

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 916 Session of 2015

INTRODUCED BY HARPER, GINGRICH, ROSS, FREEMAN AND M. DALEY,
APRIL 16, 2015

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, APRIL 16, 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 definitions and for reimbursement.

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

11 Section 1. Section 601(a) of the act of June 2, 1915
12 (P.L.736, No.338), known as the Workers' Compensation Act,
13 reenacted and amended June 21, 1939 (P.L.520, No.281), is
14 amended by adding a clause to 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 * * *

19 (11) The volunteer members of an emergency management team
20 of a county, city, borough, incorporated town or township, or a
21 combination of the municipalities. Volunteer members under this

1 clause are declared to be employes of such municipalities for
2 the purposes of this act and shall be entitled to receive
3 compensation in the case of injuries received while actually
4 engaged as a volunteer member of an emergency management team at
5 any emergency to which the volunteer has been called or
6 responded. Actual engagement as a volunteer member of an
7 emergency management team at an emergency includes the
8 following:

9 (i) A response under 35 Pa.C.S. Ch. 73 Subch. C (relating to
10 intrastate mutual aid).

11 (ii) Travel from and the direct return to the volunteer's
12 home, place of business or other place where the volunteer shall
13 have been when the volunteer received the call or alarm or while
14 performing other duties authorized by the municipality.

15 * * *

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

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

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

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

28 (i) Determine the population ratio of the municipality or
29 the area of the municipality receiving emergency services to the
30 entire population (host municipality and the municipality or the

1 area of the municipality) receiving emergency services from the
2 volunteer emergency service provider. The following shall apply:

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

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

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

16 (3) The host municipality and the municipality receiving the
17 emergency services may agree to share the cost on some other
18 basis.

19 (b) As used in this section:

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

21 (i) Fire protection services.

22 (ii) Ambulance services.

23 (iii) Emergency medical services.

24 (iv) Quick response services.

25 (v) Emergency management services.

26 (vi) Rescue and lifesaving services.

27 (vii) Hazardous material support services.

28 (viii) Certified hazardous materials response services.

29 "Host municipality" shall mean a municipality that is
30 responsible for workers' compensation premiums for an emergency

1 service provider located within its corporate boundaries.

2 "Volunteer emergency service provider" shall mean any of the
3 following:

4 (i) A volunteer fire company.

5 (ii) A volunteer ambulance corps.

6 (iii) A volunteer quick response service.

7 (iv) A volunteer rescue and lifesaving squad.

8 (v) A volunteer hazardous materials support team.

9 (vi) A volunteer certified municipal emergency management
10 coordinator.

11 (vii) A volunteer hazardous materials response team.

12 (viii) A volunteer emergency management team of a county,
13 city, borough, incorporated town or township, or a combination
14 of the municipalities.

15 Section 3. This act shall take effect in 60 days.