



**THE ATTORNEY GENERAL
OF TEXAS**

FRANK FREDERICK C. MARTIN
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

March 17, 1969

Honorable Marie Winters
Firemen's Pension Commissioner
1010 Sam Houston Building
Austin, Texas 78701

Opinion No. M- 358

Re: Whether volunteer firemen operating an emergency ambulance service as a regular operating portion of the Volunteer Fire Dept. are covered by Secs. 7, 8 and 12 of Article 6243e, V.C.S.

Dear Mrs. Winters:

You have requested an opinion of this office on the above captioned question.

Article 6243e, Vernon's Civil Statutes, reads, in part, as follows:

". . .

"Sec. 7. Whenever a person serving as an active fireman duly enrolled in any regularly active fire department in any city or town in the State having a population of less than five hundred thousand (500,000) according to the last preceding Federal Census, which city or town is now within, or may hereafter come within the provisions of this Act, shall become physically or mentally disabled while in and/or in consequence of, the performance of his duty, said Board of Trustees shall upon his request, or without such request, if it shall deem proper and for the good of the department, retire such person from active service either upon total or partial disability as the case may warrant. . . .

"Sec. 8. Whenever any duly enrolled member of any regularly organized active fire department of any city or town now coming

within or that may hereafter come within the provisions of this Act as herein limited, on account of accident or other temporary disability caused or sustained while in, and/or in consequence of the performance of his duties, be confined to any hospital or to his bed and/or shall require the professional services of a physician, surgeon or nurse, said Board of Trustees shall upon presentation of properly itemized and verified bills therefor, order paid from the Firemen's Relief and Retirement Fund of that city or town, all necessary hospital, physician's, surgeon's, nurse's and/or medicine bills or expenses and not less than Five Dollars (\$5) nor more than Fifteen Dollars (\$15) per week to such fireman during such temporary disability; provided however, that in no case shall the amount or amounts so paid for such bills and expenses exceed the aggregate sum of One Hundred Dollars (\$100) in any one month; and provided further, that the benefits provided by this Section shall not apply to any city or town having a fully paid fire department.

". . .

"Sec. 12. If any member of any department in any city or town having a population of less than five hundred thousand (500,000) according to the last preceding Federal Census, which city or town is now within or may hereafter come within the provisions of this Act, who has been retired on allowance because of length of service or disability, shall thereafter die from any cause whatsoever; or if while in service, any member shall die from any cause growing out of and/or in consequence of the performance of his duty; or shall die from any cause whatsoever after he has become entitled to an allowance or pension certificate and shall leave surviving a widow, a child or children under the age of eighteen (18) years or a dependent parent, said Board of Trustees shall order paid a monthly allowance as follows:" (Emphasis added.)

Mrs. Marie Winters, page 3

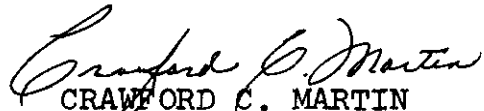
This office held in Attorney General's Opinion No. M-231 (1968) that paid firemen performing "emergency" ambulance service as a duty of the fire department would be eligible for the benefits authorized by Section 7 and Section 12 of Article 6243e.

It is the opinion of this office that duly enrolled volunteer firemen performing "emergency" ambulance service as a duty of the Volunteer Fire Department are covered for benefits under Sections 7, 8 and 12 of Article 6243e, Vernon's Civil Statutes, on the same basis that paid firemen are afforded coverage for emergency ambulance duties.

S U M M A R Y

Duly enrolled volunteer firemen performing "emergency" ambulance service as a duty of the Volunteer Fire Department are covered for disability benefits under Sections 7, 8 and 12 of Article 6243e, Vernon's Civil Statutes.

Very truly yours,


CRAWFORD C. MARTIN
Attorney General of Texas

Prepared by William J. Craig
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APPROVED:
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