

No. 83

AN ACT

HB 1483

Amending the act of June 21, 1939 (P.L.566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), 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,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," further providing for payment of compensation in case of total disability.

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

Section 1. Section 1, act of June 21, 1939 (P.L.566), entitled "A supplement to the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), 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,' as reenacted and amended, providing for the payment of compensation to volunteer firemen or their dependents," amended November 22, 1967 (P.L.533), is amended to read:

Section 1. In addition to those persons included within the definition of the word "employe" as defined in section one hundred and four of the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), 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," as last reenacted and amended at the regular legislative session of one thousand nine hundred and thirty-nine, 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 "employees" of such cities, boroughs, incorporated towns, townships, for all the purposes of said 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 fifteen of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws 465), 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 **[Forests and Waters]** *Environmental Resources*, and such individuals are hereby declared to be "forest fire fighters" and "employees" of the department for all the purposes of said 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.

[The city, borough, incorporated town or township, or the Department of Forests and Waters, as employer shall, in all cases, be deemed to have knowledge of all other employment of all members of its volunteer ambulance corps, volunteer fire companies or volunteer fire departments, or of its forest fire fighters as the case may be, including self employment, and shall be liable for compensation on account of all wages and earnings resulting therefrom. 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 who is in whole or in part a self employer, and loss of earnings results therefrom, such earnings shall, for the purposes of this act, be regarded as wages. The average weekly wage as so regarded shall be that most favorable to the employe, computed by dividing by thirteen the total earnings of the employe in the first, second, third or fourth period of thirteen consecutive calendar weeks in the fifty-two weeks immediately preceding the accident.] 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 **[who is] *whether employed***, self-employed or unemployed, payments shall be made of *the maximum rate now or hereafter provided therefor by the act to which this is a supplement and* of not less than **[twenty-two dollars and fifty cents (\$22.50) per week for total disability and not less than]** twelve dollars and fifty cents (\$12.50) *per week* for partial disability.

Section 2. This act shall take effect immediately.

APPROVED—The 26th day of May, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 83.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

Secretary of the Commonwealth.