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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1221 Session of  
2018

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INTRODUCED BY VULAKOVICH, MARTIN, BAKER, BROWNE, COSTA, KILLION,  
RAFFERTY, REGAN, RESCHENTHALER AND YUDICHAK, JULY 18, 2018

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REFERRED TO LABOR AND INDUSTRY, JULY 18, 2018

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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  
21 fireman during off-duty hours, who shall be entitled to receive

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

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

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

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

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

1 State Parks and Forest Program;

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

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

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

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

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

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

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

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

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

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

21 \* \* \*

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

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29 (e) The term "members of volunteer fire departments or  
30 volunteer fire companies" when used in this article shall mean

1 any of the following:

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

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

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

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

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

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

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

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

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

1 Operational support includes maintaining the station and  
2 equipment, acting as trustee, organizing fundraisers, providing  
3 information technology support and assisting with recruitment  
4 and other administrative tasks, if the operational support  
5 activity is conducted on a regular basis for the benefit of a  
6 volunteer ambulance corps.

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

9 Section 2. This act shall take effect immediately.