

No. 1978-322

AN ACT

SB 748

Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," providing coverage for volunteer rescue and lifesaving squads and further defining employe to include volunteers in the State Parks and Forests Program, deputy game protectors, special waterway patrolmen and to volunteers in connection with forest fire protection and providing benefits.

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

Section 1. Section 601, act of June 2, 1915 (P.L.736, No.338), known as "The Pennsylvania Workmen's Compensation Act," reenacted and amended June 21, 1939 (P.L.520, No.281), and added December 5, 1974 (P.L.782, No.263), is amended to read:

Section 601. **[In addition to those persons included within the definition of the word "employe" as defined in section 104 of this act, there shall be included all members of volunteer ambulance corps, volunteer fire companies or volunteer fire departments of the various cities, boroughs, incorporated towns, and townships, who shall be and are hereby declared to be "employes" of such cities, boroughs, incorporated towns, townships, for all the purposes of this act, and shall be entitled to receive compensation in case of injuries received while actually engaged as ambulance corpsmen or firemen or while going to or returning from any fire which the fire companies or ambulance corps or fire department of which they are members shall have attended, or while participating in instruction fire, or ambulance drills in which the fire company or ambulance corps of which they are members shall have participated, or while repairing or doing other work about or on the fire, or ambulance apparatus or buildings and grounds of such fire company upon the authorization of the chief or corps president or other person in charge, or while answering any emergency call for any purpose, or while riding upon the fire or ambulance apparatus owned or used by the fire companies or ambulance corps of which they are members, at any time, or while performing any other duties of such ambulance corps, companies or fire department authorized by such cities, boroughs, incorporated towns and townships, or while performing duties imposed by section 15 of the act, approved April 27, 1927 (P.L.465, No.299), entitled, as amended, "An act to provide for the safety of persons employed, housed, or assembled in certain buildings and structures not in cities of the first class, second class, and second class A, by requiring certain construction and ways of egress, equipment, and maintenance; providing for the licensing of projectionists, except in cities of the first class and**

second class; requiring the submission of plans for examination and approval; providing for the promulgation of rules and regulations for the enforcement of this act; providing for the enforcement of this act by the Department of Labor and Industry and, in certain cases, by the chiefs of fire departments in cities of the third class; providing penalties for violations of the provisions of this act; and repealing certain acts," as amended; and there shall be included all individuals who extinguish ~~forest~~ fires and are entitled to compensation therefor, as determined by authorized officers of the Department of Environmental Resources, and such individuals are hereby declared to be "forest fire fighters" and "employees" of the department for all the purposes of this act, and shall be entitled to receive compensation in case of injuries received while actually engaged in extinguishing forest fires or while going to or returning from forest fires or while performing any other duties in connection with extinguishing forest fires authorized or ratified by the department's officers.

In all cases where an injury compensable under the provisions of this act is received by a member of a volunteer ambulance corps, volunteer fire company, or volunteer fire department or by a forest fire fighter of the department whether employed, self-employed, or unemployed, there is an irrebuttable presumption that his wages shall be at least equal to the Statewide average weekly wage for the purposes of computing his compensation under sections 306 and 307 of this act.]

In addition to those persons included within the definition of the word "employee" as defined in section 104, "employee" shall also include:

(1) members of volunteer fire departments or volunteer fire companies who shall be entitled to receive compensation in case of injuries received while actively engaged as firemen or while going to or returning from a fire which the fire company or fire department attended or while participating in instruction fire drills in which the fire department or fire company shall have participated or while repairing or doing other work about or on the fire apparatus or buildings and grounds of the fire company or fire department upon the authorization of the chief of the fire company or fire department or other person in charge or while answering any emergency calls for any purpose or while riding upon the fire apparatus which is owned or used by the fire company or fire department or while performing any other duties of such fire company or fire department as authorized by the municipality or while performing duties imposed by section 15, act of April 27, 1927 (P.L.465, No.299), referred to as the Fire and Panic Act;

(2) all members of volunteer ambulance corps of the various municipalities who shall be and are hereby declared to be employees of such municipality for the purposes of this act who shall be entitled to receive compensation in the case of injuries received while actually engaged as ambulance corpsmen or while going to or returning from any fire, accident, or other emergency which such volunteer ambulance corps shall attend; or while participating in ambulance corps of which they are members; or

while repairing or doing other work about or on the ambulance apparatus or buildings and grounds of such ambulance corps upon the authorization of the corps president or other person in charge; or while answering any emergency call for any purpose or while riding in or upon the ambulance apparatus owned by the ambulance corps of which they are members at any time or while performing any other duties of such ambulance corps as are authorized by the municipality;

(3) members of volunteer rescue and lifesaving squads of the various municipalities who shall be and are hereby declared to be employes of such municipalities for the purposes of this act and who shall be entitled to receive compensation in the case of injuries received while actually engaged as a rescue and lifesaving squad member attending to any emergency to which that squad has been called or responded or while participating in rescue and lifesaving drills in which the squad is participating; while repairing or doing other work about or on the apparatus, buildings and grounds of such rescue and lifesaving squad upon the authorization of the chief or other person in charge; or while riding in or upon the apparatus of the rescue and lifesaving squad and at any time while performing any other duties authorized by the municipality;

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

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

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

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

In all cases where an injury which is compensable under the terms of this act is received by an employe as defined in this section, there is an irrebuttable presumption that his wages shall be at least equal to the

Statewide average weekly wage for the purpose of computing his compensation under sections 306 and 307.

Whenever any member of a volunteer fire company, volunteer fire department, volunteer ambulance corps, or rescue and lifesaving squad is injured in the performance of duties in State Parks and State Forest Land, they shall be deemed to be an employe of the Department of Environmental Resources.

The term "municipality" when used in this article shall mean all cities, boroughs, incorporated towns, or townships.

Section 2. This act shall take effect January 1, 1979.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP