HOUSE BILL NO. 675

Introduced: 02/07/83
Referred to Committee on Local Government: 02/07/83
 Hearing: 2/14/83
 Report: 02/17/83, Do Pass, As Amended
2nd Reading: 02/19/83, Do Pass
3rd Reading: 02/22/83, Do Pass
Transmitted to Senate: 2/22/83
Referred to Committee on Local Government: 3/1/83
 Hearing: 3/10/83
 Report: 03/11/83, Be Not Concurred In. Report Adopted.
 Bill Killed

9. Brown

LC 2207/01

House BILL NO. 675 INTRODUCED BY KOEHNKE A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A FIRE DEPARTMENT TO FIGHT A FIRE OUTSIDE ITS JURISDICTION IF IT IS CALLED TO SUCH A FIRE WRONGFULLY OR ACCIDENTALLY: PROVIDING PROPER AUTHORITY AND PROTECTION TO SUCH A DEPARTMENT: AND

- JURISDICTION-9
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Short title. [This act] may be cited as the

REQUIRING COMPENSATION FOR SUCH A CALL OUTSIDE ITS

13 "Emergency Response Fire Protection Act".

Section Z. Purpose. It is the purpose of [this act] to 14 15 save human life and prevent injury; to promote health, 16 safety, and general welfare; and to prevent needless 17 property damage by providing emergency fire protection to 18 persons and property when confusion or misunderstanding 19 arises over fire department jurisdiction.

20 Section 3. Fire response outside jurisdiction -- duty. 21 authority, and protection. (1) If a public fire department 22 is wrongfully or accidentally called and responds to a fire 23 outside its jurisdiction. the department must fight the fire 24 until:

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(a) relieved by the fire department of that 1 jurisdiction;

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(b) dismissed by the property owner; or

(c) the fire is under control.

(2) In responding to a fire under the provisions of 5 subsection (1), the fire department, its chief, and its 6 members have:

7 (a) the same authority while fighting a fire outside 8 the department's jurisdiction as they do while fighting a 9 fire within its jurisdiction: and

10 (b) the same authority and legal protection in the 11 other jurisdiction as does the resident department in 12 responding to a fire, fighting the fire, and returning from 13 the fire.

14 (3) This section does not require a fire department to 15 respond to a fire known to be outside its jurisdiction.

16 Section 4. Compensation for response. Unless a 17 response under the provisions of [section 3] is an action 18 covered by a mutual aid agreement, a property owner must 19 compensate a fire department for its response to such a call 20 for all actual and necessary costs related to fire fighting 21 services. Such costs may be paid to the fire department 22 indirectly through insurance coverage or proceeds.

23 Section 5. Severability. If a part of this act is 24 invalid, all valid parts that are severable from the invalid 25 part remain in effect. If a part of this act is invalid in

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one or more of its applications, the part remains in effect
 in all valid applications that are severable from the
 invalid applications.
 Section 6. Codification instruction. This act is

4 Section 6. Codification instruction. This act is 5 intended to be codified as an integral part of Title 7. 6 chapter 33. and the provisions of this act apply to Title 7. 7 chapter 33.

-End-

48th Legislature

HE 0675/02

Approved by Comm. on Local Government

1 (a) relieved by the 1 HOUSE BILL NO. 675 2 jurisdiction; Z INTRODUCED BY KOEHNKE, DOZIER, HARPER, 3 3 METCALF, FULLER, J. BROWN 4 JURISDICTION: 4 5 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A FIRE 6 6 DEPARTMENT TO FIGHT A FIRE OUTSIDE ITS JURISDICTION IF IT IS 7 7 CALLED TO SUCH A FIRE WRONGFULLY OR ACCIDENTALLY; PROVIDING 8 8 PROPER AUTHORITY AND PROTECTION TO SUCH A DEPARTMENT: AND 9 members have: 9 REQUIRING COMPENSATION FOR SUCH A CALL OUTSIDE ITS 10 JURISDICTION." 10 11 11 12 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 13 Section 1. Short title. [This act] may be cited as the 14 "Emergency Response Fire Protection Act". 14 15 15 Section 2. Purpose. It is the purpose of [this act] to 16 the fire. 16 save human life and prevent injury; to promote health, 17 17 safety, and general welfare; and to prevent needless 18 18 property damage by providing emergency fire protection to 19 19 persons and property when confusion or misunderstanding 20 20 arises over fire department jurisdiction. 21 Z1 Section 3. Fire response outside jurisdiction -- duty, 22 22 authority, and protection. (1) If a public fire department 23 for all actual and necessary costs related to fire fighting 23 is--wrongfully-or-accidentally-called-and responds to a fire 24 24 EMERGENCY_IHAI_IS_EOUND_TO_BE__LOCATED outside its

25 jurisdiction, the department must fight the fire until:

(B) CALLED TO RESPOND TO AN ENERGENCY WITHIN ITS OWN tbf(C) dismissed by the property owner; or fer(D) the fire is under control. (2) In responding to a fire under the provisions of subsection (1), the fire department, its chief, and its (a) the same authority while fighting a fire outside the department's jurisdiction as they do while fighting a fire within its jurisdiction; and (b) the same authority and legal protection in the other jurisdiction as does the resident department in responding to a fire, fighting the fire, and returning from (3) This section does not require a fire department to respond to a fire known to be outside its jurisdiction. Section 4. Compensation for response. Unless a response under the provisions of [section 3] is an action covered by a mutual aid agreement, a property owner must compensate a fire department for its response to such a call

fire

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SECOND READING

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Section 5. Severability. If a part of this act is
 invalid. all valid parts that are severable from the invalid
 part remain in effect. If a part of this act is invalid in
 one or more of its applications, the part remains in effect
 in all valid applications that are severable from the
 invalid applications.

7 Section 6. Codification instruction. This act is
8 intended to be codified as an integral part of Title 7,
9 chapter 33, and the provisions of this act apply to Title 7,
10 chapter 33.

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		1	(a) relieved by
1	HOUSE BILL NG. 675	2	jurisdiction;
2	INTRODUCED BY KOEHNKE, DOZIER, HARPER,	3	(B)CALLED_TO_RESPO
3	METCALF, FULLER, J. BROWN	4	JURISDICTION:
4		5	<u>tb;[[]</u> dismissed by
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A FIRE	6	tct[D] the fire is
6	DEPARTMENT TO FIGHT A FIRE OUTSIDE ITS JURISDICTION IF IT IS	7	(2) In responding
7	CALLED TO SUCH A FIRE WRONGFULLY OR ACCIDENTALLY; PROVIDING	8	subsection (1), the fire
8	PROPER AUTHORITY AND PROTECTION TO SUCH A DEPARTMENT; AND	9	members have:
9	REQUIRING COMPENSATION FOR SUCH A CALL DUTSIDE ITS	10	(a) the same auth
10	JURISDICTION+"	11	the department's jurisdic
11			fire within its jurisdict
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13	(b) the same auth
13	Section 1. Short title. [This act] may be cited as the	14	other jurisdiction as
14	"Emergency Response fire Protection Act".	15	responding to a fire, fi
15	Section 2. Purpose. It is the purpose of [this act] to	_	the fire.
16	save human life and prevent injury; to promote health,	16	
17	safety, and general welfare; and to prevent needless		(3) This section do
18	property damage by providing emergency fire protection to	18	respond to a fire known t
19	persons and property when confusion or misunderstanding	19	Section 4. Compensa
20	arises over fire department jurisdiction.	20	response under the pro
21	Section 3. Fire response outside jurisdiction duty,	21	covered by a mutual aid a
22	authority, and protection. (1) If a public fire department	22	compensate a fire departm
23	tswrongfully-or-accidentally-called-and responds to a fire	23	for all actual and neces
24	EMERGENCY THAT IS FOUND TO BE LOCATED outside its	24	services. Such costs may
25	jurisdiction, the department must fight the fire until:	25	indirectly through insura

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THIRD READING

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Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

7 Section 6. Codification instruction. This act is
8 intended to be codified as an integral part of Title 7.
9 chapter 33. and the provisions of this act apply to Title 7.
10 chapter 33.

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-End-

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