

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 421

Session of
1979

INTRODUCED BY FREIND, CESSAR, WILT, BROWN, J. L. WRIGHT, JR.,
FISCHER, ZITTERMAN, DiCARLO, B. D. CLARK, LETTERMAN,
MANMILLER, BURNS, CIMINI, WEIDNER, ARTY, GANNON, MICOZZIE,
REED, L. E. SMITH, ZORD, MRKONIC, KERNICK, GAMBLE,
D. R. WRIGHT, GEESEY, SPITZ, LASHINGER, PUNT, ZELLER,
KNEPPER, YAHNER, GRABOWSKI, TRELLO, GOODMAN, BOWSER, ITKIN,
E. R. LYNCH, MUSTO, COCHRAN, VROON, PETRARCA, SCHMITT,
SPENCER, SERAFINI, SCHWEDER, COLE, D. S. HAYES, HOFFEL,
KLINGAMAN, ZWIKL AND YOHAN, MARCH 2, 1979

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 5, 1979

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 employee in the court 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 providing for volunteer firemen and
8 ambulance corpsmen.

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

11 Section 1. Section 601, act of June 2, 1915 (P.L.736,
12 No.338), known as "The Pennsylvania Workmen's Compensation Act,"
13 reenacted and amended June 21, 1939 (P.L.520, No.281), amended
14 November 26, 1978 (No.322), is amended to read:

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

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

20 (2) all members of volunteer ambulance corps of the various
21 municipalities who shall be and are hereby declared to be
22 employes of such municipality for the purposes of this act who
23 shall be entitled to receive compensation in the case of
24 injuries received while actually engaged as ambulance corpsmen
25 or while going to or returning from any fire, accident, or other
26 emergency which such volunteer ambulance corps shall attend
27 including travel from and return to a corpsman's home, place of
28 business or other place where he shall have been when he
29 received the call or alarm; or while participating in ambulance
30 corps of which they are members; or while repairing or doing

1 other work about or on the ambulance apparatus or buildings and
2 grounds of such ambulance corps upon the authorization of the
3 corps president or other person in charge; or while answering
4 any emergency call for any purpose or while riding in or upon
5 the ambulance apparatus owned by the ambulance corps of which
6 they are members at any time or while performing any other
7 duties of such ambulance corps as are authorized by the
8 municipality;

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

25 (4) volunteer members of the State Parks and Forest Program,
26 who shall be declared to be employees of the Commonwealth for the
27 purposes of this act, shall be entitled to receive compensation
28 in case of injuries received while actually engaged in
29 performing any duties in connection with the volunteers in the
30 State Parks and Forest Program;

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

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

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

23 In all cases where an injury which is compensable under the
24 terms of this act is received by an employe as defined in this
25 section, there is an irrebuttable presumption that his wages
26 shall be at least equal to the Statewide average weekly wage for
27 the purpose of computing his compensation under sections 306 and
28 307.

29 Whenever any member of a volunteer fire company, volunteer
30 fire department, volunteer ambulance corps, or rescue and

1 lifesaving squad is injured in the performance of duties in
2 State Parks and State Forest Land, they shall be deemed to be an
3 employe of the Department of Environmental Resources.

4 The term "municipality" when used in this article shall mean
5 all cities, boroughs, incorporated towns, or townships.

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