
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 611 Session of
2013

INTRODUCED BY MUSTIO, GINGRICH, MCGEEHAN, COHEN, C. HARRIS,
O'NEILL, CALTAGIRONE, READSHAW, MILLER, MURT, DENLINGER,
MILNE, CLYMER, PEIFER, KORTZ, BIZZARRO, TALLMAN, MARSHALL,
QUINN AND GILLEN, FEBRUARY 8, 2013

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, FEBRUARY 8, 2013

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," further providing for workers'
8 compensation benefits for certain emergency medical services
9 personnel.

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

12 Section 1. Section 601(a)(1), (2) and (3) and (c) of the act
13 of June 2, 1915 (P.L.736, No.338), known as the Workers'
14 Compensation Act, reenacted and amended June 21, 1939 (P.L.520,
15 No.281) and amended July 11, 1980 (P.L.577, No.121), are amended
16 to read:

17 Section 601. (a) In addition to those persons included
18 within the definition of the word "employe" as defined in
19 section 104, "employe" shall also include:

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

23 (2) [all] members of volunteer [ambulance corps of the
24 various municipalities who shall be and are hereby declared to
25 be employes of such] emergency medical services agencies, as
26 provided for under 35 Pa.C.S. § 8103 (relating to definitions),
27 who are volunteers, including any paid emergency medical
28 responder who is a member of a volunteer emergency medical
29 services agency and performs the services of a volunteer
30 emergency medical responder for another agency during off-duty

1 hours, are employes of the responding municipality for the
2 purposes of this act who shall be entitled to receive
3 compensation [in the case of] for injuries received while
4 [actually engaged as ambulance corpsmen] in the performance of
5 their duties as emergency medical responders or while going to
6 or returning from any fire, accident, or other emergency which
7 such [volunteer ambulance corps] emergency medical responder
8 shall attend including travel from and the direct return to a
9 [corpsman's] emergency medical responder's home, place of
10 business or other place where he shall have been when he
11 received the call or alarm; or while participating [in ambulance
12 corps] with an emergency medical services agency of which they
13 are members; or while repairing or doing other work about or on
14 the ambulance apparatus or buildings and grounds of such
15 [ambulance corps] emergency medical services agency upon the
16 authorization of the [corps] agency's president or other person
17 in charge; or while answering any emergency call for any purpose
18 or while riding in or upon the ambulance apparatus owned by the
19 [ambulance corps] emergency medical services agency of which
20 they are members at any time or while performing any other
21 duties of such [ambulance corps] emergency medical responder as
22 are authorized by the municipality;

23 [(3) members of volunteer rescue and lifesaving squads of
24 the various municipalities who shall be and are hereby declared
25 to be employes of such municipalities for the purposes of this
26 act and who shall be entitled to receive compensation in the
27 case of injuries received while actually engaged as a rescue and
28 lifesaving squad member attending to any emergency to which that
29 squad has been called or responded including travel from and the
30 direct return to a squad person's home, place of business or

1 other place where he shall have been when he received the call
2 or alarm or while participating in rescue and lifesaving drills
3 in which the squad is participating; while repairing or doing
4 other work about or on the apparatus, buildings and grounds of
5 such rescue and lifesaving squad upon the authorization of the
6 chief or other person in charge; or while riding in or upon the
7 apparatus of the rescue and lifesaving squad and at any time
8 while performing any other duties authorized by the
9 municipality;]

10 * * *

11 (c) Whenever any member of a volunteer fire company,
12 volunteer fire department, volunteer [ambulance corps] emergency
13 medical services agency, or rescue and lifesaving squad is
14 injured in the performance of duties in State Parks and State
15 Forest Land, [they] the member shall be deemed to be an employe
16 of the Department of Environmental Resources.

17 * * *

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

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

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

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

1 (i) Determine the population ratio of the municipality or
2 the area of the municipality receiving emergency services to the
3 entire population (host or responding municipality and the
4 municipality or the area of the municipality) receiving
5 emergency services from the volunteer emergency service
6 provider. The following shall apply:

7 (A) No segment of the population of the municipality or area
8 of the municipality receiving emergency services may be included
9 in more than one service area for purposes of calculating the
10 ratio under subclause (i).

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

16 (ii) Multiply the ratio under subclause (i) by the host or
17 responding municipality's entire cost of the workers'
18 compensation premium for covering volunteer members of the
19 volunteer emergency [service] services provider.

20 (3) The host or responding municipality and the municipality
21 receiving the emergency services may agree to share the cost on
22 some other basis.

23 (b) As used in this section:

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

25 (i) Fire protection services.

26 [(ii) Ambulance services.]

27 (iii) Emergency medical services.

28 [(iv) Quick response services.]

29 (v) Emergency management services.

30 [(vi) Rescue and lifesaving services.]

1 (vii) Hazardous material support services.

2 (viii) Certified hazardous materials response services.

3 "Host or responding municipality" shall mean a municipality
4 that is responsible for workers' compensation premiums for an
5 emergency service provider located within its corporate
6 boundaries.

7 "Volunteer emergency service provider" shall mean any of the
8 following:

9 (i) A volunteer fire company.

10 (ii) [A volunteer ambulance corps] An emergency medical
11 services agency as defined under 35 Pa.C.S. § 8103 (relating to
12 definitions.

13 [(iii) A volunteer quick response service.

14 (iv) A volunteer rescue and lifesaving squad.]

15 (v) A volunteer hazardous materials support team.

16 (vi) A volunteer certified municipal emergency management
17 coordinator.

18 (vii) A volunteer hazardous materials response team.

19 Section 3. This act shall take effect immediately.