

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

1 *House* BILL NO. *675*
 2 INTRODUCED BY *KOEHNKE* *DOB* *Fager* *Mutual*
 3 *J. Brown* *Fuller*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A FIRE
 5 DEPARTMENT TO FIGHT A FIRE OUTSIDE ITS JURISDICTION IF IT IS
 6 CALLED TO SUCH A FIRE WRONGFULLY OR ACCIDENTALLY; PROVIDING
 7 PROPER AUTHORITY AND PROTECTION TO SUCH A DEPARTMENT; AND
 8 REQUIRING COMPENSATION FOR SUCH A CALL OUTSIDE ITS
 9 JURISDICTION."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Short title. [This act] may be cited as the
 13 "Emergency Response Fire Protection Act".
 14 Section 2. Purpose. It is the purpose of [this act] to
 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:
 25 (a) relieved by the fire department of that

1 jurisdiction;
 2 (b) dismissed by the property owner; or
 3 (c) the fire is under control.
 4 (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

1 one or more of its applications, the part remains in effect
2 in all valid applications that are severable from the
3 invalid applications.

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-

Approved by Comm.
on Local Government

HOUSE BILL NO. 675

INTRODUCED BY KOEHNKE, DOZIER, HARPER,

METCALF, FULLER, J. BROWN

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 REQUIRING COMPENSATION FOR SUCH A CALL OUTSIDE ITS JURISDICTION."

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Section 2. Purpose. It is the purpose of [this act] to save human life and prevent injury; to promote health, safety, and general welfare; and to prevent needless property damage by providing emergency fire protection to persons and property when confusion or misunderstanding arises over fire department jurisdiction.

Section 3. Fire response outside jurisdiction -- duty, authority, and protection. (1) If a public fire department ~~is wrongfully or accidentally called and~~ responds to a fire ~~EMERGENCY THAT IS FOUND TO BE LOCATED~~ outside its jurisdiction, the department must fight the fire until:

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

~~(B) CALLED TO RESPOND TO AN EMERGENCY WITHIN ITS OWN JURISDICTION;~~

~~(b)(C)~~ dismissed by the property owner; or

~~(c)(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 members have:

(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 the fire.

(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 for all actual and necessary costs related to fire fighting services. Such costs may be paid to the fire department indirectly through insurance coverage or proceeds.

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