

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1272 Session of
2007

INTRODUCED BY KESSLER, TANGRETTI, GINGRICH, FREEMAN AND ROSS,
MAY 18, 2007

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 18, 2007

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 the definition
8 of "employe" and for the definition of "volunteer emergency
9 service provider."

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

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

19 * * *

20 (11) All volunteer members of an emergency management team
21 of a county, city, borough, incorporated town or township, or

1 any combination of such municipalities, which volunteer members
2 shall be and are hereby declared to be employees of such
3 municipalities for the purposes of this act and who shall be
4 entitled to receive compensation in the case of injuries
5 received while actually engaged as a volunteer member of an
6 emergency management team at any emergency to which the
7 volunteer has been called or responded, including travel from
8 and the direct return to the volunteer's home, place of business
9 or other place where the volunteer shall have been when the
10 volunteer received the call or alarm or while performing any
11 other duties authorized by the municipality.

12 * * *

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

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

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

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

25 (i) Determine the population ratio of the municipality or
26 the area of the municipality receiving emergency services to the
27 entire population (host municipality and the municipality or the
28 area of the municipality) receiving emergency services from the
29 volunteer emergency service provider. The following shall apply:

30 (A) No segment of the population of the municipality or area

1 of the municipality receiving emergency services may be included
2 in more than one service area for purposes of calculating the
3 ratio under subclause (i).

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

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

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

16 (b) As used in this section:

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

18 (i) Fire protection services.

19 (ii) Ambulance services.

20 (iii) Emergency medical services.

21 (iv) Quick response services.

22 (v) Emergency management services.

23 (vi) Rescue and lifesaving services.

24 (vii) Hazardous material support services.

25 (viii) Certified hazardous materials response services.

26 "Host municipality" shall mean a municipality that is
27 responsible for workers' compensation premiums for an emergency
28 service provider located within its corporate boundaries.

29 "Volunteer emergency service provider" shall mean any of the
30 following:

1 (i) A volunteer fire company.

2 (ii) A volunteer ambulance corps.

3 (iii) A volunteer quick response service.

4 (iv) A volunteer rescue and lifesaving squad.

5 (v) A volunteer hazardous materials support team.

6 (vi) A volunteer certified municipal emergency management
7 coordinator.

8 (vii) A volunteer hazardous materials response team.

9 (viii) A volunteer emergency management team of a county,
10 city, borough, incorporated town or township, or any combination
11 of such municipalities.

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