



General Assembly

January Session, 2011

Committee Bill No. 5054

LCO No. 4745

04745HB05054PD_

Referred to Committee on Planning and Development

Introduced by:
(PD)

AN ACT CONCERNING INDEMNITY FOR VOLUNTEER FIRE COMPANIES, VOLUNTEER FIRE POLICE PATROLS AND VOLUNTEER AMBULANCE SERVICES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-308 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 (a) As used in this section, "municipality" shall have the meaning
4 ascribed to it by section 7-314; "fire duties" means those duties the
5 performance of which is defined in [said] section 7-314; "ambulance
6 service" means "ambulance service" as defined in section 7-314b; [and]
7 "volunteer ambulance member" means "active member of an
8 organization certified as a volunteer ambulance service in accordance
9 with section 19a-180" as defined in section 7-314b; and "volunteer fire
10 police patrol member" means any member of a nonprofit volunteer
11 organization operating under a municipal fire department that
12 provides support services to such department who has completed
13 firefighter training in the state.

14 (b) Each municipality of this state, notwithstanding any inconsistent

15 provision of law, general, special or local, or any limitation contained
16 in the provisions of any charter, shall [pay on behalf of any paid or
17 volunteer fireman or volunteer ambulance member of such
18 municipality all sums which such fireman or volunteer ambulance
19 member becomes obligated to pay by reason of liability imposed upon
20 such fireman or volunteer ambulance member by law for damages to
21 person or property, if the fireman or volunteer ambulance member, at
22 the time of the occurrence, accident, injury or damages complained of,
23 was performing fire or volunteer ambulance duties and if such
24 occurrence, accident, injury or damage was not the result of any wilful
25 or wanton act of such fireman or volunteer ambulance member in the
26 discharge of such duties] protect and save harmless any volunteer
27 firefighter, volunteer ambulance member or volunteer fire police patrol
28 member of such municipality from financial loss and expense,
29 including legal fees and costs, if any, arising out of any claim, demand,
30 suit or judgment by reason of alleged negligence, or for alleged
31 infringement of any person's civil rights, on the part of such volunteer
32 firefighter, volunteer ambulance member or volunteer fire police patrol
33 member while performing fire, volunteer ambulance or fire police
34 patrol duties. In addition, each municipality shall protect and save
35 harmless any such volunteer firefighter, volunteer ambulance member
36 or volunteer fire police patrol member from financial loss and expense,
37 including legal fees and costs, if any, arising out of any claim, demand
38 or suit instituted against such volunteer firefighter, volunteer
39 ambulance member or volunteer fire police patrol member by reason
40 of alleged malicious, wanton or wilful act or ultra vires act, on the part
41 of such volunteer firefighter, volunteer ambulance member or
42 volunteer fire police patrol member while performing fire, volunteer
43 ambulance or fire police patrol duties. In the event such volunteer
44 firefighter, volunteer ambulance member or volunteer fire police patrol
45 member has a judgment entered against such volunteer firefighter,
46 volunteer ambulance member or volunteer fire police patrol member
47 for a malicious, wanton or wilful act in a court of law, such
48 municipality shall be reimbursed by such volunteer firefighter,

49 volunteer ambulance member or volunteer fire police patrol member
50 for expenses it incurred in providing such defense and shall not be
51 held liable to such volunteer firefighter, volunteer ambulance member
52 or volunteer fire police patrol member for any financial loss resulting
53 from such act. This section shall not apply to damages to person
54 caused by an employee to a fellow employee while both employees are
55 engaged in the scope of their employment for such municipality if the
56 employee suffering such damages or, in the case of his death, his
57 dependent, has a right to benefits or compensation under chapter 568
58 by reason of such damages. If a [fireman] firefighter or, in the case of
59 his or her death, his or her dependent, has a right to benefits or
60 compensation under chapter 568 by reason of injury or death caused
61 by the negligence or wrong of a fellow employee while both
62 employees are engaged in the scope of their employment for such
63 municipality, such [fireman] firefighter or, in the case of his or her
64 death, his or her dependent, shall have no cause of action against such
65 fellow employee to recover damages for such injury or death unless
66 such wrong was wilful and malicious. Such municipality may arrange
67 for and maintain appropriate insurance or may elect to act as a self-
68 insurer to maintain such protection. No action or proceeding instituted
69 pursuant to the provisions of this section shall be prosecuted or
70 maintained against the municipality or [fireman] firefighter, volunteer
71 ambulance member or volunteer fire police patrol member unless at
72 least thirty days have elapsed since the demand, claim or claims upon
73 which such action or special proceeding is founded were presented to
74 the clerk or corresponding officer of such municipality. No action for
75 personal injuries or damages to real or personal property shall be
76 maintained against such municipality and [fireman] firefighter,
77 volunteer ambulance member or volunteer fire police patrol member
78 unless such action is commenced within one year after the cause of
79 action therefor arose and notice of the intention to commence such
80 action and of the time when and the place where the damages were
81 incurred or sustained has been filed with the clerk or corresponding
82 officer of such municipality and with the [fireman within] firefighter,

83 volunteer ambulance member or volunteer fire police patrol member
84 not later than six months after such cause of action has accrued. No
85 action for trespass shall lie against any [fireman] firefighter crossing or
86 working upon lands of another to extinguish fire or for investigation
87 thereof. No action for trespass shall lie against any volunteer
88 ambulance member crossing or working upon lands of another while
89 performing ambulance services. No action for trespass shall lie against
90 any volunteer fire police patrol member crossing or working upon
91 lands of another while performing fire police patrol services.
92 Governmental immunity shall not be a defense in any action brought
93 under this section. In any such action the municipality and the
94 [fireman] firefighter, or the municipality and the volunteer ambulance
95 member, or the municipality and the volunteer fire police patrol
96 member, may be represented by the same attorney. [if the
97 municipality, at the time such attorney enters his appearance, files a
98 statement with the court, which shall not become part of the pleadings
99 or judgment file, that it will pay any final judgment rendered in such
100 action against such fireman or volunteer ambulance member. No
101 mention of any kind shall be made of such statement by any counsel
102 during the trial of such action.]

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2011	7-308

Statement of Purpose:

To provide indemnity to volunteer firefighters, members of volunteer fire police patrols and members of volunteer ambulance services.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. CAMILLO, 151st Dist.; REP. HWANG, 134th Dist.
SEN. WITKOS, 8th Dist.; REP. CRAWFORD, 35th Dist.
SEN. FRANTZ, 36th Dist.; SEN. CRISCO, 17th Dist.

REP. SAMPSON, 80th Dist.; REP. BETTS, 78th Dist.
REP. SIMANSKI, 62nd Dist.; REP. GREENE, 105th Dist.
SEN. GUGLIELMO, 35th Dist.; REP. SHABAN, 135th Dist.

H.B. 5054