



Reprinted  
March 31, 1999

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# ENGROSSED HOUSE BILL No. 1169

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DIGEST OF HB 1169 (Updated March 30, 1999 4:22 pm - DI 71)

**Citations Affected:** IC 36-8.

**Synopsis:** Insurance for volunteer firefighters. Redefines volunteer firefighter. Requires a unit to purchase an insurance policy to provide a weekly benefit for total disability of not less than \$250 for a maximum of 260 weeks. Provides that a unit's insurance policy must pay a volunteer firefighter not less than \$150,000 if the firefighter becomes totally and permanently disabled for a continuous period of not less than 260 weeks as a result of an injury from smoke inhalation that occurred in performance of the firefighter's duties. (The introduced version of this bill was prepared by the interim study committee on local government issues.)

**Effective:** January 1, 2000.

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**Ruppel, Klinker, Bischoff, Budak,  
Duncan, Oxley, Lytle, Cherry,  
Denbo, Sturtz, Adams T**

(SENATE SPONSORS — CLARK, LANDSKE, CRAYCRAFT, WOLF)

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January 6, 1999, read first time and referred to Committee on Local Government.  
January 13, 1999, amended, reported — Do Pass.  
January 19, 1999, read second time, ordered engrossed. Engrossed.  
January 20, 1999, read third time, passed. Yeas 93, nays 2.

SENATE ACTION

February 22, 1999, read first time and referred to Committee on Pensions and Labor.  
March 25, 1999, reported favorably — Do Pass.  
March 30, 1999, read second time, amended, ordered engrossed.

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EH 1169—LS 6300/DI 87+



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March 31, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## ENGROSSED HOUSE BILL No. 1169

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-12-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. As used in this  
3 chapter:

4 "Nominal compensation" means annual compensation of not more  
5 than ten thousand dollars (\$10,000).

6 "Responsible party" has the meaning set forth in IC 13-11-2-191(d).

7 "Volunteer fire company" means a company or association  
8 organized for the purpose of answering fire alarms, extinguishing fires,  
9 and providing other emergency services, the majority of members of  
10 which receive no compensation or nominal compensation for their  
11 services.

12 "Volunteer firefighter" means a firefighter:

13 (1) who, **as a result of a written application**, has ~~volunteered to~~  
14 ~~assist either without compensation or for nominal compensation~~  
15 ~~in fighting all fires occurring and providing other emergency~~

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1 services within the corporate boundaries of the unit of which the  
 2 firefighter is an assigned member; **been elected or appointed to**  
 3 **membership in a volunteer fire department;**

4 (2) who has made application in writing for membership in the  
 5 volunteer fire company of the unit; **executed a pledge to**  
 6 **faithfully perform, with or without nominal compensation, the**  
 7 **work related duties assigned and orders given to the**  
 8 **firefighter by the chief of the volunteer fire department or an**  
 9 **officer of the volunteer fire department, including orders or**  
 10 **duties involving education and training as prescribed by the**  
 11 **volunteer fire department or the state; and**

12 (3) who by virtue of that application is elected or appointed to  
 13 membership in that volunteer fire company;

14 (4) (3) whose name has been entered on a roster of volunteer  
 15 firefighters that is kept by the volunteer fire company and that has  
 16 been approved by the proper officers of the unit. ~~and~~

17 (5) who at the time of the firefighter's election or appointment has  
 18 taken and signed a pledge to comply with all orders that are given  
 19 by the chief, assistant chief, or other officer in charge of the  
 20 volunteer fire company relative to any matter pertaining to the  
 21 work of the volunteer fire company.

22 SECTION 2. IC 36-8-12-7 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. Each policy of  
 24 insurance must provide for payment to a member of a volunteer fire  
 25 company, for accidental injury or smoke inhalation caused by or  
 26 occurring in the course of the performance of the duties of a volunteer  
 27 firefighter and for a cardiac disease event proximately caused within  
 28 forty-eight (48) hours by or occurring in the course of the performance  
 29 of the duties of a volunteer firefighter while in an emergency situation,  
 30 as follows:

31 (1) For total disability that prevents the member from pursuing his  
 32 usual vocation, a weekly indemnity of not less than ~~one two~~  
 33 ~~hundred fifty dollars (\$150); (\$250),~~ up to a maximum of two  
 34 hundred sixty (260) weeks.

35 (2) For medical expenses, coverage for incurred expenses.  
 36 However, the policy may not have medical expense limits of less  
 37 than seventy-five thousand dollars (\$75,000).

38 SECTION 3. IC 36-8-12-8 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 8. (a) The policy  
 40 of insurance required by section 6 of this chapter must provide for the  
 41 payment of a sum not less than one hundred fifty thousand dollars  
 42 (\$150,000) to the beneficiary, beneficiaries, or estate of a volunteer



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1 firefighter if the firefighter dies from an injury or smoke inhalation  
 2 occurring while in the performance of the firefighter's duties as a  
 3 volunteer firefighter or from a cardiac disease event proximately  
 4 caused within forty-eight (48) hours by or occurring while in the  
 5 performance of the firefighter's duties as a volunteer firefighter. ~~while~~  
 6 ~~in an emergency situation.~~

7 (b) The policy of insurance must provide for the payment of a sum  
 8 not less than ~~sixty one hundred fifty~~ thousand dollars ~~(\$60,000)~~  
 9 **(\$150,000)** to the volunteer firefighter if the firefighter becomes totally  
 10 and permanently disabled for a continuous period of not less than two  
 11 hundred sixty (260) weeks as a result of an injury or smoke inhalation  
 12 occurring in the performance of the firefighter's duties as a volunteer  
 13 firefighter.

14 (c) The policy of insurance must also provide for indemnification to  
 15 a member of a volunteer fire company who becomes partially and  
 16 permanently disabled or impaired as a result of an injury or smoke  
 17 inhalation occurring in the performance of the firefighter's duties.

18 (d) For the purposes of this section, partial and permanent disability  
 19 or impairment shall be indemnified as a percentage factor of a whole  
 20 person.

21 (e) In addition to other insurance provided volunteer firefighters  
 22 under this chapter, each unit shall be covered by an insurance policy  
 23 that provides a minimum of three hundred thousand dollars (\$300,000)  
 24 of insurance coverage for the liability of all of its volunteer firefighters  
 25 for bodily injury or property damage caused by the firefighters acting  
 26 in the scope of their duties while on the scene of a fire or other  
 27 emergency. The civil liability of a volunteer firefighter for:

28 (1) an act that is within the scope of a volunteer firefighter's  
 29 duties; or

30 (2) the failure to do an act that is within the scope of a volunteer  
 31 firefighter's duties;

32 while performing emergency services at the scene of a fire or other  
 33 emergency or while traveling in an emergency vehicle from the fire  
 34 station to the scene of the fire or emergency or from the scene of a fire  
 35 or emergency back to the fire station is limited to the coverage  
 36 provided by the insurance policy purchased under this subsection. A  
 37 volunteer firefighter is not liable for punitive damages for any act that  
 38 is within the scope of a volunteer firefighter's duties. However, if  
 39 insurance as required under this subsection is not in effect to provide  
 40 liability coverage for a volunteer firefighter, the firefighter is not  
 41 subject to civil liability for an act or a failure to act as described in this  
 42 subsection.



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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 2 through 3 with "[EFFECTIVE JANUARY 1, 2000]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. As used in this chapter:

"Nominal compensation" means annual compensation of not more than ten thousand dollars (\$10,000).

"Responsible party" has the meaning set forth in IC 13-11-2-191(d).

"Volunteer fire company" means a company or association organized for the purpose of answering fire alarms, extinguishing fires, and providing other emergency services, the majority of members of which receive no compensation or nominal compensation for their services.

"Volunteer firefighter" means a firefighter:

(1) who, ~~as a result of a written application, has volunteered to assist either without compensation or for nominal compensation in fighting all fires occurring and providing other emergency services within the corporate boundaries of the unit of which the firefighter is an assigned member; been elected or appointed to membership in a volunteer fire department;~~

(2) who has ~~made application in writing for membership in the volunteer fire company of the unit; executed a pledge to faithfully perform, with or without nominal compensation, the work related duties assigned and orders given to the firefighter by the chief of the volunteer fire department or an officer of the volunteer fire department, including orders or duties involving education and training as prescribed by the volunteer fire department or the state; and~~

~~(3) who by virtue of that application is elected or appointed to membership in that volunteer fire company;~~

~~(4) (3) whose name has been entered on a roster of volunteer firefighters that is kept by the volunteer fire company and that has been approved by the proper officers of the unit. and~~

~~(5) who at the time of the firefighter's election or appointment has taken and signed a pledge to comply with all orders that are given~~

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by the chief, assistant chief, or other officer in charge of the volunteer fire company relative to any matter pertaining to the work of the volunteer fire company:".

Page 2, line 11, after "firefighter" insert ".".

Page 2, line 11, strike "while".

Page 2, line 12, strike "in an emergency situation.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to House Bill 1169 as introduced.)

STEVENSON, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1169 as printed January 14, 1999.)

HARRISON, Chairperson

Committee Vote: Yeas 8, Nays 0.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1169 be amended to read as follows:

Delete page 4.

(Reference is to EHB 1169 as printed March 26, 1999.)

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