

**PART V**  
EMERGENCY MANAGEMENT SERVICES

**Chapter**

- 71. General Provisions
- 73. Commonwealth Services
- 74. Volunteer Firefighters
- 75. Local Organizations and Services
- 76. Emergency Management Assistance Compact
- 77. Miscellaneous Provisions
- 78. Grants to Fire Companies and Emergency Medical Services Companies
- 79A. Incentives for Municipal Volunteers of Fire Companies and Nonprofit Emergency Medical Services Agencies

**Enactment.** Part V was added November 26, 1978, P.L.1332, No.323, effective immediately.

**CHAPTER 71**  
GENERAL PROVISIONS

**Subchapter**

- A. Preliminary Provisions
- B. Interstate Civil Defense and Disaster Compact

**Enactment.** Chapter 71 was added November 26, 1978, P.L.1332, No.323, effective immediately.

**Cross References.** Chapter 71 is referred to in section 8104 of this title.

**SUBCHAPTER A**  
PRELIMINARY PROVISIONS

**Sec.**

- 7101. Short title of part.
- 7102. Definitions.
- 7103. Purposes of part.
- 7104. Limitations.

**§ 7101. Short title of part.**

This part shall be known and may be cited as the "Emergency Management Services Code."

**§ 7102. Definitions.**

The following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

**"Agency."** The Pennsylvania Emergency Management Agency.

**"Council."** The Pennsylvania Emergency Management Council.

**"Custodial child care facility."** A child day care center as defined under section 1001 of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, or nursery school licensed or regulated by the Commonwealth.

**"Disaster."** A man-made disaster, natural disaster or war-caused disaster.

**"Disaster emergency."** Those conditions which may by investigation made, be found, actually or likely, to:

- (1) affect seriously the safety, health or welfare of a substantial number of citizens of this Commonwealth or preclude the operation or use of essential public facilities;

(2) be of such magnitude or severity as to render essential State supplementation of county and local efforts or resources exerted or utilized in alleviating the danger, damage, suffering or hardship faced; and

(3) have been caused by forces beyond the control of man, by reason of civil disorder, riot or disturbance, or by factors not foreseen and not known to exist when appropriation bills were enacted.

**"Disaster emergency-related work."** The repair, renovation, installation, construction or rendering of services or other business activities that relate to infrastructure that has been damaged, impaired or destroyed by a disaster.

**"Emergency management."** The judicious planning, assignment and coordination of all available resources in an integrated program of prevention, mitigation, preparedness, response and recovery for emergencies of any kind, whether from attack, man-made or natural sources.

**"Emergency services."** The preparation for and the carrying out of functions, other than functions for which military forces are primarily responsible, to prevent, minimize and provide emergency repair of injury and damage resulting from disasters, together with all other activities necessary or incidental to the preparation for and carrying out of those functions. The functions include, without limitation, firefighting services, police services, medical and health services, rescue, engineering, disaster warning services, communications, radiological, shelter, chemical and other special weapons defense, evacuation of persons from stricken areas, emergency welfare services, emergency transportation, emergency resources management, existing or properly assigned functions of plant protection, temporary restoration of public utility services and other functions related to civilian protection.

**"Infrastructure."** Real and personal property and equipment that is owned or used by any of the following that service multiple customers or citizens:

- (1) A communications network.
- (2) An electric generation, transmission and distribution system.
- (3) A gas distribution system that provides the facilities and equipment for producing, generating, transmitting, distributing or the furnishing of gas directly to the end customer.
- (4) A public or private water pipeline.

**"Local emergency."** The condition declared by the local governing body when in their judgment the threat or actual occurrence of a disaster is or threatens to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby. A local emergency arising wholly or substantially out of a resource shortage may be declared only by the Governor, upon petition of the local governing body, when he deems the threat or actual occurrence of a disaster to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate the damage, loss, hardship or suffering threatened or caused thereby.

**"Local organization."** A local emergency management organization.

**"Man-made disaster."** Any industrial, nuclear or transportation accident, explosion, conflagration, power failure, natural resource shortage or other condition, except enemy action, resulting from man-made causes, such as oil spills and other injurious environmental contamination, which threatens or causes substantial damage to property, human suffering, hardship or loss of life.

**"Natural disaster."** Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, landslide, mudslide, snowstorm, drought, fire, explosion or other catastrophe which results in substantial damage to property, hardship, suffering or possible loss of life.

**"Out-of-State business."** A business entity whose services are requested by a registered business, the Commonwealth or a political subdivision of the Commonwealth for purposes of performing disaster emergency-related work in this Commonwealth. The term includes a business entity that is affiliated with a registered business in this Commonwealth solely through common ownership. The out-of-State business may not have any of the following:

(1) A presence in this Commonwealth, excluding prior disaster emergency-related work performed under section 7308(b)(1) (relating to laws suspended during emergency assignments).

(2) Any registration, tax filing or nexus in this Commonwealth within the past three calendar years.

**"Out-of-State employee."** An employee who does not work in this Commonwealth, unless the employee is performing disaster emergency-related work during a period under section 7308(b)(1).

**"Person."** An individual, corporation, firm, association, public utility, trust, estate, public or private institution, group, the Commonwealth or a local agency or political subdivision and any legal successor, representative or agency of the foregoing.

**"Political subdivision."** Any county, city, borough, incorporated town or township.

**"Registered business."** Any business entity that is registered to do business in this Commonwealth prior to a declared disaster or emergency.

**"Resource shortage."** The absence, unavailability or reduced supply of any raw or processed natural resource, or any commodities, goods or services of any kind which bear a substantial relationship to the health, safety, welfare and economic well-being of the citizens of this Commonwealth.

**"War-caused disaster."** Any condition following an attack upon the United States resulting in substantial damage to property or injury to persons in the United States caused by use of bombs, missiles, shellfire, nuclear, radiological, chemical or biological means, or other weapons or overt paramilitary actions, or other conditions such as sabotage.

(May 31, 1996, 2nd Sp.Sess., P.L.1762, No.2, eff. imd.; July 13, 2004, P.L.689, No.73, eff. 60 days; Oct. 31, 2014, P.L.3044, No.203, eff. 60 days)

**2014 Amendment.** Act 203 added the defs. of "disaster emergency-related work," "infrastructure," "out-of-State business," "out-of-State employee" and "registered business." Section 3 of Act 203 provided that the additions of the defs. shall apply to a disaster or emergency that is declared on or after the effective date of section 3.

**2004 Amendment.** Act 73 added the def. of "custodial child care facility."

**1996 Amendment.** Act 2, 2nd Sp.Sess., added the def. of "person."

**References in Text.** The short title of the act of June 13, 1967, P.L.31, No.21, known as the Public Welfare Code, referred to in the definition of "custodial child care facility," was amended by the act of December 28, 2015, P.L.500, No.92. The amended short title is now the Human Services Code.

**Cross References.** Section 7102 is referred to in section 2302 of Title 12 (Commerce and Trade).

**§ 7103. Purposes of part.**

The purposes of this part are to:

(1) Reduce vulnerability of people and communities of this Commonwealth to damage, injury and loss of life and property resulting from disasters.

(2) Prepare for prompt and efficient rescue, care and treatment of persons victimized or threatened by disaster.

(3) Provide a setting conducive to the rapid and orderly start of restoration and rehabilitation of persons and property affected by disasters.

(4) Clarify and strengthen the roles of the Governor, Commonwealth agencies and local government in prevention of, preparation for, response to and recovery from disasters.

(5) Authorize and provide for cooperation in disaster prevention, preparedness, response and recovery.

(6) Authorize and provide for coordination of activities relating to disaster prevention, preparedness, response and recovery by agencies and officers of this Commonwealth, and similar State-local and Federal-State activities in which the Commonwealth and its political subdivisions participate.

(7) Provide a disaster management system embodying all aspects of predisaster preparedness and postdisaster response.

(8) Assist in prevention of disaster caused or aggravated by inadequate planning for and regulation of public and private facilities and land use.

(9) Supplement, without in any way limiting, authority conferred by previous statutes of this Commonwealth and increase the capability of the Commonwealth and local agencies having responsibilities for civil defense to perform both civil defense and disaster services.

(10) Further the operational capacities of Commonwealth agencies to deal with disaster situations.

(11) Further programs of education and training.

(12) Establish integrated communications capabilities and warning systems.

#### **§ 7104. Limitations.**

This part is not intended to:

(1) Interfere with the course or conduct of a labor dispute, except that actions otherwise authorized by this part or other laws may be taken when necessary to forestall or mitigate imminent or existing danger to public health or safety.

(2) Affect the jurisdiction or responsibilities of police forces, firefighting forces, units of the armed forces of the United States or of any personnel thereof when on active duty except that Commonwealth and local disaster emergency plans shall place reliance upon the forces available for performance of functions related to disaster emergencies.

(3) Limit, modify or abridge the authority of the Governor to proclaim martial law or exercise any other powers vested in him under the Constitution, statutes or common law of this Commonwealth independent of, or in conjunction with, any provisions of this part.

### **SUBCHAPTER B** INTERSTATE CIVIL DEFENSE AND DISASTER COMPACT

#### **Sec.**

7111. Interstate civil defense and disaster compact enacted.

#### **§ 7111. Interstate civil defense and disaster compact enacted.**

The Interstate Civil Defense and Disaster Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

## Article 1

The purpose of this compact is to provide mutual aid among the States in meeting any emergency or disaster from enemy attack or other cause (natural or otherwise), including sabotage and subversive acts and direct attacks by bombs, shellfire and atomic, radiological, chemical, bacteriological means and other weapons. The prompt, full and effective utilization of the resources of the respective States, including such resources as may be available from the United States Government or any other source are essential to the safety, care and welfare of the people thereof in the event of enemy action or other emergency, and any other resources, including personnel, equipment or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the civil defense agencies or similar bodies of the States that are parties hereto. The directors of civil defense of all party States shall constitute a committee to formulate plans and to take all necessary steps for the implementation of this compact.

## Article 2

It shall be the duty of each party State to formulate civil defense plans and programs for application within such State. There shall be frequent consultation between the representatives of the States and with the United States Government and the free exchange of information and plans, including inventories of any materials and equipment available for civil defense. In carrying out such civil defense plans and programs, the party States shall, so far as possible, provide and follow uniform standards, practices and rules and regulations including:

- (a) Insignia, arm bands and any other distinctive articles to designate and distinguish the different civil defense services.
- (b) Blackouts and practice blackouts, air raid drills, mobilization of civil defense forces, and other tests and exercises.
- (c) Warnings and signals for drills or attacks and the mechanical devices to be used in connection therewith.
- (d) The effective screening or extinguishing of all lights and lighting devices and appliances.
- (e) Shutting off water mains, gas mains, electric power connections, and the suspension of all other utility services.
- (f) All materials or equipment used or to be used for civil defense purposes in order to assure that such materials and equipment will be easily and freely interchangeable when used in or by any other party State.
- (g) The conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic prior, during and subsequent to drills or attacks.
- (h) The safety of public meetings or gatherings.
- (i) Mobile support units.

## Article 3

Any party State requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof: Provided, That it is understood that the State rendering aid may withhold resources to the extent necessary to provide reasonable protection for such State. Each party State shall extend to the civil defense forces of any other party State while operating within its State limits under the terms and conditions of this compact, the same powers (except that of arrest, unless specifically authorized by the receiving State), duties, rights,

privileges and immunities as if they were performing their duties in the State in which normally employed or rendering services. Civil defense forces will continue under the command and control of their regular leaders but the organizational units will come under the operational control of the civil defense authorities of the State receiving assistance.

#### Article 4

Whenever any person holds a license, certificate or other permit issued by any State evidencing the meeting of qualifications for professional, mechanical or other skills, such person may render aid involving such skill in any party State to meet an emergency or disaster and such State shall give due recognition to such license, certificate or other permit as if issued in the State in which aid is rendered.

#### Article 5

No party State or its officers or employees rendering aid in another State pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged or on account of the maintenance or use of any equipment or supplies in connection therewith.

#### Article 6

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more States may differ from that appropriate among other States party hereto, this instrument contains elements of a broad base common to all States and nothing herein contained shall preclude any State from entering into supplementary agreements with another State or States. Such supplementary agreements may comprehend but shall not be limited to provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment and supplies.

#### Article 7

Each party State shall provide for the payment of compensation and death benefits to injured members of the civil defense forces of that State and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact in the same manner and on the same terms as if the injury or death were sustained within such State.

#### Article 8

Any party State rendering aid in another State pursuant to this compact shall be reimbursed by the party State receiving such aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with such requests: Provided, That any aiding party State may assume in whole or in part such loss, damage, expense or other cost, or may loan such equipment or donate such services to the receiving party State without charge or cost: And, provided further, That any two or more party States may enter into supplementary agreements establishing a different allocation of costs as among those States. The United States Government may relieve the party State receiving aid from any

liability and reimburse the party State supplying civil defense forces for the compensation paid to and the transportation, subsistence and maintenance expenses of such forces during the time of the rendition of such aid or assistance outside the State and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment or facilities so utilized or consumed.

#### Article 9

Plans for the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party States and the various local civil defense areas thereof. Such plans shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends and the forwarding of such evacuees to other areas, or the bringing in of additional materials, supplies and all other relevant factors. Such plans shall provide that the party State receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care and like items. Such expenditures shall be reimbursed by the party State of which the evacuees are residents or by the United States Government under plans approved by it. After the termination of the emergency or disaster the party State of which the evacuees are resident shall assume the responsibility for the ultimate support or repatriation of such evacuees.

#### Article 10

This compact shall be available to any State, territory or possession of the United States and the District of Columbia. The term "State" may also include any neighboring foreign country or province or state thereof.

#### Article 11

The committee established pursuant to Article 1 of this compact may request the Civil Defense Agency of the United States Government to act as an informational and coordinating body under this compact and representatives of such agency of the United States Government may attend meetings of such committee.

#### Article 12

This compact shall become operative immediately upon its ratification by any State as between it and any other State or States so ratifying, and shall be subject to approval by Congress unless prior Congressional approval has been given. Duly authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party States and with the Civil Defense Agency and other appropriate agencies of the United States Government.

#### Article 13

This compact shall continue in force and remain binding on each party State until the Legislature or the Governor of such party

State takes action to withdraw therefrom. Such action shall not be effective until 30 days after notice thereof has been sent by the Governor of the party State desiring to withdraw to the Governors of all other party States.

#### Article 14

This compact shall be construed to effectuate the purposes stated in Article 1. If any provision of this compact is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.