

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 94 Session of  
2019

---

INTRODUCED BY MARTIN, PHILLIPS-HILL, BROWNE, COSTA, MENSCH,  
FONTANA, BAKER, ARGALL, SANTARSIERO, KILLION, J. WARD, REGAN,  
HUTCHINSON, DINNIMAN, STEFANO, YUDICHAK AND ALLOWAY,  
JANUARY 24, 2019

---

REFERRED TO LABOR AND INDUSTRY, JANUARY 24, 2019

---

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An  
2 act defining the liability of an employer to pay damages for  
3 injuries received by an employe in the course of employment;  
4 establishing an elective schedule of compensation; providing  
5 procedure for the determination of liability and compensation  
6 thereunder; and prescribing penalties," in additional  
7 coverages, further providing for the definition of "employe";  
8 and making editorial changes.

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

11 Section 1. Section 601(a) and (c) of the act of June 2, 1915  
12 (P.L.736, No.338), known as the Workers' Compensation Act, are  
13 amended and the section is amended by adding subsections to  
14 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 (1) members of volunteer fire departments or volunteer fire  
19 companies, including any paid fireman who is a member of a  
20 volunteer fire company and performs the services of a volunteer

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

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

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

27 (4) volunteer members of the State Parks and Forest Program,  
28 who shall be declared to be employes of the Commonwealth for the  
29 purposes of this act, shall be entitled to receive compensation  
30 in case of injuries received while actually engaged in

1 performing any duties in connection with the volunteers in the  
2 State Parks and Forest Program;

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

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

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

26 (8) All volunteer members of hazardous materials response  
27 teams who shall be and are hereby declared to be employes of the  
28 Commonwealth agency, county, municipality, regional hazardous  
29 materials organization, volunteer service organization,  
30 corporation, partnership or of any other entity which organized

1 the hazardous materials response team for the primary purpose of  
2 responding to the release of a hazardous material. All such  
3 volunteer members of hazardous materials response teams shall be  
4 entitled, under this act, to receive compensation in the case of  
5 injuries received while actively engaged as hazardous materials  
6 response team members or while going to or returning from any  
7 emergency response incident or accident which the hazardous  
8 materials response team attended, including travel from and  
9 direct return to a team member's home, place of business or  
10 other place where the member shall have been when the member  
11 received the call or alarm to respond to the emergency incident  
12 or accident; or while participating in hazardous materials  
13 response drills or exercises in which the hazardous materials  
14 response team is participating; or while repairing or doing  
15 other work about or on the hazardous materials response team  
16 apparatus or buildings and grounds of the hazardous materials  
17 response team upon the authorization of the chief of the  
18 hazardous materials response team or other person in charge; or  
19 while answering any emergency calls for any purpose; or while  
20 riding upon the hazardous materials response team apparatus  
21 which is owned or used by the hazardous materials response team  
22 in responding to an emergency or drill or with the express  
23 permission of the chief of the team; or while performing any  
24 other duties of such hazardous materials response team as  
25 authorized by the Commonwealth agency, county, municipality,  
26 regional hazardous materials organization, volunteer service  
27 organization, corporation, partnership or any other entity which  
28 duly organized the hazardous materials response team.

29 (9) All local coordinators of emergency management, as  
30 defined in 35 Pa.C.S. § 7502 (relating to local coordinator of

1 emergency management), of the various municipalities who shall  
2 be and are hereby declared to be employes of such municipalities  
3 for the purposes of this act and who shall be entitled to  
4 receive compensation in the case of injuries received while  
5 actually engaged as local coordinator of emergency management at  
6 any emergency to which he has been called or responded,  
7 including travel from and the direct return to his home, place  
8 of business or other place where he shall have been when he  
9 received the call or alarm or while performing any other duties  
10 authorized by the municipality.

11 (10) An employe who, while in the course and scope of his  
12 employment, goes to the aid of a person and suffers injury or  
13 death as a direct result of any of the following:

14 (i) Preventing the commission of a crime, lawfully  
15 apprehending a person reasonably suspected of having committed a  
16 crime or aiding the victim of a crime. For purposes of this  
17 clause, the terms "crime" and "victim" shall have the same  
18 meanings as given to them in section 103 of the act of November  
19 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act."

20 (ii) Rendering emergency care, first aid or rescue at the  
21 scene of an emergency.

22 \* \* \*

23 (c) Whenever any member of a volunteer fire company,  
24 volunteer fire department, volunteer ambulance corps, or rescue  
25 and lifesaving squad is injured in the performance of duties in  
26 State Parks and State Forest Land, they shall be deemed to be an  
27 employe of the Department of [Environmental Resources]  
28 Conservation and Natural Resources.

29 \* \* \*

30 (e) The term "members of volunteer fire departments or

1 volunteer fire companies" when used in this article shall mean  
2 any of the following:

3 (1) An active volunteer firefighter who responds to  
4 emergency calls.

5 (2) A member of a fire police unit affiliated with a  
6 volunteer fire department or volunteer fire company.

7 (3) An officer or director of a volunteer fire department or  
8 volunteer fire company.

9 (4) A participating member of a volunteer fire department or  
10 volunteer fire company who provides necessary operational  
11 support to the volunteer fire department or volunteer fire  
12 company but does not respond to emergency calls. Operational  
13 support includes maintaining the station and equipment, acting  
14 as trustee, organizing fundraisers, providing information  
15 technology support and assisting with recruitment and other  
16 administrative tasks, if the operational support activity is  
17 conducted on a regular basis for the benefit of a volunteer fire  
18 department or volunteer fire company as approved at the  
19 beginning of each year by the authority, organization or  
20 municipality purchasing workers' compensation insurance for the  
21 volunteer fire department or volunteer fire company.

22 The term does not include a social member of a volunteer fire  
23 department or volunteer fire company.

24 (f) The term "members of volunteer ambulance corps" when  
25 used in this article shall mean any of the following:

26 (1) An active volunteer ambulance corpsman who responds to  
27 emergency calls.

28 (2) An officer or director of a volunteer ambulance corps.

29 (3) A participating member of a volunteer ambulance corps  
30 who provides necessary operational support to the volunteer

1 ambulance corps but does not respond to emergency calls.  
2 Operational support includes maintaining the station and  
3 equipment, acting as trustee, organizing fundraisers, providing  
4 information technology support and assisting with recruitment  
5 and other administrative tasks, if the operational support  
6 activity is conducted on a regular basis for the benefit of a  
7 volunteer ambulance corps.

8 The term does not include a social member of a volunteer  
9 ambulance corps.

10 Section 2. This act shall take effect immediately.