

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2123 Session of
1999

INTRODUCED BY THOMAS, O'BRIEN, MANDERINO, McGEEHAN, WOGAN,
BUTKOVITZ, J. TAYLOR, DONATUCCI, RIEGER, OLIVER, KELLER,
HARHART, DeLUCA, LESCOVITZ, ROBINSON, DALEY, VEON, BUNT,
EVANS, COLAFELLA, TRAVAGLIO, McCALL, GEORGE, CALTAGIRONE,
LUCYK, ROEBUCK, JOSEPHS, MYERS, KIRKLAND, PESCI, M. COHEN,
STETLER, YEWIC, CAWLEY, TIGUE, FLICK, MICOZZIE, YOUNGBLOOD,
WATERS, SCHULER, TRUE AND CORNELL, DECEMBER 7, 1999

REFERRED TO COMMITTEE ON LABOR RELATIONS, DECEMBER 7, 1999

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as
2 reenacted and amended, "An act defining the liability of an
3 employer to pay damages for injuries received by an employe
4 in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder; and
7 prescribing penalties," providing for hepatitis C coverage
8 for firefighters and other emergency personnel.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 601 of the act of June 2, 1915 (P.L.736,
12 No.338), known as the Workers' Compensation Act, reenacted and
13 amended June 21, 1939 (P.L.520, No.281), amended or added July
14 11, 1980 (P.L.577, No.121) and December 7, 1990 (P.L.677,
15 No.167), is amended to read:

16 Section 601. (a) In addition to those persons included
17 within the definition of the word "employe" as defined in
18 section 104, "employe" shall also include:

1 (1) members of volunteer fire departments or volunteer fire
2 companies, including any paid fireman who is a member of a
3 volunteer fire company and performs the services of a volunteer
4 fireman during off-duty hours, who shall be entitled to receive
5 compensation in case of injuries received while actively engaged
6 as firemen or while going to or returning from a fire which the
7 fire company or fire department attended including travel from
8 and the direct return to a fireman's home, place of business or
9 other place where he shall have been when he received the call
10 or alarm or while participating in instruction fire drills in
11 which the fire department or fire company shall have
12 participated or while repairing or doing other work about or on
13 the fire apparatus or buildings and grounds of the fire company
14 or fire department upon the authorization of the chief of the
15 fire company or fire department or other person in charge or
16 while answering any emergency calls for any purpose or while
17 riding upon the fire apparatus which is owned or used by the
18 fire company or fire department or while performing any other
19 duties of such fire company or fire department as authorized by
20 the municipality or while performing duties imposed by section
21 15, act of April 27, 1927 (P.L.465, No.299), referred to as the
22 Fire and Panic Act;

23 (2) all members of volunteer ambulance corps of the various
24 municipalities who shall be and are hereby declared to be
25 employes of such municipality for the purposes of this act who
26 shall be entitled to receive compensation in the case of
27 injuries received while actually engaged as ambulance corpsmen
28 or while going to or returning from any fire, accident, or other
29 emergency which such volunteer ambulance corps shall attend
30 including travel from and the direct return to a corpsman's

1 home, place of business or other place where he shall have been
2 when he received the call or alarm; or while participating in
3 ambulance corps of which they are members; or while repairing or
4 doing other work about or on the ambulance apparatus or
5 buildings and grounds of such ambulance corps upon the
6 authorization of the corps president or other person in charge;
7 or while answering any emergency call for any purpose or while
8 riding in or upon the ambulance apparatus owned by the ambulance
9 corps of which they are members at any time or while performing
10 any other duties of such ambulance corps as are authorized by
11 the municipality;

12 (3) members of volunteer rescue and lifesaving squads of the
13 various municipalities who shall be and are hereby declared to
14 be employees of such municipalities for the purposes of this act
15 and who shall be entitled to receive compensation in the case of
16 injuries received while actually engaged as a rescue and
17 lifesaving squad member attending to any emergency to which that
18 squad has been called or responded including travel from and the
19 direct return to a squad person's home, place of business or
20 other place where he shall have been when he received the call
21 or alarm or while participating in rescue and lifesaving drills
22 in which the squad is participating; while repairing or doing
23 other work about or on the apparatus, buildings and grounds of
24 such rescue and lifesaving squad upon the authorization of the
25 chief or other person in charge; or while riding in or upon the
26 apparatus of the rescue and lifesaving squad and at any time
27 while performing any other duties authorized by the
28 municipality;

29 (4) volunteer members of the State Parks and Forest Program,
30 who shall be declared to be employees of the Commonwealth for the

1 purposes of this act, shall be entitled to receive compensation
2 in case of injuries received while actually engaged in
3 performing any duties in connection with the volunteers in the
4 State Parks and Forest Program;

5 (5) Pennsylvania Deputy Game Protectors are hereby defined
6 to be employes of the Commonwealth for all the purposes of this
7 act and shall be entitled to receive compensation in case of
8 injuries received while actually engaged in the performance of
9 duties as a Pennsylvania Deputy Game Protector whether employed
10 by the Game Commission or otherwise;

11 (6) all special waterways patrolmen are hereby declared to
12 be employes of the Commonwealth for all purposes of this act and
13 shall be entitled to receive compensation in case of injuries
14 received while actually engaged in the performance of their
15 duties as special waterways patrolmen whether actually receiving
16 compensation from the Pennsylvania Fish Commission or not;

17 (7) all forest firefighters are hereby declared to be
18 employes of the Commonwealth for the purposes of this act and
19 shall be entitled to receive compensation in case of injuries
20 received while actually engaged in the performance of their
21 duties as forest firefighters or forest fire protection employes
22 which duties shall include participation in the extinguishing of
23 forest fires or traveling to and from forest fires or while
24 performing any other duties relating to forest fire protection
25 as authorized by the Secretary of Environmental Resources or his
26 designee.

27 (8) All volunteer members of hazardous materials response
28 teams who shall be and are hereby declared to be employes of the
29 Commonwealth agency, county, municipality, regional hazardous
30 materials organization, volunteer service organization,

1 corporation, partnership or of any other entity which organized
2 the hazardous materials response team for the primary purpose of
3 responding to the release of a hazardous material. All such
4 volunteer members of hazardous materials response teams shall be
5 entitled, under this act, to receive compensation in the case of
6 injuries received while actively engaged as hazardous materials
7 response team members or while going to or returning from any
8 emergency response incident or accident which the hazardous
9 materials response team attended, including travel from and
10 direct return to a team member's home, place of business or
11 other place where the member shall have been when the member
12 received the call or alarm to respond to the emergency incident
13 or accident; or while participating in hazardous materials
14 response drills or exercises in which the hazardous materials
15 response team is participating; or while repairing or doing
16 other work about or on the hazardous materials response team
17 apparatus or buildings and grounds of the hazardous materials
18 response team upon the authorization of the chief of the
19 hazardous materials response team or other person in charge; or
20 while answering any emergency calls for any purpose; or while
21 riding upon the hazardous materials response team apparatus
22 which is owned or used by the hazardous materials response team
23 in responding to an emergency or drill or with the express
24 permission of the chief of the team; or while performing any
25 other duties of such hazardous materials response team as
26 authorized by the Commonwealth agency, county, municipality,
27 regional hazardous materials organization, volunteer service
28 organization, corporation, partnership or any other entity which
29 duly organized the hazardous materials response team.

30 (b) In all cases where an injury which is compensable under

1 the terms of this act is received by an employe as defined in
2 this section, there is an irrebuttable presumption that his
3 wages shall be at least equal to the Statewide average weekly
4 wage for the purpose of computing his compensation under
5 sections 306 and 307.

6 (c) Whenever any member of a volunteer fire company,
7 volunteer fire department, volunteer ambulance corps, or rescue
8 and lifesaving squad is injured in the performance of duties in
9 State Parks and State Forest Land, they shall be deemed to be an
10 employe of the Department of Environmental Resources.

11 (c.1) Compensation to persons described in subsection (a)
12 shall include, but not be limited to, payment for all medical
13 and other expenses attributable to contracting hepatitis C while
14 engaged in the services described in subsection (a).

15 (d) The term "municipality" when used in this article shall
16 mean all cities, boroughs, incorporated towns, or townships.

17 Section 2. This act shall take effect in 60 days.