

CHAPTER 113. VOLUNTEER FIRE COMPANY, AMBULANCE SERVICE AND RESCUE SQUAD ASSISTANCE

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Authority

The provisions of this Chapter 113 issued under the Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act (72 P. S. § 3943.1—3944.5); and Reorganization Plan No. 7, effective July 1, 1981; references to Pennsylvania Emergency Management Agency replaced with references to the Office of the State Fire Commissioner under section 6 of the act of December 23, 2013 (P. L. 1256, No. 129), unless otherwise noted.

Source

The provisions of this Chapter 113 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; references to Pennsylvania Emergency Management Agency replaced with references to the Office of the State Fire Commissioner February 14, 2014, effective February 21, 2014, 44 Pa.B. 888, unless otherwise noted. Immediately preceding text appears at serial pages (229836) to (229844), (336089) to (336090), (229847) to (229856) and (268063) to (268064).

GENERAL STANDARDS

§ 113.1. Definitions.

- (a) The terms defined in the act have the same meanings when used in this chapter as are ascribed in them in the act.
- (b) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accessory equipment—Firefighting, ambulance and rescue equipment necessary to carry out the ordinary functions of supporting firefighting, medical, life support, hazardous materials response and rescue activities. Equipment shall comply with approved standards of the OSFC, the National Fire Protection Association, Underwriters Laboratories, Factory Mutual Laboratories, National Bureau of Standards or other Nationally recognized inspection or rating agency and shall include: ladders; hoses; self-contained breathing apparatus; generators; floodlights and cords; smoke ejectors; compressors; hydrant-thawing devices; hydrant wrenches; door openers; portable pump and hand suction hose; couplings; adaptors; connecting hose valves; gates and ropes; spanner wrenches; nozzles; fire extinguishers; axes; crow bars; ladder and cellar pipe; pike poles; hose

clamps and bridges; wheel chocks; floor runners; circular metal saws; foam applicators or applicator equipment; portable resuscitators; first aid kits; power shears; life or safety belts; rescue tools; stretchers and blankets; ropes; deluge guns; winches; helmets; coats; boots; trousers; lanterns; ladder straps; wrenches; salvage covers; hand saws; power saws; pigtail ground adaptors; cable with locking connectors; playpipes; sprinkler stoppers or wedges; backpack-type pumps; bolts; portable suction apparatus; hand-operated bag masks; oropharyngeal airways; mouth-to-mouth airways—child and infant sizes; portable oxygen equipment; mouth gags; tongue blades; sterile intravenous agents; universal dressings; sterile gauze pads; self-adhering bandages; burn sheets; lower extremity traction splints; padded boards; inflatable splints; spine boards; triangular bandages; safety pins; shears; obstetrical kits; sterile gloves; umbilical cord clamps or tapes; dressings; towels; plastic bags; poison kits; blood pressure manometers; cuffs; stethoscopes; and other equipment for rescue, communications and hazardous materials activities as determined by the OSFC.

Act—The Volunteer Fire Company, Ambulance Service and Rescue Squad Assistance Act (72 P. S. § § 3943.1—3943.19).

Apparatus equipment—Aerial apparatus; pumpers; tankers; utility or special service vehicles; ambulances; rescue vehicles and other large equipment used for fighting fires and hazardous materials emergencies. This equipment is more specifically categorized as follows:

(i) *Aerial apparatus*—A truck equipped with a metal elevating platform device consisting of two or more booms or sections with a passenger-carrying platform assembly, or a truck equipped with a permanently mounted, power-operated aerial ladder. It shall comply with basic performance and construction standards, acceptance tests and service tests as set forth in NFPA Standard No. 1904-91 or its successor.

(ii) *Pumper*—A pumper with a permanently mounted fire pump with a rated discharge capacity of 750 gallons per minute or greater at 150 pounds per square inch net pumping pressure. It shall comply with basic performance and construction standards, and acceptance and service tests, as set forth in NFPA Standard No. 1901-91 or its successor.

(iii) *Tanker*—A mobile water supply fire apparatus as specified in NFPA Standard No. 1903-91 or its successor with a water capacity of 1,000 gallons or more. The minimum flow rate specified for tank to pump connection is 500 gallons per minute to a fire pump or the capacity of a booster pump where provided. The truck shall include a pump and have a limited hose body capacity.

(iv) *Utility or special service vehicle*—A vehicle carrying accessory equipment including ladders; oxygen equipment; communications equipment; generators and adaptors; floodlights; smoke ejectors, and other equipment necessary to perform the ordinary functions of supporting firefighting, rescue, emergency medical and hazardous materials activities. It shall comply with basic performance and construction standards and acceptance tests as set forth in the applicable NFPA Standard.

(v) *Ambulance*—A vehicle which is specifically designed, constructed or modified and equipped, and is used or intended to be used, and is maintained or operated, for the purpose of providing emergency medical care to, and transportation of, patients. The term includes advanced or basic life support vehicles that may or may not transport patients. An ambulance shall comply with current National standards and any standards developed under the authority of the Emergency Medical Services Act (35 P. S. § § 6921—6938).

(vi) *Rescue vehicle*—A vehicle, whether a motor vehicle or a watercraft, intended to be used exclusively for rescue services, not primarily to transport patients or have affixed stationary fire suppression equipment. It shall comply with basic performance and construction standards and acceptance tests as set forth in NFPA Standard No. 1901-91 or its successor.

(A) *Heavy duty rescue vehicle*—A vehicle utilizing a chassis with a Gross Vehicle Weight Rating (GVWR) of 14,700 pounds or more which is used exclusively for rescue services. It shall comply with basic performance and construction standards and acceptance tests as set forth in NFPA Standard No. 1901-91 or its successor, if applicable.

(B) *Light duty rescue vehicle*—A vehicle utilizing a chassis with a Gross Vehicle Weight Rating (GVWR) of less than 14,700 pounds which is used exclusively for rescue services. It shall comply with basic performance and construction standards and acceptance tests as set forth in NFPA Standard No. 1901-91 or its successor, if applicable.

(C) *Watercraft rescue vehicle*—A vehicle or device used on the water or ice and intended to be used exclusively for rescue purposes. The term includes boats, motorboats, iceboats, all-terrain or amphibious vehicles capable of being operated on the water. The term does not include seaplanes.

Communications equipment—Equipment or a system, or both, necessary for the transmission and reception of signals by voice required to support the operations of the volunteer company. Transmissions and communications equipment shall be licensed or authorized by the Federal Communications Commission, “Public Safety Radio Service,” 47 CFR Part 90 (relating to private land mobile radio services), meet the standards of the OSFC, as set forth in any directives or guidelines, and meet the applicable requirements of the Public Safety Emergency Telephone Act (35 P. S. § § 7011—7021).

Facility—A structure or portion thereof intended for the purpose of storage or protection of firefighting apparatus, ambulances and rescue vehicles and related equipment and gear. The term does not include meeting halls, social rooms, lounges, cloakrooms, bunkrooms, bathrooms, kitchens or any other facilities not directly related to firefighting or the furnishing of ambulance or rescue services.

Lending institution—A savings bank, bank and trust company, savings and loan association, credit union, financial leasing corporation, independently chartered relief association, local unit of government (city, borough, township, county) or a private individual, if a signed lending agreement is in effect with the private individual which states the amount, term, interest rate and the specific project for which the money is being loaned.

NFPA—The National Fire Protection Association.

New apparatus equipment—The term includes apparatus equipment that is titled using a manufacturer’s certificate of origin and where all essential parts as defined in 75 Pa.C.S. § 102 (relating to definitions) are new.

OSFC—The Office of the State Fire Commissioner.

Protective equipment—Clothing or equipment used by volunteer firefighters, volunteer ambulance service personnel or volunteer rescue service personnel which affords protection from injury to the wearer or user, including fire coats, boots, helmets, turnout pants, gloves, eyeshields, chemical protection suites and self-contained respiratory protection units.

UL—Underwriters Laboratories.

Used apparatus equipment—Apparatus equipment that has been previously titled in this Commonwealth or another state. The term also includes a vehicle which consists of taking a new or used truck chassis of any kind and then fabricating or constructing used essential parts as defined by 75 Pa.C.S. § 102 onto the chassis to create the apparatus equipment.

Volunteer Companies Loan Fund—The fund established under section 5 of the act (72 P. S. § 3943.5).

Volunteer company—A volunteer fire company, volunteer ambulance service or volunteer rescue service as defined by the act.

Source

The provisions of this § 113.1 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial pages (153416) to (153418).

§ 113.2. General provisions for assistance to volunteer companies.

(a) The OSFC will accept applications from a volunteer fire company, volunteer ambulance service and volunteer rescue service, as authorized under the act, on forms provided and authorized by the OSFC.

(b) The General Assembly has determined that volunteer fire companies are most in need of loans and intends that, to the extent possible, a significant portion of the Volunteer Companies Loan Fund be used to provide loans to volunteer fire companies and that the balance be allocated to provide loans to volunteer ambulance services and volunteer rescue squads.

Source

The provisions of this § 113.2 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153418).

§ 113.3. Initial application procedure.

(a) *Part I.* As its initial step in applying for a loan, the volunteer company shall submit the following documentation:

(1) A copy of the bylaws which provide that the applicant does not discriminate on the basis of race, creed, religion, sex, age, National origin or disability.

(2) A copy of the charter or certificate of incorporation that establishes its status as a volunteer or nonprofit corporation, association or organization.

(3) A notarized loan application and letter of intent, OSFC-VL-1.

(4) Proof of publication of the nondiscrimination clause as recommended by OSFC-VL-4. In the publication of intention to apply for a loan and statement of nondiscrimination against applicants for membership, the volunteer company shall covenant with the OSFC that it has not, does not and will not discriminate on the basis of race, creed, religion, sex, age, National origin or disability and that the volunteer company is and shall remain in compliance with the Pennsylvania Human Relations Act (43 P. S. § § 951—962.2), Title VI of the Civil Rights Act of 1964 (42 U.S.C.A. § § 2000d—2000d-4a) and the Americans with Disabilities Act of 1990 (42 U.S.C.A. § § 12101—12514). Every volunteer company requesting a loan from the OSFC shall, at its own expense, publish its intentions to apply for funds from the OSFC at least once in a newspaper of general circulation within 30 days prior to submission of the loan application. A newspaper of general

circulation shall be a newspaper that is circulated on a daily or weekly basis within the volunteer company's service area.

(5) The resolution to borrow, OSFC-VL-2, either affixed with the volunteer company's seal or notarized.

(6) An Emergency Management Planning Resolution, OSFC-VL-20, if applicable.

(7) A Certification of Hazardous Materials Response Training, OSFC-VL-21, if applicable.

(b) *Part II.* If the documentation required under subsection (a) is complete and accurate, the OSFC will notify the volunteer company of its eligibility to submit the final application forms listed in § 113.5 (relating to final application procedure) and will forward those forms to the applicant. When the loan applicant is determined to be ineligible for further loan consideration or its application is considered to be unsatisfactory or incomplete, the OSFC will notify the loan applicant in writing of the reason for its ineligibility or sections of the application that need to be completed or corrected.

Source

The provisions of this § 113.3 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153419).

Cross References

This section cited in 4 Pa. Code § 113.4 (relating to loan priorities and eligibility standards); and 4 Pa. Code § 113.5 (relating to final application procedure).

§ 113.4. Loan priorities and eligibility standards.

(a) A volunteer company that has met the requirements of §§ 113.3 and 113.5(a) and (b) (relating to initial application procedure; and final application procedure) shall have its loan application classified within each category according to its status as a volunteer fire company, a volunteer ambulance service or a volunteer rescue service.

(b) A loan application which meets two of the following requirements of the act shall be given first priority:

(1) Replacement of apparatus equipment not in compliance with NFPA standards or facilities not meeting State or local building codes or fire prevention codes, Federal regulations or OSFC directives.

(2) Replacement of unsafe fire apparatus equipment or facilities, or both.

(3) Provision of additional equipment or facilities, or both, because of unusual demand on present service.

(c) If the volunteer company meets only one of the requirements in subsection (b), its loan application shall be given second priority and shall be processed in the order of its receipt.

(d) A volunteer company, whether its loan application is given first or second priority, shall have its eligibility for a loan based upon the following standards which are listed in the order of their importance:

- (1) The financial need of the volunteer company.
 - (2) The volunteer company's ability to repay the loan.
 - (3) The financial assets of the volunteer company and its ability to obtain revenue, income and financial support and resources from outside sources. Revenue sources shall include bank accounts, investment accounts with other types of financial investment institutions, income received from support groups of the volunteer company, membership fees or dues collected, income received from service billing activities, gifts, donations or contributions received from governmental and nongovernmental entities and other sources of income.
 - (4) The volunteer company's prior loan repayment history to the Volunteer Companies Loan Fund. This standard shall include prior loan defaults, late payments, bankruptcies and related financial difficulties.
 - (5) The age and existing condition of the volunteer company's apparatus equipment or facilities and the age of the apparatus equipment that is intended to replace the existing apparatus equipment.
 - (6) The geographic and demographic conditions that exist within the volunteer company's service area. This standard includes unusual fire hazards, including the lack of an adequate water supply, the potential for and the incidence of natural and manmade disasters, the size of the population, the number of aged and disabled residents, and the growth or decline of the population within the service area, the amount of new home and business construction and expansion, the geographic size of the service area and the resulting amount of mileage and incidence of use incurred by the volunteer company's apparatus equipment.
 - (7) The number and type of signed mutual aid agreements that the volunteer company maintains with other volunteer companies and political subdivisions located within or adjacent to the county where the volunteer company's apparatus equipment and its supporting facility are located.
 - (8) The volunteer company's training, certification and fire prevention program.
- (e) The Commissioner of the OSFC has the authority to waive any of the loan priorities or standards established in this section whenever the applicant presents substantial evidence of potential hardship or other justification for the granting of a waiver.

Source

The provisions of this § 113.4 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial pages (153419) to (153420).

Cross References

This section cited in 4 Pa. Code § 113.5 (relating to final application procedure).

§ 113.5. Final application procedure.

(a) The final application forms shall be submitted by a volunteer company within 9 months after it receives written notice from the OSFC in accordance with § 113.3(b) (relating to initial application procedure) that it is eligible to submit the final application forms to the OSFC or the application file will be closed by the OSFC. The final forms required include the following:

- (1) A notarized financial statement and plan certification, PEMA-VL-5.

- (2) A letter of responsibility, PEMA-VL-10.
- (b) In addition, the volunteer company shall submit the following, if applicable:
- (1) A statement from the vendor, contractor or testing agency as to why the existing facility or apparatus equipment is outmoded or unsafe.
 - (2) Plans and specifications for the apparatus equipment, facility, or both.
 - (3) A legal description of real property upon which the facility is being constructed or modernized.
 - (4) A signed copy of any agreement or contract with a manufacturer or contractor.
 - (5) A signed copy of a loan agreement with a lending institution when refinancing a debt. The date of the loan agreement shall precede the date of the vehicle or equipment delivery or the completion of the facility project.
 - (6) A signed copy of bids or estimates for repair or rehabilitation of apparatus equipment.
 - (7) The names, addresses and home and work telephone numbers of board members or trustees and officers.
 - (8) Other required documents as determined by the OSFC when borrowing for used apparatus equipment, accessory equipment, communications equipment or protective equipment.
- (c) The evaluation of a volunteer company's initial and final application forms shall be performed by the staff of the Volunteer Loan Assistance Program.
- (d) After the staff has completed its final evaluation, the State Fire Commissioner or the Administrator of the Volunteer Loan Assistance Program will recommend disposition of the completed loan application to an application review committee within the OSFC which will make the final decision on the loan application. A volunteer company's loan application will not be complete unless the OSFC has received the required application forms and other documentation from the volunteer company at least 7-calendar days prior to a scheduled application review committee meeting.
- (e) The application review committee will meet once a month as scheduled by the OSFC and will consist of at least ten members. The committee will be composed of representatives from the OSFC; other State agencies or departments with fire, ambulance or rescue service-related interests; the volunteer fire, ambulance and emergency service community; and other appropriate parties as selected by the OSFC. Members will serve without compensation but will be reimbursed for travel expenses incurred in connection with attendance at committee meetings. Six members shall constitute a quorum. The State Fire Commissioner will coordinate and chair the committee meeting. If the State Fire Commissioner is unable to attend the meeting, the Administrator of the Volunteer Loan Assistance Program will coordinate and chair the meeting. Neither the State Fire Commissioner nor the Loan Administrator will have a vote unless the vote is needed to break a tie vote between the committee members present at the meeting.
- (f) The State Fire Commissioner, Loan Administrator and the application review committee will apply the loan priorities and loan eligibility standards in § 113.4 (relating to loan priorities and eligibility standards) to their final decision on the volunteer company's loan application.
- (g) A volunteer company aggrieved by a decision of the application review committee has the right to appeal the committee's decision to the OSFC's Commissioner or a designee within 30 days as

provided by 1 Pa. Code Part II (relating to the general rules of administrative practice and procedure).

Source

The provisions of this § 113.5 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial pages (153420) to (153421).

Cross References

This section cited in 4 Pa. Code § 113.4 (relating to loan priorities and eligibility standards); and 4 Pa. Code § 113.202 (relating to loan amounts).

§ 113.6. Loan limitations.

(a) The OSFC is authorized to make loans for the following:

(1) Acquisition of apparatus equipment, ambulances, rescue vehicles, utility or special service vehicles, communication equipment, accessory equipment or protective equipment; construction of new facilities; and modernization of existing facilities.

(2) Repair or rehabilitation of apparatus equipment when it has been determined that existing apparatus equipment no longer meets the current standards of the NFPA and when the repair or rehabilitation, or both, of the apparatus equipment will bring it in compliance with NFPA standards in existence at the time of the application.

(3) Refinancing a debt incurred through other lending institutions for contracts entered into after November 4, 1975 and used for the purchase of apparatus equipment, for the construction or modernization of facilities, or for the modification of apparatus equipment in order to comply with NFPA standards.

(b) A loan provided under this chapter may not be used for the acquisition of existing facilities. A loan may not be used for operating expenses, nor may it be used to reduce a debt or other obligation issued prior to November 4, 1975. A loan may not be used for payment of fees for the designing or planning of facilities or preparation of application. A loan may not be used for the purpose of investment, reinvestment, or for a purpose other than that which is expressly stated on the loan application, OSFC-VL-1.

(c) The OSFC has the authority to verify the company's volunteer or nonprofit status during the application process or at any time during the term of the loan.

(d) The OSFC may declare an "event of default" against a volunteer company that has received a loan from the OSFC. For the purposes of this subsection, an "event of default" means an act committed by a volunteer company that diverts, misapplies or distributes all or a portion of its loan proceeds to a use, purpose or party not authorized by the OSFC. An "event of default" also consists of events listed in Article VII (Default) of the Agreement for Act 208 Loan Assistance, OSFC-VL-17 and an act which changes or eliminates a volunteer company's volunteer or nonprofit status.

(e) When the OSFC declares an "event of default," it may proceed against the volunteer company in accordance with the default procedures in the Promissory Note, Mortgage, Guarantee or Loan Agreement (OSFC-VL-17) that was executed between the OSFC and the volunteer company.

(f) In addition to the other provisions of this section, a volunteer company is not eligible for a future loan from the OSFC until that volunteer company takes actions or measures deemed

necessary by the OSFC to terminate an event of default that the OSFC has declared against it and receives a written notice from the OSFC that the event of default has been terminated.

(g) A volunteer company may have no more than three outstanding loans with the OSFC at a given time. The OSFC may reduce this loan limit if the balance of funds in the Volunteer Loan Companies Fund warrants a reduction.

Source

The provisions of this § 113.6 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153421).

Notes of Decisions

The Pennsylvania Emergency Management Agency too narrowly defined “debt” and erroneously denied an application on the ground that borrowed funds to restore sinking fund capital account, would be used for operating expenses and that debt was not “incurred through other lending institutions.” *Abington Fire Company v. Pennsylvania Emergency Management Agency*, 132 Pa. Cmwlth. 119, 572 A.2d 44 (1990); appeal dismissed 612 A.2d 1353 (Pa. 1992).

§ 113.7. Effective date.

Loans may be made for purposes of the act undertaken by a volunteer company after November 4, 1975.

§ 113.8. Political subdivision.

(a) A volunteer company is eligible for a loan regardless of legal ownership in whole or part by a political subdivision of facilities, apparatus equipment or other equipment used by the volunteer company. Title to the real personal property so financed shall vest in either the volunteer company or the political subdivision during the period of the loan. When the title to the real or personal property vests in the political subdivision, the political subdivision and the volunteer company shall cosign the mortgage, promissory note and security agreement for the real property loan (such as facilities) or the promissory note, security agreement and financing statements for the personal property loan (such as apparatus equipment or protective, accessory or communications equipment).

(b) Apparatus equipment or facilities financed under the act may be transferred to a political subdivision served by the volunteer fire company, volunteer ambulance or volunteer rescue service if the OSFC receives 30 days written notice of the transfer. In this situation, the OSFC will determine the type of security required.

Source

The provisions of this § 113.8 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153422).

§ 113.9. Twenty percent requirement.

(a) The volunteer company shall be required to show that it has available 20% of the total cost of the facility, apparatus equipment or vehicle procurement or rehabilitation in unobligated funds at the time its initial application forms are submitted to the OSFC. The OSFC has the authority to confirm

the existence of a volunteer company's invested or unobligated funds at any time during the loan review process.

(b) If the volunteer company is unable to meet the 20% requirement of subsection (a), a political subdivision served by the volunteer company may pledge funds necessary to satisfy the 20% requirement and, if it does so, shall cosign the application submitted by the volunteer company and provide the OSFC with a copy of an ordinance adopted by the governing body of the political subdivision which guarantees the loan amount or authorizes the issuance of a general obligation note in the amount of the loan under the Local Government Unit Debt Act (53 P. S. § § 6780-1—6780-609). A copy of the ordinance and a copy of the Department of Community Affairs Certificate of Approval shall be provided to the OSFC at least 30 days prior to final settlement of the loan.

Source

The provisions of this § 113.9 adopted December 23, 1982, effective December 24, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019; corrected February 12, 1993, effective December 19, 1992, 23 Pa.B. 738. Immediately preceding text appears at serial page (175807).

§ 113.10. Loan period.

The loans granted under the act may not exceed 15 years, and any loan in the amount of \$15,000 or less shall be for not more than 5 years. The minimum amount of a loan is \$5,000.

Source

The provisions of this § 113.10 adopted December 23, 1982, effective December 24, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153422).

§ 113.11. Loan repayment.

(a) The loan shall be repaid at the rate of interest of 2% per annum payable monthly on the unpaid balance of the loan commencing not later than 2 months after the date of the loan and payable on the first day of every month thereafter during the term of the loan until paid. There shall be a delinquent charge of 6% per annum for a loan repayment that is 30 or more days late of the original due date.

(b) The volunteer company may anticipate installments of principal or any payments of interest at any time prior to the respective payment date without notice or penalty.

(c) The principal and interest of the loan shall be payable at the office designated for these purposes. The check or money order shall be made payable to the Volunteer Companies Loan Fund and shall be delivered to the OSFC comptroller's office before the close of business on the due date.

Source

The provisions of this § 113.11 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153422).

§ 113.12. Loan procedures.

(a) In advance of a loan settlement, the OSFC's comptroller shall issue two-party checks which shall list the volunteer company and a lending institution, apparatus equipment manufacturer or dealer, construction company or other interested party, as identified by the OSFC, as the payees of the loan check.

(b) Loan settlements will be conducted at either the OSFC's Harrisburg office or area offices or at another location as determined at the sole discretion of the OSFC. The OSFC will set the dates and times for loan settlements.

Source

The provisions of this § 113.12 adopted December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019.

FACILITY LOANS

§ 113.101. Loan authorization.

The OSFC is authorized to make loans which will assist in establishing or modernizing facilities that house apparatus equipment, accessory equipment, communications equipment and protective equipment.

Source

The provisions of this § 113.101 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153423).

§ 113.102. Loan.

The loan for acquisition of land or construction of a new facility or renovation of an existing facility to any volunteer fire company, ambulance service or rescue squad for a specified project may not exceed 50% of the total cost of the facility or modernization or \$200,000, whichever is less.

Source

The provisions of this § 113.102 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153423).

§ 113.103. Proceeds of loan.

(a) Proceeds of the loan may be used for land acquisition, or facility construction and modernization specifically described on the loan application and loan agreement. If proceeds of the loan are to be used for land acquisition, approval will be granted only under the condition that construction begins within 6 months.

(b) Proceeds of the loan may be used for the refinancing of debts incurred with a lending institution or contracts entered into after November 4, 1975 and shall be used for the construction or

modernization of facilities.

Source

The provisions of this § 113.103 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153423).

§ 113.104. Prerequisite materials to final settlement.

As a prerequisite to final settlement, the volunteer company shall deliver the loan agreement, the promissory note and mortgage, with the real property description set forth in Exhibit A of the mortgage and other security documents that may be required by the OSFC, all having been authorized by the volunteer company, which when executed shall be the valid and legally binding obligations of the volunteer company enforceable in accordance with the respective terms of each.

Source

The provisions of this § 113.104 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153423).

§ 113.105. Mortgage.

(a) The mortgage shall be recorded by the volunteer company, at its own expense, in the office of the recorder of deeds in the county in which the land is located.

(b) Whenever a volunteer company has obtained a previous mortgage for land acquisition or construction or modernization of a facility, the OSFC is authorized to provide an additional mortgage for land acquisition or construction or modernization of a facility. The OSFC will insure that loan safeguards are initiated to protect the Commonwealth's investment.

Source

The provisions of this § 113.105 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153423).

§ 113.106. Insurance and surveys.

(a) *Mortgage.* The volunteer company shall procure, pay for and deliver to the OSFC a mortgagee's title insurance policy in the aggregate amount of the loan, insuring the interest of the OSFC as the mortgagee under the mortgage as a lien or charge upon the mortgage property, subject only to exceptions that have been approved by the OSFC.

(b) *Insurance.* The volunteer company shall maintain the following insurance in form and substance satisfactory to and in amounts required by the OSFC, with evidence of the payment of premiums for the benefit of the OSFC and the volunteer company:

(1) Construction coverage:

(i) Workmens compensation insurance and employers liability insurance.

(ii) Combined coverage, comprehensive general liability insurance and owner's protective liability insurance.

(iii) Builder's risk on the project and the improvements, including the materials, equipment and other personal property located on the mortgaged property which are used or intended to be used in the project and the improvements; with extended coverage, vandalism and malicious mischief; and with no more than a \$100 deductible provision for losses.

(2) Flood coverage.

(3) Fire coverage.

(4) Liability coverage.

(5) Boiler coverage.

(c) *Endorsements.* Policies issued shall contain standard mortgagee clauses making losses thereunder payable to the OSFC, the volunteer company and other mortgage holder. Policies or copies shall be deposited with the OSFC. Not later than 30 days prior to the expiration date of each of the policies, the volunteer company shall deliver to the OSFC satisfactory evidence of the renewal of each of the policies.

(d) *Assignment of insurance policies.* The volunteer company shall assign and deliver the required certificates of the insurance to the OSFC at the time of final settlement. In the event of the OSFC's foreclosure of the mortgage or of the transfer of title to the mortgaged property to the OSFC in extinguishment of the indebtedness secured by the mortgage, all right, title and interest of the OSFC in and to policies then in force shall be reassigned to the volunteer company.

(e) *Event of loss.* In the event of loss or damage to the mortgage property, the volunteer company shall give immediate notice to the OSFC and of the estimated monetary amount of the loss; and the volunteer company shall make prompt proof of loss and furnish copies to the OSFC. The OSFC may make proof of loss if not made promptly by the volunteer company. An insurer concerned shall be authorized and directed by the volunteer company to make payment for the loss or injury to the OSFC and any mortgage holder jointly. The insurance proceeds or any part may be retained and applied by the OSFC toward payment of a loan outstanding to the OSFC by the volunteer company in priority and proportions the OSFC deems proper; or, at the option of the OSFC, the proceeds may be applied or paid in whole or in part toward the restoration or repair of the damaged property or for other purposes and upon conditions the OSFC designates.

Source

The provisions of this § 113.106 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial pages (153424) to (153425).

§ 113.107. Approved plans and specifications.

(a) A copy of the approved plans and specifications for the construction or modernization project shall be submitted to and will be retained by the OSFC. The volunteer company is responsible for complying with applicable Federal, State and local laws that concern the construction or modernization project. If a change to the plans or specifications is required by a governmental agency or licensing body, the volunteer company shall furnish additional labor and materials necessary to complete the project and the improvements in compliance with the changes to the plans and specifications. The volunteer company shall complete the project and the improvements inside and outside on or before the completion date as specified in the loan agreement unless an

unforeseen condition occurs that prevents completion on the specified date. In such event the volunteer company shall notify the OSFC of the reason for the delay.

(b) Additions or changes may not be made to the plans and specifications nor to a construction contract without the prior written approval of the original approving agency. Written notification of these approvals, additions or changes shall be submitted to the OSFC.

Source

The provisions of this § 113.107 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153425).

§ 113.108. Inspections.

(a) The OSFC may conduct periodic inspections during construction or modernization.

(b) The OSFC will conduct the final inspection after completion to determine full compliance prior to issuance of the final payment from the loan proceeds. In lieu of the final inspection by its representative, the OSFC may accept a copy of the official Department of Labor and Industry inspection letter or a copy of the official Certificate of Occupancy, or both, or documentation of completion from a local authority or contractor.

Source

The provisions of this § 113.108 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153425).

§ 113.109. Loan advances.

Loan advances will be made as follows for construction or modernization loans:

(1) At the time of settlement, 30% of the total loan will be paid to the volunteer company.

(2) When the facility construction or improvements are 50% complete and substantiated on a signed requisition and certificate form provided by the OSFC, an additional 50% of the loan balance will be issued to the volunteer company.

(3) When the facility construction or improvements are 100%, the volunteer company shall document the facility's completion on a signed requisition and certificate form provided by the OSFC. Within 30 days of the receipt of the form, an OSFC representative either conducts a final inspection of the facility or the OSFC may accept a copy of the official Department of Labor and Industry inspection letter or a copy of the official certificate of occupancy if applicable, or documentation of completion from a local authority or contractor. After the necessary documentation is received and the final inspection is made or the certificate of occupancy is received, the OSFC will release the remaining balance of the loan to the volunteer company.

Source

The provisions of this § 113.109 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153426).

§ 113.110. Conditions precedent to final payment.

- (a) The volunteer company shall procure and retain in its possession necessary certificates, opinions of counsel, permits, letters, grants, authorizations and resolutions, loan guarantees and approvals from governmental authorities relating to the construction of the project and the improvements. The OSFC may require copies of certificates, opinions of counsel, permits, letters, grants, authorizations, and resolutions, loan guarantees and approvals from governmental authorities before the final payment is made.
- (b) The construction or improvement project shall comply with applicable building, zoning, floodplain and planning statutes, ordinances, regulations and restrictions.
- (c) The construction or improvement project shall be completed in accordance with the plans and specifications and shall be ready for occupancy before final payment.

Source

The provisions of this § 113.110 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019; corrected February 12, 1993, effective December 19, 1992, 23 Pa.B. 738. Immediately preceding text appears at serial page (175813).

APPARATUS EQUIPMENT LOANS**§ 113.201. Loan authorization.**

The OSFC is authorized to make loans which will assist in the purchase of fire fighting apparatus equipment, ambulances, rescue vehicles, utility vehicles and special service vehicles.

§ 113.202. Loan amounts.

- (a) The amount of a loan for the purchase of a new aerial apparatus will not exceed \$150,000 or 50% of the total cost of the aerial apparatus, whichever is less.
- (b) The amount of a loan for the purchase of a single new firefighting apparatus equipment, except for an aerial apparatus, or for the purchase of a utility or special service vehicle, or a heavy duty rescue vehicle, will not exceed \$100,000 or 50% of the total cost, whichever is less.
- (c) The amount of a loan for the purchase of a used firefighting apparatus equipment will not exceed \$60,000 or 80% of the total cost of the equipment, whichever is less.
- (d) The amount of a loan for the purchase of a new or used ambulance or a new or used rescue vehicle will not exceed \$50,000 or 50% of the total cost of the equipment, whichever is less.
- (e) The amount of a loan for the repair or rehabilitation for a single existing apparatus equipment will not exceed \$35,000 or 80% of the cost of repair or rehabilitation, whichever is less. The volunteer company shall return the rehabilitated apparatus equipment to first line status and shall retain it in that status for the period of the loan.
- (f) The amount of a loan for the purchase of a new or used watercraft rescue vehicle will not exceed \$15,000 or 50% of the total cost of the watercraft rescue vehicle, whichever is less.

(g) Notwithstanding other provisions of this section to the contrary, the maximum amount of a loan to a volunteer fire company, volunteer ambulance service and volunteer rescue service for the purchase of firefighting apparatus, ambulances or rescue vehicles manufactured or assembled in this Commonwealth may exceed the loan limits in this section by \$10,000. For the purposes of this subsection, “manufactured or assembled in this Commonwealth” means firefighting apparatus, an ambulance or rescue vehicle that has at least 75% of the cost of its chassis, frame and other component parts, including permanently attached equipment or apparatus parts, in the aggregate, either manufactured or assembled by a person doing business solely in this Commonwealth, or by a business or corporation which is located in this Commonwealth.

(h) To determine the applicability of subsection (g) to a loan application, the volunteer company will be required to provide documentation, when it submits its final application forms as listed in § 113.5 (relating to final application procedure), that 75% of the cost of the manufacture or assembly of the firefighting apparatus, ambulance or rescue vehicle occurred in this Commonwealth. Each manufacture or assembly project, together with contract specifications and cost invoices, will be reviewed by the OSFC to determine whether the project is entitled to the additional \$10,000 loan amount.

Source

The provisions of this § 113.202 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153426).

§ 113.203. Proceeds of loan.

(a) Proceeds of the loan may be used for the purchase of firefighting apparatus equipment, ambulances, rescue vehicles, utility vehicles and special service vehicles as specifically described on the loan application and loan agreement.

(b) Proceeds of the loan may be used for the refinancing of debts incurred with a lending institution or contracts entered into after November 4, 1975, and used for the purchase of firefighting apparatus equipment, ambulances, rescue vehicles, utility vehicles and special service vehicles or for modification of apparatus equipment to comply with NFPA standards.

(c) Proceeds of the loan may be used for the repair or rehabilitation of existing apparatus equipment, ambulances, rescue vehicles, utility vehicles and special service vehicles if it has been determined in writing by an authorized representative of the repair or rehabilitation facility that the existing apparatus no longer meets the standards of the NFPA and that the repair or rehabilitation, or both, of the equipment will bring it into compliance with NFPA standards.

(d) Proceeds of the loan may be used for the purchase of a used firefighting apparatus equipment, a used ambulance or a used rescue vehicle if the used apparatus equipment or vehicle meets applicable NFPA standards before it is purchased by the volunteer company. A volunteer company that purchases a used apparatus equipment or vehicle and then either plans to repair or rehabilitate the used apparatus equipment or vehicle or has the used apparatus equipment or vehicle repaired or rehabilitated to bring it into compliance with NFPA standards is not eligible for a loan to purchase the used apparatus equipment or vehicle. The volunteer company may only apply for a loan to repair or rehabilitate the used apparatus equipment or vehicle.

Source

The provisions of this § 113.203 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019.

Immediately preceding text appears at serial pages (153426) to (153427).

§ 113.204. Specifications.

(a) The volunteer company shall submit one complete set of specifications of the new firefighting apparatus equipment, new ambulance, new rescue vehicle, new utility vehicle or new special service vehicle.

(b) For the repair or rehabilitation of existing apparatus equipment, ambulance, rescue vehicle, utility vehicle or special service vehicle, the volunteer company shall submit one complete set of specifications along with three estimates from qualified manufacturers for the repair or rehabilitation. If less than three estimates are available, a statement shall be submitted explaining the reason why there are less than three.

(c) For used apparatus equipment, ambulance, rescue vehicle, utility vehicle or special service vehicle, the volunteer company shall submit one complete set of specifications or other documents which indicates that the vehicle has a sufficient number of seats in an enclosed area for the maximum number of persons who may ride on the vehicle at any time.

Source

The provisions of this § 113.204 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019; corrected February 12, 1993, effective December 19, 1992, 23 Pa.B. 738. Immediately preceding text appears at serial page (175816).

§ 113.205. Compliance.

(a) Firefighting apparatus equipment to be purchased shall comply with the applicable NFPA Standard. The volunteer company shall provide to the OSFC, either prior to or at the loan settlement, a factory certification or the written results of any pump or aerial test conducted by the manufacturer of the apparatus equipment or by an independent testing organization at the time that the volunteer company accepts delivery of the new, used or rehabilitated apparatus equipment from the manufacturer or other party. If more than 1 year has transpired between the date of acceptance of a used or rehabilitated apparatus equipment and the date of the loan settlement, the pump or aerial test shall be conducted by an independent testing organization not more than 90 days prior to the date of settlement.

(b) A volunteer company requesting a loan for the purchase of an ambulance shall select a vehicle which substantially complies with the requirements of the United States Department of Transportation/National Highways Traffic Safety Administration as described in "Federal Specifications—Ambulances; KKK-A-1822A," issued April 1980, and amendments thereto, except when the specifications are contrary to 75 Pa.C.S. § § 101—9701 (relating to the Vehicle Code).

(c) On forms provided by the OSFC, the volunteer company shall supply information concerning the purchase of the ambulance to the OSFC. The OSFC may forward this information to an Emergency Health Service Council having jurisdiction in the service area of the volunteer company.

Source

The provisions of this § 113.205 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019; corrected February 12, 1993, effective December 19, 1992, 23 Pa.B. 738. Immediately preceding text appears at serial pages (175816) to (175817).

§ 113.206. Prerequisite materials.

(a) As a prerequisite to final settlement, the volunteer company shall deliver the promissory note, security agreement and financing statements describing the specific equipment, which shall be filed with the Corporation Bureau, Department of State and the prothonotary's office in the county where the equipment is physically housed or used, and other documents in conformity with 13 Pa.C.S. Division 9 (relating to secured transactions; sales of accounts, contract rights and chattel paper) necessary to create and perfect a security interest in favor of the OSFC in all personalty acquired in whole or in part by the volunteer company with proceeds from the OSFC loan.

(b) If a portion of the proceeds of an OSFC loan is used by the volunteer company for the purchase or rehabilitation of a motor vehicle, the volunteer company shall supply to the OSFC the title to the vehicle being purchased or rehabilitated and the document necessary to record a valid lien encumbrance in favor of the OSFC. If the OSFC is supplying secondary and minority funding, the OSFC will become holder of a second encumbrance. When the OSFC is providing primary and majority or equal funding, the OSFC will become the holder of a first lien encumbrance.

Source

The provisions of this § 113.206 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153428).

§ 113.207. Insurance.

The volunteer company shall maintain insurance in form and substance satisfactory to and in amounts required by the OSFC, evidenced by a certificate of insurance furnished by the volunteer company for the benefit of the OSFC, other encumbrance holders and the volunteer company, including a representation without limitation that, if a portion of the proceeds of the loan is used by the volunteer company for the purchase or rehabilitation of a motor vehicle, the volunteer company shall maintain liability insurance under the laws of the Commonwealth and collision insurance designating the OSFC and any other encumbrance holder as loss payee on the policy. The certificate of insurance shall contain a statement or rider that the insurance company shall give the OSFC 30 days advance notice whenever the amount of insurance coverage or other terms of the insurance are modified or cancelled.

Source

The provisions of this § 113.207 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153428).

**PROTECTIVE, ACCESSORY AND COMMUNICATIONS
EQUIPMENT LOANS****§ 113.301. Loan authorization.**

The OSFC is authorized to make loans which will assist in the purchase of protective, accessory and communication equipment.

§ 113.302. Loan.

Loans for protective, accessory and communication equipment may not exceed \$10,000 and shall be for a period not to exceed 5 years.

§ 113.303. Proceeds of loan.

Proceeds of the loan shall be used for the purchase of protective, accessory and communication equipment as specifically described in the loan application and loan agreement.

Source

The provisions of this § 113.303 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153429).

§ 113.304. Application limitations.

A volunteer company may not receive a loan for protective, accessory or communication equipment more than once in a 5-year period.

§ 113.305. Equipment compliance.

(a) A volunteer company shall select protective and accessory equipment that meets the standards of the NFPA or a Federal agency or the requirements of one of the Nationally recognized testing organizations, in particular Underwriters Laboratories. This equipment may be used for the protection of hazardous material response team members if the equipment meets standards developed under the authority of the Hazardous Material Emergency Planning and Response Act (35 P. S. § § 6022.101—6022.307).

(b) A volunteer company shall select communications equipment that complies with the Federal Communications Commission regulations, 47 CFR Part 90 (relating to private land mobile radio services) or its successor, or applicable requirements developed under the authority of the Public Safety Emergency Telephone Act (35 P. S. § § 7011—7021) or OSFC directives or guidelines.

(c) A volunteer company shall select communications equipment, in particular radio receivers and transmission equipment, that has the standard approved dispatch frequencies and the countywide fire coordination or dispatch frequency that is used within the volunteer company's area of operations.

Source

The provisions of this § 113.305 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153429).

§ 113.306. Prerequisite materials.

As a prerequisite to final settlement, the volunteer company shall deliver the promissory note, security agreement and financing statements describing the specific equipment, which shall be filed with the Corporation Bureau, Department of State, and the prothonotary's office in the county where the equipment is physically housed or used, and other documents in conformity with 13 Pa.C.S.

Division 9 (relating to secured transactions, sales of accounts, contract rights and chattel paper) necessary to create and perfect a security interest in favor of the OSFC in all personalty acquired either in whole or in part by the volunteer company with proceeds from the OSFC loan.

Source

The provisions of this § 113.306 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153429).

§ 113.307. Insurance.

The volunteer company shall maintain insurance in form and substance satisfactory to, and in amounts required by, the OSFC, evidenced by a certificate of insurance furnished by the volunteer company for the benefit of the OSFC, other encumbrance holders and the volunteer company. The OSFC shall be listed as loss payee on the policy or certificate of insurance. The certificate of insurance shall contain a statement or rider that the insurance company shall give the OSFC 30 days advance notice whenever the amount of insurance coverage or other terms of the insurance are modified or cancelled.

Source

The provisions of this § 113.307 adopted December 23, 1982, effective December 25, 1982, 12 Pa.B. 4333; amended December 18, 1992, effective December 19, 1992, 22 Pa.B. 6019. Immediately preceding text appears at serial page (153429).

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