

Hazardous Materials Volunteer

10.20.2.16 NMAC

An individual, who, voluntarily and at the request of a public official, performs services during a hazardous materials incident, will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Volunteer firefighters and emergency medical technicians employed by a fire department can be covered by the fire department's workers' compensation, if possible, and can be eligible for state medical coverage.

An individual, who volunteers with the Red Cross, will be covered by Red Cross workers' compensation.

VOLUNTEERS

Volunteers who are acting in the service of a governmental entity, when authorized, required, or requested to perform such duties by the governmental entity are, in most cases, covered by the state Tort Claims Act for liability arising from such activities; independent contractors, however, are not covered by the act. Volunteer firefighters and emergency medical technicians associated with fire departments may be covered by workman's compensation and, if so, may be eligible for medical coverage that is financed by the state fire fund. Designated red cross volunteers are covered by the red cross' public liability policy and also have insurance coverage for medical expenses resulting from injuries that occur while functioning in a volunteer capacity. Volunteers not designated by the red cross are not eligible for red cross insurance benefits; however, any volunteer who wants this coverage can obtain red cross designation. (NOTE: Not all fire department volunteers will be covered by workman's compensation. If their departments have not purchased coverage they must rely on their own insurance. At the present time, most departments have not purchased workman's compensation coverage for volunteers.)