting directly or indirectly in the interest of an employer in relation to any employee.

**"Line of duty."** Going to, coming from or during fire prevention and safety activities which includes fire prevention, first aid, rescue and salvage, ambulance service, fire police work, assistance at accidents, control of crowds both on the fire grounds and at occasions of public or general assembly, animal rescue, abatement of conditions due to storm, flood or general peril, abatement or removal of hazards to safety and other activities as are commonly undertaken by fire companies, ambulance services or rescue squads or their affiliated organizations.

**§ 7423. Prohibition on termination and discipline.**

No employer shall terminate or discipline an employee who is a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad and, in the line of duty, has responded to a call prior to the time he was due to report for work resulting in a loss of time from his employment.

**Cross References.** Section 7423 is referred to in sections 7425, 7426 of this title.

**§ 7424. Prohibition on discrimination.**

No employer shall discriminate against an employee because the employee has been injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad, nor shall an employer discriminate against an employee injured in the line of duty as a volunteer fireman, a volunteer member of the fire police or a volunteer member of an ambulance service or rescue squad who subsequently returns to work after receiving workers' compensation benefits under the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

**§ 7425. Lost time.**

Time lost from employment as provided in section 7423 (relating to prohibition on termination and discipline) may be charged to the regular pay of the employee.

**Cross References.** Section 7425 is referred to in section 7422 of this title.

**§ 7426. Statements.**

An employee losing time as provided in section 7423 (relating to prohibition on termination and discipline) shall supply his employer with a statement from the chief executive officer of his volunteer fire company, ambulance service or rescue squad or its affiliated organization stating that he responded to a call and the time of the call.

**§ 7427. Violations.**

**(a) Employers.--**An employer who willfully and knowingly violates this subchapter shall be required to revoke a disciplinary action and any penalty attached thereto or to reinstate such employee to his former position and shall be required to pay the employee all lost wages and benefits for the period between termination and reinstatement and reasonable attorney fees incurred in an action to recover lost wages and benefits.

**(b) Statute of limitations.--**An action to enforce this subchapter shall be commenced within two years of the date of violation, and the action shall be commenced in the court of common pleas of the county in which the employer is located.

**SUBCHAPTER D**  
SPECIAL FIRE POLICE

**Sec.**

- 7431. Scope of subchapter.
- 7432. Definitions (Reserved).
- 7433. Nomination.
- 7434. Confirmation.
- 7435. Powers.
- 7436. Power and authority in places other than where appointed.
- 7437. Badge of authority and subordination.

**Special Provisions in Appendix.** See section 7(b.1)(2) of Act 118 of 2010 in the appendix to this title for special provisions relating to continuation of prior law.

**Cross References.** Subchapter D is referred to in sections 7431, 7434, 7435, 7436 of this title.

**§ 7431. Scope of subchapter.**

This subchapter applies to a volunteer fire company in any city, borough, town, township or home rule municipality.

**Cross References.** Section 7431 is referred to in section 7433 of this title.

**§ 7432. Definitions (Reserved).**

**§ 7433. Nomination.**

An entity under section 7431 (relating to scope of subchapter) may nominate any of its members as special fire police.

**§ 7434. Confirmation.**

Special fire police nominated under this subchapter shall, before they enter upon their duties, be confirmed by the mayor of the city, the mayor of the borough or town, the chairman of the board of commissioners or supervisors of the township or the chief executive officer of a home rule municipality, as the case may be.

**§ 7435. Powers.**

(a) **Specific powers.**--When confirmed and sworn and displaying a badge of authority, special fire police shall have full power to regulate traffic and keep crowds under control at or in the vicinity of any fire on which their companies are in attendance and to exercise other police powers necessary to facilitate and prevent interference with the work of firemen in extinguishing fires. They shall also have the police powers necessary to perform their duties when functioning as special fire police at any function, event or parade conducted by and under the auspices of a volunteer fire company, or another event, function or parade conducted by an organization other than a volunteer fire company, provided that the request to perform these duties is made by the governing body of the city, borough, town, township or home rule municipality in which the event will be conducted, or when accidents, floods or any other emergencies require performance of traffic-control and crowd-control duties. The duties may be performed without prior request from the governing body until the arrival of proper State, city, borough, town, township or home rule municipality police authority and thereafter subject to direction of the police authority until the emergency no longer exists. A person functioning as special fire police and performing a duty under any of the conditions in this subsection shall be deemed to be performing the duties of his employment.

(b) **Identification.**--Fire police performing the duties under this subchapter shall be identifiable by, at minimum, the wearing of a distinctive arm band, hat, uniform or insignia.

(c) **Construction.**--Under no circumstances shall this subchapter be construed to grant special fire police the right to use firearms or other weapons in the exercise of special fire police powers granted by this subchapter.

**§ 7436. Power and authority in places other than where appointed.**

Whenever a volunteer fire company is in attendance on a fire or when the special fire police are on special duty as provided under this subchapter, the special fire police in a city, borough, town or township, other than the one in which the fire company is organized, shall have the same power and authority in another city, borough, town or township as they would have where they were appointed.

**§ 7437. Badge of authority and subordination.**

All special fire police when on duty shall display a badge of authority and shall be subject to the control of the chief of police, if any, of the city, borough, town or township in which they are serving, or, if none, of a member of the Pennsylvania State Police.