

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 397 Session of 2015

INTRODUCED BY MUSTIO, KILLION, BARRAR, MILLARD, D. COSTA, READSHAW, STAATS, SONNEY, MULLERY, KOTIK, DRISCOLL, BIZZARRO, FLYNN, COHEN, O'NEILL, MURT, HELM AND QUINN, FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 9, 2015

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 workers' compensation benefits for certain  
 9 emergency medical services 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:

21 [(1) members of volunteer fire departments or volunteer fire

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

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

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

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

28 (1) An individual who is a member of a volunteer fire  
29 company or department who suffers injury while actively engaged  
30 in the following:

1 (i) performing a fire suppression activity;  
2 (ii) going to or returning from a fire that the volunteer  
3 fire company or department attended, including travel from and  
4 the direct return to a firefighter's home, place of business or  
5 other place where the member was when the member received the  
6 call or alarm;

7 (iii) participating in fire company sanctioned training;

8 (iv) repairing or doing other work about or on the fire  
9 apparatus or buildings and grounds of the fire company or  
10 department sanctioned by the fire chief or other individual in  
11 charge;

12 (v) answering an emergency call for any purpose;

13 (vi) riding upon the fire apparatus;

14 (vii) performing another duty of the fire company or  
15 department as authorized by the host municipality; or

16 (viii) performing a duty imposed by section 15 of the act of  
17 April 27, 1927 (P.L.465, No.299), referred to as the Fire and  
18 Panic Act.

19 As used in this paragraph, the term shall include a paid  
20 firefighter employed by a public agency as defined by the Fair  
21 Labor Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et  
22 seq.) who is a member of a volunteer fire company or department  
23 in the employe's off-duty time and performs a duty provided  
24 under this section strictly as a member of the volunteer fire  
25 company or department.

26 (2) An individual who is a member of a volunteer ambulance  
27 service as defined under 35 Pa.C.S. § 7802 (relating to  
28 definitions) who suffers injury while actively engaged in the  
29 following:

30 (i) performing duties as an emergency medical services

1 provider;

2 (ii) going to or returning from a fire, accident or other  
3 emergency that the volunteer ambulance service attends,  
4 including travel from and the direct return to an emergency  
5 medical services provider's home, place of business or other  
6 place where the member was when the call or alarm was received;

7 (iii) participating in a volunteer ambulance service-  
8 sanctioned training;

9 (iv) repairing or doing work about or on the ambulance or  
10 buildings and grounds of the volunteer ambulance service as  
11 sanctioned by the chief, president or individual in charge;

12 (v) answering an emergency call for any purpose or while  
13 riding in or upon the ambulance owned by the volunteer ambulance  
14 service; or

15 (vi) performing another duty of the volunteer ambulance  
16 service as authorized by the municipality.

17 As used in this paragraph, the term shall include a paid  
18 emergency medical services provider as defined under 35 Pa.C.S.  
19 § 8103 (relating to definitions) who is a member of a volunteer  
20 ambulance service and during off-duty hours performs services  
21 for an independently chartered non-profit volunteer ambulance  
22 service as provided under this section strictly as a member of  
23 the volunteer ambulance service.

24 (3) An individual who is a member of a volunteer rescue or  
25 lifesaving squad, including a volunteer river rescue company who  
26 suffers injury while actively engaged in the following:

27 (i) attending an emergency to which the squad has been  
28 called or responded including travel from and the direct return  
29 to a squad member's home, place of business or other place where  
30 the member was when the call or alarm was received;

1 (ii) participating in rescue and lifesaving training  
2 sanctioned by the volunteer rescue or lifesaving squad or  
3 volunteer river rescue company;

4 (iii) repairing or doing other work about or on the squad  
5 vehicle, buildings, grounds or equipment of the volunteer rescue  
6 and lifesaving squad or volunteer river rescue company as  
7 sanctioned by the chief or other individual in charge;

8 (iv) riding in or upon the squad vehicle of the volunteer  
9 rescue, lifesaving or river rescue company; or

10 (v) performing another duty authorized by the municipality.

11 \* \* \*

12 (c) Whenever any member of a volunteer fire company,  
13 volunteer fire department, volunteer ambulance [corps] service,  
14 [or] rescue and lifesaving squad or river rescue is injured in  
15 the performance of duties in State Parks and State Forest Land,  
16 [they] the member shall be deemed to be an employe of the  
17 [Department of Environmental Resources] Commonwealth.

18 \* \* \*

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

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

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

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

1 (i) Determine the population ratio of the municipality or  
2 the area of the municipality receiving emergency services to the  
3 entire population (host municipality and the municipality or the  
4 area of the municipality) receiving emergency services from the  
5 volunteer emergency service provider. The following shall apply:

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

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

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

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

22 (b) As used in this section:

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

24 (i) Fire protection services.

25 (ii) Ambulance services.

26 (iii) Emergency medical services.

27 (iv) Quick response services.

28 (v) Emergency management services.

29 (vi) Rescue and lifesaving services, including river rescue  
30 services.

1 (vii) Hazardous material support services.

2 (viii) Certified hazardous materials response services.

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

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

8 (i) A volunteer fire company.

9 (ii) A volunteer ambulance [corps] company or service.

10 (iii) A volunteer quick response service.

11 (iv) A volunteer rescue and lifesaving squad, including a  
12 volunteer river rescue service.

13 (v) A volunteer hazardous materials support team.

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

16 (vii) A volunteer hazardous materials response team.

17 Section 3. This act shall take effect immediately.