

## 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, HAYWOOD, IOVINO, A. WILLIAMS AND BREWSTER,  
JANUARY 24, 2019

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 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 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.

<--