

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 748

Session of
1977

INTRODUCED BY MELLOW AND ORLANDO, APRIL 20, 1977

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 1977

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as
2 amended, "An act defining the liability of an employer to pay
3 damages for injuries received by an employe in the course of
4 employment; establishing an elective schedule of
5 compensation; providing procedure for the determination of
6 liability and compensation thereunder; and prescribing
7 penalties," further defining employe to include volunteers in
8 the State Parks and Forests Program, DEPUTY GAME PROTECTORS, <—
9 SPECIAL WATERWAY PATROLMEN AND TO VOLUNTEERS IN CONNECTION
10 WITH FOREST FIRE PROTECTION and providing benefits.

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

13 Section 1. Section 601, act June 2, 1915 (P.L.736, No.338),
14 known as "The Pennsylvania Workmen's Compensation Act,"
15 reenacted and amended June 21, 1939 (P.L.520, No.281), and added
16 December 5, 1974 (P.L.782, No.263), is amended to read:

17 Section 601. In addition to those persons included within
18 the definition of the word "employe" as defined in section 104
19 of this act, there shall be included all members of the
20 volunteers in the State Parks and Forests Program, volunteer
21 ambulance corps, volunteer fire companies or volunteer fire

1 departments of the various cities, boroughs, incorporated towns,
2 and townships, who shall be and are hereby declared to be
3 "employees" of such cities, boroughs, incorporated towns,
4 townships, and OF the Commonwealth ~~in~~ IN the case of volunteers <—
5 in State Parks and Forests Program, MEMBERS OF VOLUNTEER <—
6 AMBULANCE CORPS AND VOLUNTEER FIRE COMPANIES WHEN PERFORMING
7 DUTIES IN STATE PARKS AND STATE FORESTS for all the purposes of
8 this act, and shall be entitled to receive compensation in case
9 of injuries received while actually engaged as ambulance
10 corpsmen or firemen or while going to or returning from any fire
11 which the fire companies or ambulance corps or fire department
12 of which they are members shall have attended, or while
13 participating in instruction fire or ambulance drills in which
14 the fire company or ambulance corps of which they are members
15 shall have participated, or while repairing or doing other work
16 about or on the fire or ambulance apparatus or buildings and
17 grounds of such fire company upon the authorization of the chief
18 or corps president or other person in charge, or while answering
19 any emergency call for any purpose, or while riding upon the
20 fire or ambulance apparatus owned or used by the fire companies
21 or ambulance corps of which they are members, at any time, or
22 while performing any other duties of such ambulance corps,
23 companies or fire department authorized by such cities,
24 boroughs, incorporated towns and townships, or while performing
25 any duties in connection with the volunteers in State Parks and
26 Forests Program, or while performing duties imposed by section 15
27 of the act, approved April 27, 1927 (P.L.465, No.299), entitled,
28 as amended, "An act to provide for the safety of persons
29 employed, housed, or assembled in certain buildings and
30 structures not in cities of the first class, second class, and

1 second class A, by requiring certain construction and ways of
2 egress, equipment, and maintenance; providing for the licensing
3 of projectionists, except in cities of the first class and
4 second class; requiring the submission of plans for examination
5 and approval; providing for the promulgation of rules and
6 regulations for the enforcement of this act; providing for the
7 enforcement of this act by the Department of Labor and Industry
8 and, in certain cases, by the chiefs of fire departments in
9 cities of the third class; providing penalties for violations of
10 the provisions of this act; and repealing certain acts," as
11 amended; and there shall be included FOR THE PURPOSES OF THIS <—
12 ACT TO RECEIVE COMPENSATION IN CASE OF INJURIES RECEIVED WHILE
13 ACTUALLY PERFORMING OFFICIAL DUTIES, PENNSYLVANIA DEPUTY GAME
14 PROTECTORS WHETHER EMPLOYED BY THE GAME COMMISSION TO RECEIVE
15 RECOMPENSE FOR SUCH DUTIES OR OTHERWISE, all individuals [who <—
16 extinguish forest fires and are entitled to compensation
17 therefor,] as determined by authorized officers of the <—
18 Department of Environmental Resources, WHO ACT TO PROTECT OUR <—
19 FORESTS FROM FIRE, WHETHER OR NOT THEY ARE ENTITLED TO
20 COMPENSATION THEREFOR; and such individuals are hereby declared
21 to be "forest fire fighters" and ["employees"] "FOREST FIRE <—
22 PROTECTION EMPLOYES" of the department for all the purposes of
23 this act, and shall be entitled to receive compensation in case
24 of injuries received while actually engaged in extinguishing
25 forest fires or while going to or returning from forest fires or
26 while performing any other duties in connection with
27 [extinguishing forest fires] FOREST FIRE PROTECTION authorized <—
28 or ratified by the department's officers. ALL SPECIAL WATERWAYS <—
29 PATROLMEN SHALL BE INCLUDED FOR THE PURPOSES OF THIS ACT TO
30 RECEIVE COMPENSATION IN CASE OF INJURIES RECEIVED WHILE ACTUALLY

1 PERFORMING OFFICIAL DUTIES.

2 In all cases where an injury compensable under the provisions
3 of this act is received by a member of any person in the
4 volunteers in the State Parks and Forests Program, a volunteer
5 ambulance corps, volunteer fire company, DEPUTY GAME PROTECTOR, <—
6 SPECIAL WATERWAYS PATROLMAN or volunteer fire department or by a
7 forest fire fighter of the department whether employed, self-
8 employed, or unemployed, there is an irrebuttable presumption
9 that his wages shall be at least equal to the Statewide average
10 weekly wage for the purposes of computing his compensation under
11 sections 306 and 307 of this act.

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