

# HOUSE BILL No. 1182

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-8-12.

**Synopsis:** Worker's compensation. Provides that, for worker's compensation purposes, an employee who leaves work to serve as a volunteer firefighter or member of a volunteer emergency medical services association (volunteer member) is considered an employee of the firefighting unit while in the performance of duties as a volunteer firefighter or volunteer member.

**Effective:** July 1, 2019.

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## Lehman, Soliday

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January 8, 2019, read first time and referred to Committee on Employment, Labor and Pensions.

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First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

# HOUSE BILL No. 1182

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 36-8-12-10, AS AMENDED BY P.L.174-2009,  
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 10. (a) A:  
4 (1) volunteer firefighter, a member of the emergency medical  
5 services personnel, or an emergency medical technician working  
6 in a volunteer capacity for a volunteer fire department or  
7 ambulance company is covered; and  
8 (2) volunteer working for a hazardous materials response team  
9 may be covered;  
10 by the medical treatment and burial expense provisions of the worker's  
11 compensation law (IC 22-3-2 through IC 22-3-6) and the worker's  
12 occupational diseases law (IC 22-3-7).  
13 (b) **Subject to section 10.3 of this chapter**, if compensability of the  
14 injury is an issue, the administrative procedures of IC 22-3-2 through  
15 IC 22-3-6 and IC 22-3-7 shall be used to determine the issue.  
16 (c) This subsection applies to all units, including counties. All  
17 expenses incurred for premiums of the insurance allowed under this



1 section may be paid from the unit's general fund in the same manner as  
2 other expenses in the unit are paid.

3 SECTION 2. IC 36-8-12-10.3 IS ADDED TO THE INDIANA  
4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
5 [EFFECTIVE JULY 1, 2019]: **Sec. 10.3. (a) This section applies to an**  
6 **employee of a private employer who:**

7 **(1) is a volunteer firefighter or volunteer member; and**

8 **(2) has notified the employee's employer in writing that the**  
9 **employee is a volunteer firefighter or volunteer member,**  
10 **regardless of whether the employer rejected the notification**  
11 **under section 10.7(c) of this chapter.**

12 **(b) An employee described in subsection (a) who leaves the**  
13 **employee's duty station to respond to a fire or emergency call after**  
14 **the employee has reported to work shall, for worker's**  
15 **compensation purposes, be considered an employee of the unit**  
16 **while in the performance of the duties of a volunteer firefighter or**  
17 **volunteer member.**

18 **(c) The employee described in subsection (a) shall, for worker's**  
19 **compensation purposes, be considered as having entered in and**  
20 **acted in the regular course and scope of the employment with the**  
21 **unit when the employee responds to the fire or emergency call as**  
22 **a volunteer firefighter or volunteer member, regardless of whether**  
23 **the employee responds by traveling:**

24 **(1) to a fire station or other place where firefighting**  
25 **equipment that the company or unit is to use is located; or**

26 **(2) to perform any activities that the employee may be**  
27 **directed to do by the chief of the fire department or, in the**  
28 **absence of the chief, the ranking officer.**

29 **(d) The employee described in subsection (a) shall, for worker's**  
30 **compensation purposes, be considered an employee of the unit until**  
31 **the employee returns to the location from which the employee was**  
32 **originally called to active duty, or until the employee engages in an**  
33 **activity beyond the scope of the performance of the duties of the**  
34 **volunteer firefighter or volunteer member, whichever occurs first.**

