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By: **Delegates Glassman, Aumann, Benson, Bohanan, Boutin, G. Clagett, Cluster, Conroy, DeBoy, Eckardt, Elliott, Frank, Frush, Gilleland, Healey, Howard, Malone, McComas, McDonough, McMillan, Menes, Moe, Parrott, Pendergrass, Ramirez, Stern, Stocksdale, Stull, Weldon, and Wood**

Introduced and read first time: February 2, 2005  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Volunteer Fire and Rescue Companies**

3 FOR the purpose of providing that a member of a volunteer fire and rescue company  
4 is a covered employee while on duty; repealing certain provisions relating to the  
5 status of members of volunteer fire and rescue companies in individual counties  
6 under the Maryland Workers' Compensation Act; providing for a delayed  
7 effective date; and generally relating to workers' compensation benefits for  
8 members of volunteer fire and rescue companies.

9 BY repealing and reenacting, with amendments,  
10 Article - Labor and Employment  
11 Section 9-234  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 2004 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Labor and Employment**

17 9-234.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) (i) "On duty" means:

20 1. fighting a fire;

21 2. performing a duty of a member of an advanced life support  
22 unit or an ambulance, first aid, or rescue squad in a volunteer company;



1 (e) A member of a volunteer company in Baltimore County is a covered  
2 employee while on duty.

3 (f) A member of a volunteer company in Calvert County is a covered employee  
4 while on duty.

5 (g) A member of a volunteer company in Caroline County is a covered  
6 employee while on duty.

7 (h) (1) Unless an election is made in accordance with this subsection, a  
8 member of a volunteer company in Carroll County is not a covered employee.

9 (2) A volunteer fire company in Carroll County may elect to make its  
10 members covered employees.

11 (3) A volunteer fire company that elects to make its members covered  
12 employees shall pay the premium for the coverage.

13 (i) (1) A member of a volunteer company in Cecil County who meets the  
14 guidelines set under paragraph (2) of this subsection is a covered employee while on  
15 duty.

16 (2) The Board of County Commissioners of Cecil County may set  
17 guidelines to determine the eligibility of members of a volunteer company in the  
18 county for coverage under this subsection.

19 (3) The guidelines under paragraph (2) of this subsection may not limit  
20 the number of covered employees in a volunteer company.

21 (j) (1) Unless an election is made in accordance with this subsection, a  
22 member of a volunteer company in Charles County is not a covered employee.

23 (2) The Board of County Commissioners of Charles County may provide  
24 by resolution for members of a volunteer company in the county to be covered  
25 employees while on duty.

26 (k) A member of a volunteer company in Dorchester County is a covered  
27 employee.

28 (l) A member of a volunteer company in Frederick County is a covered  
29 employee while on duty.

30 (m) (1) Unless an election is made under paragraph (2) of this subsection, a  
31 member of a volunteer company in Garrett County is not a covered employee.

32 (2) The Board of County Commissioners for Garrett County may provide  
33 by resolution for members of a volunteer company in the county to be covered  
34 employees while on duty.

35 (n) A member of a volunteer company in Harford County is a covered  
36 employee.

1 (o) An individual is a covered employee:

2 (1) while on duty as an actively participating member of a volunteer  
3 company in Howard County; or

4 (2) if not covered under item (1) of this subsection, while a member of a  
5 volunteer company in Howard County participating in the activities of the volunteer  
6 company.

7 (p) (1) An individual is a covered employee:

8 (i) while on duty as an actively participating member of a  
9 volunteer company in Kent County; or

10 (ii) if not covered under item (i) of this paragraph, while a member  
11 of a volunteer company in Kent County.

12 (2) The Board of County Commissioners of Kent County shall impose  
13 annually a tax on assessable property in the county in an amount that is sufficient to  
14 pay for coverage under this subsection.

15 (3) The Board of County Commissioners of Kent County may limit the  
16 number of members in a volunteer company in the county.

17 (q) A member of a volunteer company in Montgomery County is a covered  
18 employee while on duty.

19 (r) An individual is a covered employee:

20 (1) while on duty as a member of a volunteer company in Prince George's  
21 County that receives money as provided in § 650 of the Public Local Laws of Prince  
22 George's County;

23 (2) while on duty as a member of the Laurel volunteer rescue squad in  
24 Prince George's County; or

25 (3) if not covered under item (1) or (2) of this subsection, while a member  
26 of a volunteer company in Prince George's County.

27 (s) A member of a volunteer company in Queen Anne's County is a covered  
28 employee while on duty.

29 (t) (1) Unless an election is made under paragraph (2) of this subsection, a  
30 member of a volunteer company in St. Mary's County is not a covered employee.

31 (2) The Board of County Commissioners for St. Mary's County may  
32 provide by resolution for the members of a volunteer company in the county to be  
33 covered employees while on duty.

34 (u) (1) Unless an election is made under paragraph (2) of this subsection, a  
35 member of a volunteer company in Somerset County is not a covered employee.

1           (2)     The Board of County Commissioners for Somerset County may  
2 provide by resolution for members of a volunteer company in the county to be covered  
3 employees while on duty.

4       (v)     (1)     A member of a volunteer company in Talbot County is a covered  
5 employee.

6           (2)     The County Council of Talbot County may provide by resolution for  
7 members of a volunteer company in the county to be covered employees while on duty.

8       (w)     (1)     Unless an election is made under paragraph (2) of this subsection, a  
9 member of a volunteer company in Washington County is not a covered employee.

10          (2)     The Board of County Commissioners for Washington County may  
11 provide by resolution for members of a volunteer company in the county to be covered  
12 employees while on duty.

13       (x)     (1)     A member of a volunteer company in Wicomico County is a covered  
14 employee.

15          (2)     The County Council of Wicomico County may provide by resolution  
16 for members of a volunteer company in the county to be a covered employee while on  
17 duty.

18       (y)     (1)     Unless an election is made under paragraph (2) of this subsection, a  
19 member of a volunteer company in Worcester County is not a covered employee.

20          (2)     The Board of County Commissioners for Worcester County may  
21 provide by resolution for members of a volunteer company in the county to be covered  
22 employees while on duty.]

23       (C)     A MEMBER OF A VOLUNTEER COMPANY IS A COVERED EMPLOYEE WHILE  
24 ON DUTY.

25       [(z)]   (D)     For the purposes of this title, a member of a volunteer company who  
26 is a covered employee under this section is an employee of the political subdivision of  
27 the State where the volunteer company is organized.

28       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2007.