

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILLNo. **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, HAYWOOD, IOVINO, A. WILLIAMS AND BREWSTER,
JANUARY 24, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 19, 2020

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

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

29 (4) volunteer members of the State Parks and Forest Program,
30 who shall be declared to be employes of the Commonwealth for the

1 purposes of this act, shall be entitled to receive compensation
2 in case of injuries received while actually engaged in
3 performing any duties in connection with the volunteers in the
4 State Parks and Forest Program;

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

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

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

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

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

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

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

16 (i) Preventing the commission of a crime, lawfully
17 apprehending a person reasonably suspected of having committed a
18 crime or aiding the victim of a crime. For purposes of this
19 clause, the terms "crime" and "victim" shall have the same
20 meanings as given to them in section 103 of the act of November
21 24, 1998 (P.L.882, No.111), known as the "Crime Victims Act."

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

24 * * *

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

1 * * *

2 (e) Whenever members of volunteer fire departments or
3 volunteer fire companies, members of volunteer ambulance corps
4 or rescue and lifesaving squad members are injured in the
5 performance of duties on State game land, the members shall be
6 deemed to be an employe of the Pennsylvania Game Commission.

7 (f) The term "members of volunteer fire departments or
8 volunteer fire companies" when used in this article shall mean
9 any of the following:

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

12 ~~(2) A member of a fire police unit affiliated with a~~ <--
13 ~~volunteer fire department or volunteer fire company.~~

14 (2) AN INDIVIDUAL APPOINTED AS SPECIAL FIRE POLICE UNDER 35 <--
15 PA.C.S. CH. 74 SUBCH. D (RELATING TO SPECIAL FIRE POLICE).

16 (3) An officer or director of a volunteer fire department or
17 volunteer fire company.

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

1 The term does not include a social member of a volunteer fire
2 department or volunteer fire company.

3 (g) The term "members of volunteer ambulance corps" when
4 used in this article shall mean any of the following:

5 (1) An active volunteer ambulance corpsman who responds to
6 emergency calls.

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

8 (3) A participating member of a volunteer ambulance corps
9 who provides necessary operational support to the volunteer
10 ambulance corps but does not respond to emergency calls.
11 Operational support includes maintaining the station and
12 equipment, acting as trustee, organizing fundraisers, providing
13 information technology support and assisting with recruitment
14 and other administrative tasks, if the operational support
15 activity is conducted on a regular basis for the benefit of a
16 volunteer ambulance corps.

17 The term does not include a social member of a volunteer
18 ambulance corps.

19 (H) THE TERM "SOCIAL MEMBER" OF A VOLUNTEER FIRE DEPARTMENT, <--
20 VOLUNTEER FIRE COMPANY OR VOLUNTEER AMBULANCE CORPS WHEN USED IN
21 THIS ARTICLE SHALL MEAN A MEMBER OF THE ORGANIZATION WHOSE CLASS
22 OF MEMBERSHIP IS SOCIAL IN NATURE AND IS PRIMARILY INTENDED TO
23 FACILITATE FRATERNIZATION WITH OTHER MEMBERS OF THE ORGANIZATION
24 OR ACCESS TO SOCIAL AMENITIES AND SOCIAL EVENTS OFFERED BY THE
25 ORGANIZATION, WHETHER OR NOT THE MEMBER OCCASIONALLY PROVIDES
26 UNPAID OPERATIONAL SUPPORT TO THE ORGANIZATION.

27 SECTION 2. WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THIS ACT,
28 THE PENNSYLVANIA COMPENSATION RATING BUREAU SHALL CONDUCT A
29 REVIEW TO DETERMINE WHETHER IT WILL BE NECESSARY TO MODIFY THE
30 CLASSIFICATION CODES AFFECTED BY THE AMENDMENT OF SECTION 601 OF

1 THE ACT. THE PENNSYLVANIA COMPENSATION RATING BUREAU MAY MAKE
2 MODIFICATIONS, CREATE SEPARATE CLASSIFICATIONS OR REVISE LOSS
3 COST VALUES AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ACT.

4 SECTION 3. THE AMENDMENT OF SECTION 601 OF THE ACT SHALL NOT
5 BE CONSTRUED TO:

6 (1) PROVIDE A PRESUMPTION OF OCCUPATIONAL EXPOSURE TO
7 HEPATITIS C UNDER SECTION 108(M.1) OF THE ACT TO AN
8 INDIVIDUAL WHO DOES NOT SERVE AS ANY OF THE FOLLOWING AT THE
9 TIME OF INFECTION:

10 (I) AN ACTIVE VOLUNTEER FIREFIGHTER WHO RESPONDS TO
11 EMERGENCY CALLS.

12 (II) AN INDIVIDUAL APPOINTED AS SPECIAL FIRE POLICE
13 UNDER 35 PA.C.S. CH. 74 SUBCH. D WHO RESPONDS TO
14 EMERGENCY CALLS.

15 (III) AN ACTIVE VOLUNTEER AMBULANCE CORPSMAN WHO
16 RESPONDS TO EMERGENCY CALLS.

17 (IV) AN ACTIVE RESCUE AND LIFESAVING SQUAD MEMBER
18 WHO RESPONDS TO EMERGENCY CALLS.

19 (2) PROVIDE COMPENSATION FOR CANCER UNDER SECTION 108(R)
20 OF THE ACT TO AN INDIVIDUAL WHO:

21 (I) HAS NOT SERVED AS AN ACTIVE VOLUNTEER
22 FIREFIGHTER WHO RESPONDS TO EMERGENCY CALLS; OR

23 (II) DOES NOT MEET THE CRITERIA FOR COMPENSATION
24 PROVIDED IN SECTION 301(F) OF THE ACT.

25 Section ~~2~~ 4. This act shall take effect immediately.

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