

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-243—HB 5489

*Public Safety and Security Committee
Appropriations Committee*

**AN ACT CONCERNING IMMUNITY FROM LIABILITY FOR FIRE
POLICE OFFICERS, PROPERTY TAX RELIEF FOR VOLUNTEER
FIRE POLICE OFFICERS AND UNDERWATER SEARCH AND RESCUE
TEAMS AND THE APPROVAL OF REGIONAL FIRE SCHOOLS**

SUMMARY: This act makes changes affecting volunteer emergency services personnel and regional fire schools.

The act makes municipalities initially liable for paying the cost, including legal fees and costs, in cases or claims involving negligent, wanton, willful, or malicious actions by volunteer firefighters, fire police officers, and ambulance members performing their duties. Under prior law, municipalities were liable only for reimbursing damages, not paying legal fees and costs, and only in cases involving firefighters and volunteer ambulance members whose actions were not willful or wanton. The act requires the volunteers to reimburse the municipality if a court finds their actions malicious, wanton, or willful. The liability protection the act provides these volunteers is generally similar to that provided to municipal officials and employees under existing law.

The act adds volunteer fire police officers and volunteer underwater search and rescue team members to those volunteers to whom municipalities may provide property tax relief.

The act bars trespass actions against volunteer fire police officers crossing or working upon someone else's land while performing fire police services. The same protections apply, under existing law, to firefighters and volunteer ambulance drivers performing their duties.

The act requires the commissioner of the Department of Emergency Services and Public Protection (DESPP), in consultation with the Commission on Fire Prevention and Control and Connecticut State Firefighters Association, to approve the establishment of regional fire schools. A municipality that wants to establish such a school must hold a public hearing on the plan and apply for DESPP approval.

The act also makes technical and conforming changes.

EFFECTIVE DATE: July 1, 2011 for the property tax relief provision; October 1, 2011 for the remaining provisions.

**MUNICIPAL LIABILITY FOR ACTS OF VOLUNTEER FIRE AND
AMBULANCE PERSONNEL**

Under prior law, municipalities were liable to reimburse personal or property damages incurred by firefighters and volunteer ambulance members in the

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performance of their duties so long as their actions were not willful or wanton. The act gives volunteer firefighters, volunteer ambulance members and volunteer fire police officers generally similar protections as those available under existing law (CGS § 7-101a) to municipal employees and officials. The act defines a “fire police officer” as any active member of a volunteer fire police organization operating under a municipal fire department that provides support services to the department in accordance with the law authorizing appointment of such officers.

Volunteer Personnel

The act requires municipalities to initially indemnify, rather than reimburse the above volunteers, and it requires municipalities to cover financial loss and expenses, including legal fees and costs, instead of just damages. The indemnity provision applies in any demand, suit, claim, or judgment pertaining to a negligent, wanton, malicious, or willful act on the part of these volunteers while performing their duties. The prior law applied to actions that were not wanton or willful.

The act requires volunteers to reimburse municipalities for any expenses incurred in providing a defense in cases involving malicious, willful, or wanton actions, but only if a court enters a judgment against the volunteer. (It thus appears that the volunteer would not have to make a reimbursement if he or she settles the case out of court.) It also exempts municipalities from any financial loss resulting from such wanton, willful, or malicious actions.

The act establishes the same deadlines for initiating actions or proceedings involving volunteer fire police and ambulance members as apply to volunteer firefighters. It bars prosecuting a claim against such volunteers until at least 30 days after the demand, claim, or suit on which the action or special proceeding is based is presented to the municipal clerk or corresponding municipal officer. It requires that (1) any action for personal injury or property damage start within one year after the cause of action arose and (2) notice of the intent to commence such action and of the time and place where the damages were incurred or sustained be filed with the volunteer, or municipal clerk or corresponding municipal official within six months after the cause of action accrues.

Under prior law, the municipality and volunteer firefighter or ambulance driver could be represented by the same attorney in suits against such volunteers if the municipality filed a statement with the court stating that it would pay any verdict rendered against the volunteer. The act allows joint representation in suits involving fire police officers as well. It eliminates the provision that the municipality file a court statement as a condition of joint representation.

PROPERTY TAX RELIEF FOR VOLUNTEER FIRE AND AMBULANCE PERSONNEL

The act allows a town’s legislative body, by ordinance, to provide property tax relief to volunteer fire police officers and active members of a volunteer underwater search and rescue team. Towns may already provide relief to nonsalaried local civil preparedness directors and volunteer firefighters,

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emergency medical technicians, paramedics, ambulance drivers, civil preparedness staff members, and canine search and rescue team members. By law, the relief may take the form of a tax (1) abatement of up to \$1,000 in property taxes due in any fiscal year or (2) exemption on up to \$1 million of property divided by the mill rate (expressed as a whole number per \$1,000 of assessed value) at the time of assessment.

ESTABLISHMENT OF REGIONAL FIRE SCHOOLS

The act requires the DESPP commissioner to consult with the Fire Prevention and Control Commission and Connecticut State Firefighters Association when approving the establishment of regional fire schools. It also requires the commission to recommend that the DESPP commissioner suspend or revoke the approval of regional fire schools when appropriate.

A municipality seeking to establish such a school must hold a public hearing in the host municipality and submit an application to the commissioner after the public hearing. The commissioner then has 60 days to consult with the commission and association and approve or deny the application.

The act allows the commissioner, in consultation with the commission and association, to suspend or revoke the approval of any regional fire school approved after September 30, 2011 that does not meet standards he establishes under law or regulation. He cannot suspend or revoke the approval of any school approved before October 1. He must immediately send written notice of his decision to suspend or revoke approval to the affected school. Not later than 10 days after receiving the notice, the school may request a hearing, and the commissioner must hold one not later than 30 days after receiving the request. The hearing and any appeal must be conducted in accordance with the Uniform Administrative Procedure Act.

The act requires the commissioner, in consultation with the commission and association, to adopt implementing regulations.

OLR Tracking: VR:RP:PF:ts