
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**

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Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 31, 2005

CHAPTER _____

1 AN ACT concerning

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

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

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 9-234
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2004 Supplement)

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

17 **Article - Labor and Employment**

18 9-234.

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

- 1 (2) (i) "On duty" means:
- 2 1. fighting a fire;
- 3 2. performing a duty of a member of an advanced life support
4 unit or an ambulance, first aid, or rescue squad in a volunteer company;
- 5 3. except as provided in subparagraph (ii) of this paragraph,
6 performing a duty that the volunteer company assigns to the member;
- 7 4. performing a duty that a written bylaw or rule of
8 government adopted for the volunteer company assigns to the member;
- 9 5. going to or from performing a duty included under item 1,
10 2, 3, or 4 of this subparagraph;
- 11 6. accompanying an accident or fire victim while being
12 transported to a hospital in a helicopter; or
- 13 7. returning to the home station of the individual after
14 accompanying a victim under item (6) of this subparagraph.

15 (ii) "On duty" does not include attendance of a member of a
16 volunteer company at a social function unless a written bylaw or rule of government
17 adopted for the volunteer company requires the attendance or participation of the
18 member.

- 19 (3) "Volunteer company" means:
- 20 (i) a volunteer advanced life support unit;
- 21 (ii) a volunteer ambulance company or squad;
- 22 (iii) a volunteer fire company or department; and
- 23 (iv) a volunteer rescue company, department, or squad.

24 (b) An individual who is a covered employee under subsection ~~{(h)(2), (k), (n),~~
25 ~~(o)(2), (p)(1)(ii), (r)(3), (v), or (x)(1)}~~~~(c)~~ of this section continues to be a covered
26 employee while:

- 27 (1) accompanying an accident or fire victim who is being transported to a
28 hospital in a helicopter; and
- 29 (2) returning to the home station of the individual after accompanying a
30 victim under item (1) of this subsection.

31 ~~{(c)~~ (1) Unless an election is made under paragraph (2) of this subsection, a
32 member of a volunteer company in Allegany County is not a covered employee.

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

4 (d) A member of a volunteer company in Anne Arundel County is a covered
5 employee while on duty.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (o) An individual is a covered employee:

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

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

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

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

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

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

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

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

24 (r) An individual is a covered employee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ~~(C) A MEMBER OF A VOLUNTEER COMPANY IS A COVERED EMPLOYEE WHILE~~
29 ~~ON DUTY.~~

30 ~~{(z)}~~ ~~(D)~~ (1) For the purposes of this title, a member of a volunteer company
31 who is a covered employee under this section is an employee of the political
32 subdivision of the State where the volunteer company is organized.

33 (2) A MEMBER OF A VOLUNTEER COMPANY SHALL BE COVERED WHILE
34 ON DUTY BY A POLICY OF WORKERS' COMPENSATION INSURANCE.

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

