

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1452 Session of 2011

INTRODUCED BY ROSS, GINGRICH, CREIGHTON, FREEMAN AND
SANTARSIERO, MAY 3, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MAY 3, 2011

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," in additional coverages, further
8 providing for definitions and for reimbursement.

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

11 Section 1. Section 601(a) of the act of June 2, 1915
12 (P.L.736, No.338), known as the Workers' Compensation Act,
13 reenacted and amended June 21, 1939 (P.L.520, No.281), is
14 amended by adding a clause to read:

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

18 * * *

19 (11) All volunteer members of an emergency management team
20 of a county, city, borough, incorporated town or township, or
21 any combination of such municipalities. Volunteer members under

this paragraph are declared to be employees of such municipalities for the purposes of this act and shall be entitled to receive compensation in the case of injuries received while actually engaged as a volunteer member of an emergency management team at any emergency to which the volunteer has been called or responded. Actual engagement as a volunteer member of an emergency management team at any emergency includes all of the following:

(i) A response under 35 Pa.C.S. Ch. 73 Subch. C (relating to intrastate mutual aid).

(ii) Travel from and the direct return to the volunteer's home, place of business or other place where the volunteer shall have been when the volunteer received the call or alarm or while performing any other duties authorized by the municipality.

* * *

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

Section 602. (a) The following shall apply:

(1) A municipality or an area of a municipality which receives emergency services pursuant to a contract, standing agreement or arrangement from a volunteer emergency service provider located in a host municipality shall reimburse the host municipality under the provisions of either clause (2) or (3).

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

(i) Determine the population ratio of the municipality or the area of the municipality receiving emergency services to the entire population (host municipality and the municipality or the

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

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

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

(ii) Multiply the ratio under subclause (i) by the host municipality's entire cost of the workers' compensation premium for covering members of the volunteer emergency service provider.

(3) The host municipality and the municipality receiving the emergency services may agree to share the cost on some other basis.

(b) As used in this section:

"Emergency services" shall mean any of the following:

(i) Fire protection services.

(ii) Ambulance services.

(iii) Emergency medical services.

(iv) Quick response services.

(v) Emergency management services.

(vi) Rescue and lifesaving services.

(vii) Hazardous material support services.

(viii) Certified hazardous materials response services.

"Host municipality" shall mean a municipality that is responsible for workers' compensation premiums for an emergency

1 service provider located within its corporate boundaries.

2 "Volunteer emergency service provider" shall mean any of the
3 following:

4 (i) A volunteer fire company.

5 (ii) A volunteer ambulance corps.

6 (iii) A volunteer quick response service.

7 (iv) A volunteer rescue and lifesaving squad.

8 (v) A volunteer hazardous materials support team.

9 (vi) A volunteer certified municipal emergency management
10 coordinator.

11 (vii) A volunteer hazardous materials response team.

12 (viii) A volunteer emergency management team of a county,
13 city, borough, incorporated town or township, or any combination
14 of such municipalities.

15 Section 3. This act shall take effect in 60 days.