

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, ALLOWAY, TARTAGLIONE AND HAYWOOD, JANUARY 24, 2019

SENATOR BARTOLOTTA, LABOR AND INDUSTRY, AS AMENDED, JUNE 11, 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

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

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

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

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

28 (4) volunteer members of the State Parks and Forest Program,
29 who shall be declared to be employes of the Commonwealth for the
30 purposes of this act, shall be entitled to receive compensation

1 in case of injuries received while actually engaged in
2 performing any duties in connection with the volunteers in the
3 State Parks and Forest Program;

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

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

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

27 (8) All volunteer members of hazardous materials response
28 teams who shall be and are hereby declared to be employes of the
29 Commonwealth agency, county, municipality, regional hazardous
30 materials organization, volunteer service organization,

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

30 (9) All local coordinators of emergency management, as

1 defined in 35 Pa.C.S. § 7502 (relating to local coordinator of
2 emergency management), of the various municipalities who shall
3 be and are hereby declared to be employes of such municipalities
4 for the purposes of this act and who shall be entitled to
5 receive compensation in the case of injuries received while
6 actually engaged as local coordinator of emergency management at
7 any emergency to which he has been called or responded,
8 including travel from and the direct return to his home, place
9 of business or other place where he shall have been when he
10 received the call or alarm or while performing any other duties
11 authorized by the municipality.

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

15 (i) Preventing the commission of a crime, lawfully
16 apprehending a person reasonably suspected of having committed a
17 crime or aiding the victim of a crime. For purposes of this
18 clause, the terms "crime" and "victim" shall have the same
19 meanings as given to them in section 103 of the act of November
20 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act."

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

23 * * *

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

30 * * *

1 (E) WHENEVER MEMBERS OF VOLUNTEER FIRE DEPARTMENTS OR <--
2 VOLUNTEER FIRE COMPANIES, MEMBERS OF VOLUNTEER AMBULANCE CORPS
3 OR RESCUE AND LIFESAVING SQUAD MEMBERS ARE INJURED IN THE
4 PERFORMANCE OF DUTIES ON STATE GAME LAND, THE MEMBERS SHALL BE
5 DEEMED TO BE AN EMPLOYEE OF THE PENNSYLVANIA GAME COMMISSION.

6 ~~(e)~~ (F) The term "members of volunteer fire departments or <--
7 volunteer fire companies" when used in this article shall mean
8 any of the following:

9 (1) An active volunteer firefighter who responds to
10 emergency calls.

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

13 (3) An officer or director of a volunteer fire department or
14 volunteer fire company.

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

28 The term does not include a social member of a volunteer fire
29 department or volunteer fire company.

30 ~~(f)~~ (G) The term "members of volunteer ambulance corps" when <--

1 used in this article shall mean any of the following:

2 (1) An active volunteer ambulance corpsman who responds to
3 emergency calls.

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

5 (3) A participating member of a volunteer ambulance corps
6 who provides necessary operational support to the volunteer
7 ambulance corps but does not respond to emergency calls.

8 Operational support includes maintaining the station and
9 equipment, acting as trustee, organizing fundraisers, providing
10 information technology support and assisting with recruitment
11 and other administrative tasks, if the operational support
12 activity is conducted on a regular basis for the benefit of a
13 volunteer ambulance corps.

14 The term does not include a social member of a volunteer
15 ambulance corps.

16 Section 2. This act shall take effect immediately.