

IC 10-14-6.5

Chapter 6.5. Interstate Mutual Aid Agreements

IC 10-14-6.5-1

"Emergency"

Sec. 1. As used in this chapter, "emergency" means an occurrence or condition in a jurisdiction that results in a situation:

- (1) that poses an immediate risk to health, life, property, or the environment;
- (2) that is not initially at the level of a disaster or emergency that requires a local or state declaration of disaster or emergency (even if such a local or state declaration of disaster or emergency is made after the initial request is made for mutual aid); and
- (3) for which the governing jurisdiction determines:
 - (A) that the situation exceeds its ability to render appropriate aid; and
 - (B) that it is in the public's best interest to request mutual aid from a governmental jurisdiction or private entity in another state with which the governing jurisdiction has entered into a mutual aid agreement under this chapter.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-2

"Emergency responder"

Sec. 2. (a) As used in this chapter "emergency responder" means a person:

- (1) who is required to possess a license, certificate, permit, or other official recognition for the person's expertise in a particular field or area of knowledge; and
 - (2) whose assistance is desirable during an emergency.
- (b) The term includes, but is not limited to, the following:
- (1) Firefighters, including hazardous materials personnel, specialized rescue personnel, extrication personnel, water rescue personnel, and other specialized personnel.
 - (2) Emergency medical services personnel.
 - (3) Law enforcement officers.
 - (4) Physicians.
 - (5) Nurses.
 - (6) Mental health practitioners, veterinary practitioners, and other public health practitioners.
 - (7) Emergency management personnel.
 - (8) Public works personnel.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-3

"Political subdivision"

Sec. 3. As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-4

Written mutual aid agreements; participation of private entity not prohibited

Sec. 4. (a) In order to more adequately address emergencies that extend or exceed a jurisdiction's emergency response capabilities, either without rising to the level of a state or local declaration of a state of disaster or emergency, or in the initial stages of an event that may later become a declared state of disaster or emergency, the state (and any of its departments or agencies) or any political subdivision may enter into written mutual aid agreements with units of government from another state that provide for:

- (1) coordination of communications for;
- (2) training for;
- (3) response to; and
- (4) standby for;

planned events and emergency responses between the units of government.

(b) When an emergency responder from outside Indiana is engaged in training, standby, and emergency response in accordance with a mutual aid agreement under this chapter, the emergency responder from outside Indiana is permitted to provide services within Indiana in accordance with this chapter and the terms of the mutual aid agreement under this chapter.

(c) This chapter may not be construed to prohibit a private entity or its employees from participating in the provision of mutual aid if:

- (1) the participating political subdivision approves the participation of the private entity; and
- (2) a contract between the political subdivision and the participating private entity permits the participation.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-5

Emergency responder licensed or certified outside Indiana; scope of authorized activities performed in Indiana

Sec. 5. If an emergency responder from a jurisdiction outside Indiana holds a license, certificate, or other permit recognized or issued by another state, that emergency responder is considered to be licensed, certified, and permitted in Indiana to render aid involving such skill to meet the request for assistance under a mutual aid agreement under this chapter, so long as the emergency responder acts within the scope of:

- (1) the emergency responder's license, certificate, or permit; and
- (2) what would be authorized by an equivalent license, certificate, or permit from or recognized by the state in which the requesting jurisdiction is located.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-6

Emergency responder from outside Indiana; immunity from liability

Sec. 6. (a) Any function performed under this chapter, and a mutual aid agreement under this chapter, is considered to have been performed for public and governmental purposes.

(b) All immunities from liability available to Indiana political subdivisions, other units of local government in Indiana, and their officers, agents, and employees within Indiana are extended to an emergency responder from another state who is:

- (1) providing mutual aid; or
- (2) engaged in training and exercises;

under a mutual aid agreement authorized by this chapter.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-7

Emergency responders remain employees of jurisdiction rendering aid

Sec. 7. (a) Emergency responders from outside Indiana rendering mutual aid within Indiana under a mutual aid agreement authorized by this chapter remain employees and agents of their respective employers and jurisdictions.

(b) This chapter or a mutual aid agreement entered into under this chapter does not create an employment relationship between the jurisdiction requesting aid and the employees and agents of the jurisdiction rendering aid.

(c) All pension, relief, disability, death benefits, worker's compensation benefits, and other benefits enjoyed by emergency responders rendering mutual aid under a mutual aid agreement authorized by this chapter extend to the services the emergency responders perform outside their respective jurisdictions, as if those services had been rendered in their own jurisdiction.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-8

Mutual aid agreements; approval process

Sec. 8. A mutual aid agreement under this chapter must be approved in the same manner as interlocal cooperation agreements are approved under IC 36-1-7.

As added by P.L.94-2011, SEC.1.

IC 10-14-6.5-9

No effect on other statutes

Sec. 9. This chapter may not be construed to limit, modify, or abridge:

- (1) Indiana's emergency management agency statutes; or
- (2) the emergency management assistance compact under IC 10-14-5.

As added by P.L.94-2011, SEC.1.