

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 611 Session of 2013

INTRODUCED BY MUSTIO, GINGRICH, McGEEHAN, COHEN, C. HARRIS, O'NEILL, CALTAGIRONE, READSHAW, R. MILLER, MURT, DENLINGER, MILNE, CLYMER, PEIFER, KORTZ, BIZZARRO, TALLMAN, MARSHALL, QUINN, GILLEN, FARRY AND EVERETT, FEBRUARY 8, 2013

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 18, 2013

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," further providing for workers'
8 compensation benefits for certain emergency medical services
9 personnel.

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

12 Section 1. Section 601(a)(1), (2) and (3) and (c) of the act
13 of June 2, 1915 (P.L.736, No.338), known as the Workers'
14 Compensation Act, reenacted and amended June 21, 1939 (P.L.520,
15 No.281) and amended July 11, 1980 (P.L.577, No.121), are amended
16 to read:

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

20 COMPENSATION SHALL BE PAID TO:

<--

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

24 ~~(2) [all] members of volunteer [ambulance corps of the~~
25 ~~various municipalities who shall be and are hereby declared to~~
26 ~~be employes of such] emergency medical services agencies, as~~
27 ~~provided for under 35 Pa.C.S. § 8103 (relating to definitions),~~
28 ~~who are volunteers, including any paid emergency medical~~
29 ~~responder who is a member of a volunteer emergency medical~~
30 ~~services agency and performs the services of a volunteer~~

~~1 emergency medical responder for another agency during off duty
2 hours, are employes of the responding municipality for the
3 purposes of this act who shall be entitled to receive
4 compensation [in the case of] for injuries received while
5 [actually engaged as ambulance corpsmen] in the performance of
6 their duties as emergency medical responders or while going to
7 or returning from any fire, accident, or other emergency which
8 such [volunteer ambulance corps] emergency medical responder
9 shall attend including travel from and the direct return to a
10 [corpsman's] emergency medical responder's home, place of
11 business or other place where he shall have been when he
12 received the call or alarm; or while participating [in ambulance
13 corps] with an emergency medical services agency of which they
14 are members; or while repairing or doing other work about or on
15 the ambulance apparatus or buildings and grounds of such
16 [ambulance corps] emergency medical services agency upon the
17 authorization of the [corps] agency's president or other person
18 in charge; or while answering any emergency call for any purpose
19 or while riding in or upon the ambulance apparatus owned by the
20 [ambulance corps] emergency medical services agency of which
21 they are members at any time or while performing any other
22 duties of such [ambulance corps] emergency medical responder as
23 are authorized by the municipality;~~

24 [(1) MEMBERS OF VOLUNTEER FIRE DEPARTMENTS OR VOLUNTEER FIRE <--
25 COMPANIES, INCLUDING ANY PAID FIREMAN WHO IS A MEMBER OF A
26 VOLUNTEER FIRE COMPANY AND PERFORMS THE SERVICES OF A VOLUNTEER
27 FIREMAN DURING OFF-DUTY HOURS, WHO SHALL BE ENTITLED TO RECEIVE
28 COMPENSATION IN CASE OF INJURIES RECEIVED WHILE ACTIVELY ENGAGED
29 AS FIREMEN OR WHILE GOING TO OR RETURNING FROM A FIRE WHICH THE
30 FIRE COMPANY OR FIRE DEPARTMENT ATTENDED INCLUDING TRAVEL FROM

1 AND THE DIRECT RETURN TO A FIREMAN'S HOME, PLACE OF BUSINESS OR
2 OTHER PLACE WHERE HE SHALL HAVE BEEN WHEN HE RECEIVED THE CALL
3 OR ALARM OR WHILE PARTICIPATING IN INSTRUCTION FIRE DRILLS IN
4 WHICH THE FIRE DEPARTMENT OR FIRE COMPANY SHALL HAVE
5 PARTICIPATED OR WHILE REPAIRING OR DOING OTHER WORK ABOUT OR ON
6 THE FIRE APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE COMPANY
7 OR FIRE DEPARTMENT UPON THE AUTHORIZATION OF THE CHIEF OF THE
8 FIRE COMPANY OR FIRE DEPARTMENT OR OTHER PERSON IN CHARGE OR
9 WHILE ANSWERING ANY EMERGENCY CALLS FOR ANY PURPOSE OR WHILE
10 RIDING UPON THE FIRE APPARATUS WHICH IS OWNED OR USED BY THE
11 FIRE COMPANY OR FIRE DEPARTMENT OR WHILE PERFORMING ANY OTHER
12 DUTIES OF SUCH FIRE COMPANY OR FIRE DEPARTMENT AS AUTHORIZED BY
13 THE MUNICIPALITY OR WHILE PERFORMING DUTIES IMPOSED BY SECTION
14 15, ACT OF APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE
15 FIRE AND PANIC ACT;

16 (2) ALL MEMBERS OF VOLUNTEER AMBULANCE CORPS OF THE VARIOUS
17 MUNICIPALITIES WHO SHALL BE AND ARE HEREBY DECLARED TO BE
18 EMPLOYES OF SUCH MUNICIPALITY FOR THE PURPOSES OF THIS ACT WHO
19 SHALL BE ENTITLED TO RECEIVE COMPENSATION IN THE CASE OF
20 INJURIES RECEIVED WHILE ACTUALLY ENGAGED AS AMBULANCE CORPSMEN
21 OR WHILE GOING TO OR RETURNING FROM ANY FIRE, ACCIDENT, OR OTHER
22 EMERGENCY WHICH SUCH VOLUNTEER AMBULANCE CORPS SHALL ATTEND
23 INCLUDING TRAVEL FROM AND THE DIRECT RETURN TO A CORPSMAN'S
24 HOME, PLACE OF BUSINESS OR OTHER PLACE WHERE HE SHALL HAVE BEEN
25 WHEN HE RECEIVED THE CALL OR ALARM; OR WHILE PARTICIPATING IN
26 AMBULANCE CORPS OF WHICH THEY ARE MEMBERS; OR WHILE REPAIRING OR
27 DOING OTHER WORK ABOUT OR ON THE AMBULANCE APPARATUS OR
28 BUILDINGS AND GROUNDS OF SUCH AMBULANCE CORPS UPON THE
29 AUTHORIZATION OF THE CORPS PRESIDENT OR OTHER PERSON IN CHARGE;
30 OR WHILE ANSWERING ANY EMERGENCY CALL FOR ANY PURPOSE OR WHILE

1 RIDING IN OR UPON THE AMBULANCE APPARATUS OWNED BY THE AMBULANCE
2 CORPS OF WHICH THEY ARE MEMBERS AT ANY TIME OR WHILE PERFORMING
3 ANY OTHER DUTIES OF SUCH AMBULANCE CORPS AS ARE AUTHORIZED BY
4 THE MUNICIPALITY;]

5 (1) AN INDIVIDUAL WHO IS A MEMBER OF A VOLUNTEER FIRE
6 COMPANY OR DEPARTMENT WHO SUFFERS INJURY WHILE ACTIVELY ENGAGED
7 IN THE FOLLOWING:

8 (I) PERFORMING A FIRE SUPPRESSION ACTIVITY;

9 (II) GOING TO OR RETURNING FROM A FIRE THAT THE VOLUNTEER
10 FIRE COMPANY OR DEPARTMENT ATTENDED, INCLUDING TRAVEL FROM AND
11 THE DIRECT RETURN TO A FIREFIGHTER'S HOME, PLACE OF BUSINESS OR
12 OTHER PLACE WHERE THE MEMBER MUST HAVE BEEN WHEN THE MEMBER
13 RECEIVED THE CALL OR ALARM;

14 (III) PARTICIPATING IN FIRE COMPANY SANCTIONED TRAINING;

15 (IV) REPAIRING OR DOING OTHER WORK ABOUT OR ON THE FIRE
16 APPARATUS OR BUILDINGS AND GROUNDS OF THE FIRE COMPANY OR
17 DEPARTMENT SANCTIONED BY THE FIRE CHIEF OR OTHER INDIVIDUAL IN
18 CHARGE;

19 (V) ANSWERING AN EMERGENCY CALL FOR ANY PURPOSE;

20 (VI) RIDING UPON THE FIRE APPARATUS;

21 (VII) PERFORMING ANOTHER DUTY OF THE FIRE COMPANY OR
22 DEPARTMENT AS AUTHORIZED BY THE HOST MUNICIPALITY; OR

23 (VIII) PERFORMING A DUTY IMPOSED BY SECTION 15 OF THE ACT OF
24 APRIL 27, 1927 (P.L.465, NO.299), REFERRED TO AS THE FIRE AND
25 PANIC ACT.

26 AS USED IN THIS PARAGRAPH, THE TERM SHALL INCLUDE A PAID
27 FIREFIGHTER EMPLOYED BY A PUBLIC AGENCY AS DEFINED BY THE FAIR
28 LABOR STANDARDS ACT OF 1938 (52 STAT. 1060, 29 U.S.C. § 201 ET
29 SEQ.) WHO IS A MEMBER OF A VOLUNTEER FIRE COMPANY OR DEPARTMENT
30 IN THE EMPLOYE'S OFF-DUTY TIME AND PERFORMS A DUTY PROVIDED

1 UNDER THIS SECTION STRICTLY AS A MEMBER OF THE VOLUNTEER FIRE
2 COMPANY OR DEPARTMENT.

3 (2) AN INDIVIDUAL WHO IS A MEMBER OF A VOLUNTEER AMBULANCE
4 SERVICE AS DEFINED UNDER 35 PA.C.S. § 7802 (RELATING TO
5 DEFINITIONS) WHO SUFFERS INJURY WHILE ACTIVELY ENGAGED IN THE
6 FOLLOWING:

7 (I) PERFORMING DUTIES AS AN EMERGENCY MEDICAL SERVICES
8 PROVIDER;

9 (II) GOING TO OR RETURNING FROM A FIRE, ACCIDENT OR OTHER
10 EMERGENCY THAT THE VOLUNTEER AMBULANCE SERVICE ATTENDS,
11 INCLUDING TRAVEL FROM AND THE DIRECT RETURN TO AN EMERGENCY
12 MEDICAL SERVICES PROVIDER'S HOME, PLACE OF BUSINESS OR OTHER
13 PLACE WHERE THE MEMBER MUST HAVE BEEN WHEN THE CALL OR ALARM WAS
14 RECEIVED;

15 (III) PARTICIPATING IN A VOLUNTEER AMBULANCE SERVICE-
16 SANCTIONED TRAINING;

17 (IV) REPAIRING OR DOING WORK ABOUT OR ON THE AMBULANCE OR
18 BUILDINGS AND GROUNDS OF THE VOLUNTEER AMBULANCE SERVICE AS
19 SANCTIONED BY THE CHIEF, PRESIDENT OR INDIVIDUAL IN CHARGE;

20 (V) ANSWERING AN EMERGENCY CALL FOR ANY PURPOSE OR WHILE
21 RIDING IN OR UPON THE AMBULANCE OWNED BY THE VOLUNTEER AMBULANCE
22 SERVICE; OR

23 (VI) PERFORMING ANOTHER DUTY OF THE VOLUNTEER AMBULANCE
24 SERVICE AS AUTHORIZED BY THE MUNICIPALITY.

25 AS USED IN THIS PARAGRAPH, THE TERM SHALL INCLUDE A PAID
26 EMERGENCY MEDICAL SERVICES PROVIDER AS DEFINED UNDER 35 PA.C.S.
27 § 8103 (RELATING TO DEFINITIONS) WHO IS A MEMBER OF A VOLUNTEER
28 AMBULANCE SERVICE AND DURING OFF-DUTY HOURS PERFORMS SERVICES
29 FOR AN INDEPENDENTLY CHARTERED NON-PROFIT VOLUNTEER AMBULANCE
30 SERVICE AS PROVIDED UNDER THIS SECTION STRICTLY AS A MEMBER OF

1 THE VOLUNTEER AMBULANCE SERVICE.

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

19 (3) AN INDIVIDUAL WHO IS A MEMBER OF A VOLUNTEER RESCUE OR <--
20 LIFESAVING SQUAD, INCLUDING A VOLUNTEER RIVER RESCUE COMPANY WHO
21 SUFFERS INJURY WHILE ACTIVELY ENGAGED IN THE FOLLOWING:

22 (I) ATTENDING AN EMERGENCY TO WHICH THE SQUAD HAS BEEN
23 CALLED OR RESPONDED INCLUDING TRAVEL FROM AND THE DIRECT RETURN
24 TO A SQUAD MEMBER'S HOME, PLACE OF BUSINESS OR OTHER PLACE WHERE
25 THE MEMBER MUST HAVE BEEN WHEN THE CALL OR ALARM WAS RECEIVED;

26 (II) PARTICIPATING IN RESCUE AND LIFESAVING TRAINING
27 SANCTIONED BY THE VOLUNTEER RESCUE OR LIFESAVING SQUAD OR
28 VOLUNTEER RIVER RESCUE COMPANY;

29 (III) REPAIRING OR DOING OTHER WORK ABOUT OR ON THE SQUAD
30 VEHICLE, BUILDINGS, GROUNDS OR EQUIPMENT OF THE VOLUNTEER RESCUE

1 AND LIFESAVING SQUAD OR VOLUNTEER RIVER RESCUE COMPANY AS
2 SANCTIONED BY THE CHIEF OR OTHER INDIVIDUAL IN CHARGE;

3 (IV) RIDING IN OR UPON THE SQUAD VEHICLE OF THE VOLUNTEER
4 RESCUE, LIFESAVING OR RIVER RESCUE COMPANY; OR

5 (V) PERFORMING ANOTHER DUTY AUTHORIZED BY THE MUNICIPALITY.

6 * * *

7 (c) Whenever any member of a volunteer fire company,
8 volunteer fire department, volunteer [ambulance [corps] <--
9 ~~emergency medical services agency~~ SERVICE, [or] rescue and <--
10 lifesaving squad OR RIVER RESCUE is injured in the performance <--
11 of duties in State Parks and State Forest Land, [they] the
12 member shall be deemed to be an employe of the [Department of <--
13 Environmental Resources] COMMONWEALTH. <--

14 * * *

15 Section 2. Section 602 of the act, added June 19, 2002
16 (P.L.419, No.60), is amended to read:

17 Section 602. (a) The following shall apply:

18 (1) A municipality or an area of a municipality which
19 receives emergency services pursuant to a contract, standing
20 agreement or arrangement from a volunteer emergency service
21 provider located in a host ~~or responding~~ municipality shall <--
22 reimburse the host municipality under the provisions of either
23 clause (2) or (3).

24 (2) Reimbursement under clause (1) shall be for a portion of
25 the cost of the workers' compensation premiums covering the
26 members of the volunteer emergency service provider. The
27 appropriate portion of the cost shall be determined as follows:

28 (i) Determine the population ratio of the municipality or
29 the area of the municipality receiving emergency services to the
30 entire population (host ~~or responding~~ municipality and the <--

1 municipality or the area of the municipality) receiving
2 emergency services from the volunteer emergency service
3 provider. The following shall apply:

4 (A) No segment of the population of the municipality or area
5 of the municipality receiving emergency services may be included
6 in more than one service area for purposes of calculating the
7 ratio under subclause (i).

8 (B) If the first due area for fire protection services and
9 the first due area for emergency medical services differ within
10 a municipality or an area of a municipality receiving emergency
11 services, then the ratio under subclause (i) shall be calculated
12 using the first due area for fire protection services.

13 (ii) Multiply the ratio under subclause (i) by the host ~~or~~ <--
14 ~~responding~~ municipality's entire cost of the workers'
15 compensation premium for covering volunteer members of the
16 volunteer emergency ~~service~~ services provider. <--

17 (3) The host ~~or responding~~ municipality and the municipality <--
18 receiving the emergency services may agree to share the cost on
19 some other basis.

20 (b) As used in this section:

21 "Emergency services" shall mean any of the following:

22 (i) Fire protection services.

23 ~~+(ii) Ambulance services.+~~ <--

24 (iii) Emergency medical services.

25 ~~+(iv) Quick response services.+~~ <--

26 (v) Emergency management services.

27 ~~+(vi) Rescue and lifesaving services, INCLUDING RIVER RESCUE~~ <--
28 SERVICES. <--

29 (vii) Hazardous material support services.

30 (viii) Certified hazardous materials response services.

1 "Host ~~or responding~~ municipality" shall mean a municipality <--
2 that is responsible for workers' compensation premiums for an
3 emergency service provider located within its corporate
4 boundaries.

5 "Volunteer emergency service provider" shall mean any of the
6 following:

7 (i) A volunteer fire company.

8 (ii) †A volunteer ambulance [corps] ~~An emergency medical~~ <--
9 ~~services agency as defined under 35 Pa.C.S. § 8103 (relating to~~
10 ~~definitions)~~ COMPANY OR SERVICE. <--

11 †(iii) A volunteer quick response service. <--

12 (iv) A volunteer rescue and lifesaving squad, INCLUDING A <--
13 VOLUNTEER RIVER RESCUE SERVICE.† <--

14 (v) A volunteer hazardous materials support team.

15 (vi) A volunteer certified municipal emergency management
16 coordinator.

17 (vii) A volunteer hazardous materials response team.

18 Section 3. This act shall take effect immediately.