

**PENNSYLVANIA SUPREME COURT EXTENDS LOCAL AGENCY IMMUNITY TO
SOME VOLUNTEER AMBULANCE COMPANIES.**

Vicky L. Beatty, Esq.

The Pennsylvania Supreme Court has ruled that, in certain circumstances, volunteer ambulance companies may be immune from lawsuits under Pennsylvania's Political Subdivision Tort Claims Act. The Pennsylvania Commonwealth Court had determined previously that volunteer ambulance companies were not entitled to this immunity. The Commonwealth Court thus distinguished ambulance companies from volunteer fire companies.

In Christy v. Cranberry Township Volunteer Ambulance Corps, Inc., 856 A.2d 43 (Pa. 2004), the Pennsylvania Supreme Court ruled that a volunteer ambulance company may be entitled to such immunity if certain factors are met. These factors include the following:

1. Whether the ambulance company is a non-profit corporation;
2. Whether the ambulance company was incorporated and created by a political subdivision;
3. Whether the ambulance company assists a municipality in meeting the needs of its citizens;
4. Whether the municipality appoints the entity's Board of Directors;
5. Whether the municipality exercises substantial control over the ambulance company;
6. Whether the entity's assets would vest in the municipality should the ambulance company be dissolved;
7. Whether the ambulance company's employees participated in any municipal benefit plans exclusively reserved to municipal employees;
8. Whether the ambulance company's sole source of income is the municipality; and
9. Whether the municipality indemnifies and holds harmless employees, officers and directors of the ambulance company.

Because of the way most volunteer ambulance companies are organized today, most will not meet all of these factors, and therefore may not qualify for the immunity. It is likely that many of these organizations will attempt to execute agreements with municipalities in the near future, however, to try to bring themselves within the standard announced by the Supreme Court in this case. Municipalities that are approached by ambulance companies for this purpose should contact their solicitor's for guidance.