



North Dakota Legislative Council

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DEFINITIONS OF VOLUNTEER EMERGENCY RESPONDERS IN CENTURY CODE AND ADMINISTRATIVE CODE

This memorandum provides information on the definitions related to volunteers and volunteer emergency responders in the North Dakota Century Code and North Dakota Administrative Code. There is not a single definition of volunteer applicable to the entire Century Code. Many of the definitions for the term volunteer or other terms describing volunteer emergency responders are limited to a specific title, chapter, or section.

VOLUNTEER EMERGENCY RESPONDER DEFINITIONS IN CENTURY CODE

Education

Section 15-10-18.4(1)¹

"Firefighter" means a person who is a member of a paid or volunteer fire department that is a part of, or administered by, this state, any political subdivision of this state, or a rural fire protection district.

Fires

Section 18-04-07(3)²

For the purpose of this section, a nonpaid or volunteer fire department is any department in which less than fifty percent of the personnel of the department are full-time regularly salaried firefighters. A volunteer firefighter is a firefighter who does not receive a regular monthly salary though the firefighter may receive compensation for each fire call the firefighter responds to.

Section 18-05.1-03(1)³

"Firefighter" means an individual who is a member of a paid or volunteer fire department that is a part of or is administered by this state, any political subdivision of this state, or a rural fire protection district.

Health and Safety

Section 23-17.4-01(10)⁴

"Volunteer services" means the services provided by individuals who have successfully completed a training program developed by a licensed hospice program.

Section 23-27-04.1(2)⁵

For the purpose of this section, "volunteer" means an individual who receives no compensation or who is paid expenses, reasonable benefits, nominal fees, or a combination of expenses, reasonable benefits, and nominal fees to perform the services for which the individual volunteered, provided that the fees do not exceed ten thousand dollars in any calendar year.

¹Definition applicable to Section 15-10-18.5, which provides free tuition at state institutions of higher education for survivors of firefighter, emergency medical services personnel, or peace officers who die as a direct result of injuries received while engaged in the performance of official duties under circumstances dangerous to human life.

²Definition applicable to the disbursement of fund by the city auditor.

³Definition applicable to firefighter death benefits.

⁴Definition applicable to service in a hospice program.

⁵Definition applicable to emergency care or services rendered by officers, employees, or agents of emergency medical services operations with physician medical direction.

Judicial Remedies

Section 32-12.1-02(3)⁶

"Employee" means any officer, employee, board member, volunteer, or servant of a political subdivision, whether elected or appointed and whether or not compensated. The term does not include an independent contractor, or any person performing tasks the details of which the political subdivision has no right to control.

Military

Section 37-17.4-01(13)⁷

"Volunteer health practitioner" means a health practitioner who provides health or veterinary services, whether or not the practitioner receives compensation for those services. The term does not include a practitioner who receives compensation pursuant to a pre-existing employment relationship with a host entity or affiliate which requires the practitioner to provide health services in this state, unless the practitioner is not a resident of this state and is employed by a disaster relief organization providing services in this state during an emergency.

Section 37-29-01⁸

1. "Disaster or emergency" means circumstances resulting in a volunteer emergency responder acting in the capacity as a volunteer emergency responder.
2. "Volunteer emergency responder" means an individual in good standing as:
 - a. A volunteer member of the army national guard or air national guard of this state or any state; or
 - b. A volunteer civilian member of the civil air patrol.

Motor Vehicles

Section 39-04-10.16(1)⁹

1. As used in this section:
 - a. "Fire department" means a certified city fire department, certified rural fire department, or certified fire protection district that has filed a certificate of existence under section 18-04-02.
 - b. "Volunteer emergency responder" means an emergency medical services provider certified by the department of health and human services and the individual's squad leader for a continuous period exceeding two years and who receives an annual compensation of less than ten thousand dollars.
 - c. "Volunteer firefighter" means an active member in good standing with a North Dakota fire department who has had a continuous membership for a period exceeding two years and receives an annual compensation of less than ten thousand dollars from the fire department.
 - d. "Volunteer search and rescue personnel" includes water and dive rescue personnel and means an active member:
 - (1) Of an organization that at the request of a state entity, political subdivision, or volunteer fire department deploys, coordinates, and uses available resources and personnel in locating, relieving the distress of, preserving the life of, or extracting an individual who is missing, trapped, or lost in remote areas or waters of the state;

⁶Definition applicable to government liability for claims against government entities.

⁷Definition applicable to the Uniform Emergency Volunteer Health Practitioners Act.

⁸Definition applicable to volunteer emergency responder job protections.

⁹Definition applicable special vehicle license plates for volunteer emergency responders, volunteer firefighters, and volunteer search and rescue personnel.

- (2) In good standing and with continuous membership for a period exceeding two years with an organization under paragraph 1; and
- (3) Who receives an annual compensation of less than ten thousand dollars from an organization under paragraph 1.

Section 39-08-04.1¹⁰

Any person who is an unpaid volunteer, who in good faith, renders emergency care or services at or near the scene of an accident, disaster, or other emergency, or en route to a treatment facility, is not liable to the recipient of the emergency care or services for any damages resulting from the rendering of that care or services.

Workforce Safety and Insurance

Section 65-06-01¹¹

The term "volunteer firefighter" means any active member of an organized volunteer fire department of this state and any other individual performing services as a volunteer firefighter for a municipality at the request of the chief or other individual in command of the fire department of that municipality or of any other officer of that municipality having authority to demand service as a firefighter. Firefighters who are paid a regular wage or stipend by the municipality for serving as a firefighter, or whose entire time is devoted to service as a firefighter for the municipality, for the purpose of this chapter, are not volunteer firefighters.

The term "emergency or disaster volunteer" means any individual serving without remuneration who is actively engaged in training to qualify as a disaster emergency worker or is responding to a hazard, emergency disaster, or enemy attack on this country, and who is registered with the disaster emergency organization of a municipality, which has been officially recognized by the director of the state division of homeland security and emergency management.

VOLUNTEER EMERGENCY RESPONDER DEFINITIONS IN ADMINISTRATIVE CODE

State Department of Health

Section 33-03-35-01(4)¹²

"Volunteer services" means the services provided by individuals, voluntarily and without remuneration, who have successfully completed a training program implemented by the facility.

Department of Human Services

Section 75-03-08-03(10)¹³

"Volunteer" means an individual who visits or provides an unpaid service, including a firefighter for fire safety week, a practicum student, or a foster grandparent.

Section 75-03-09-03(14)¹⁴

"Volunteer" means an individual who visits or provides an unpaid service or visit, including a firefighter for fire safety week, a practicum student, or a foster grandparent.

Section 75-03-11-03(14)¹⁵

"Volunteer" means an individual who visits or provides an unpaid service or visit, including a firefighter for fire safety week, a practicum student, or a foster grandparent.

¹⁰Definition applicable to emergency care or services rendered at or near the scene of an accident, disaster, or other emergency.

¹¹Definition applicable to volunteer emergency responders and workforce safety and insurance benefits.

¹²Definition applicable to service at a residential end-of-life facility.

¹³Definition applicable to family child care early childhood services.

¹⁴Definition applicable to group child care early childhood services.

¹⁵Definition applicable to preschool early childhood services.

Section 75-03-11.1-03(13)¹⁶

"Volunteer" means an individual who visits or provides an unpaid service or visit, including a firefighter for fire safety week, a practicum student, or a foster grandparent.

State Gaming Commission**Section 99-01.3-02-01(22)¹⁷**

"Volunteer" means a person who conducts games for no compensation. A volunteer may receive a gift not exceeding a total retail price of thirty dollars for a consecutive twenty-four-hour period, cash tips, and reimbursement for documented business expenses. No gift may be cash or convertible into cash. See definition of employee.

Peace Officer Standards and Training Board**Section 109-02-01-01(24)¹⁸**

"Reserve peace officer" means a volunteer or employee of a criminal justice agency of the state of North Dakota or one of its political subdivisions who has a reserve peace officer license to enforce the law.

SUMMARY

Numerous definitions relating to volunteers and volunteer first responders appear in the North Dakota Century Code and North Dakota Administrative Code. Most definitions are tailored to a specific purpose and limited to a specific title, chapter, or section.

¹⁶Definition applicable to school-age child care program early childhood services.

¹⁷Definition applicable to gaming regulations.

¹⁸Definition applicable to peace officer standards.