



February 5, 2019

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## HOUSE BILL No. 1182

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DIGEST OF HB 1182 (Updated February 5, 2019 10:01 am - DI 128)

**Citations Affected:** IC 22-3; IC 36-8.

**Synopsis:** Worker's compensation. Provides that, for worker's compensation purposes, an employee who leaves work to serve as a volunteer firefighter or member of a volunteer emergency medical services association (volunteer member) is considered an employee of the firefighting unit while in the performance of duties as a volunteer firefighter or volunteer member. Increases the maximum amount of burial expenses that an employer must pay under the worker's compensation act for the burial expenses of a covered employee who dies from an injury by an accident arising out of the employee's employment from \$7,500 to \$12,500. Increases the maximum amount of burial expenses that an employer must pay under the worker's occupational diseases compensation act for the burial expenses of an employee who dies from an occupational disease arising out of the employee's employment from \$7,500 to \$12,500.

**Effective:** July 1, 2019.

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### Lehman, Soliday

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January 8, 2019, read first time and referred to Committee on Employment, Labor and Pensions.  
February 5, 2019, amended, reported — Do Pass.

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HB 1182—LS 6799/DI 128





February 5, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

## HOUSE BILL No. 1182

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A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 22-3-3-21, AS AMENDED BY P.L.201-2005,  
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2019]: Sec. 21. In cases of the death of an employee from an  
4 injury by an accident arising out of and in the course of the employee's  
5 employment under circumstances that the employee would have been  
6 entitled to compensation if death had not resulted, the employer shall  
7 pay the burial expenses of such employee, not exceeding ~~seven twelve~~  
8 thousand five hundred dollars (~~\$7,500~~). **(\$12,500)**.
- 9 SECTION 2. IC 22-3-7-15, AS AMENDED BY P.L.201-2005,  
10 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2019]: Sec. 15. In cases of the death of an employee from an  
12 occupational disease arising out of and in the course of the employee's  
13 employment under circumstances that the employee would have been  
14 entitled to compensation if death had not resulted, the employer shall  
15 pay the burial expenses of such employee, not exceeding ~~seven twelve~~  
16 thousand five hundred dollars (~~\$7,500~~). **(\$12,500)**.
- 17 SECTION 3. IC 36-8-12-10, AS AMENDED BY P.L.174-2009,

**HB 1182—LS 6799/DI 128**



1 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2019]: Sec. 10. (a) A:

3 (1) volunteer firefighter, a member of the emergency medical  
4 services personnel, or an emergency medical technician working  
5 in a volunteer capacity for a volunteer fire department or  
6 ambulance company is covered; and

7 (2) volunteer working for a hazardous materials response team  
8 may be covered;

9 by the medical treatment and burial expense provisions of the worker's  
10 compensation law (IC 22-3-2 through IC 22-3-6) and the worker's  
11 occupational diseases law (IC 22-3-7).

12 (b) **Subject to section 10.3 of this chapter**, if compensability of the  
13 injury is an issue, the administrative procedures of IC 22-3-2 through  
14 IC 22-3-6 and IC 22-3-7 shall be used to determine the issue.

15 (c) This subsection applies to all units, including counties. All  
16 expenses incurred for premiums of the insurance allowed under this  
17 section may be paid from the unit's general fund in the same manner as  
18 other expenses in the unit are paid.

19 SECTION 4. IC 36-8-12-10.3 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE JULY 1, 2019]: **Sec. 10.3. (a) This section applies to an**  
22 **employee of a private employer who:**

23 (1) **is a volunteer firefighter or volunteer member; and**

24 (2) **has notified the employee's employer in writing that the**  
25 **employee is a volunteer firefighter or volunteer member,**  
26 **regardless of whether the employer rejected the notification**  
27 **under section 10.7(c) of this chapter.**

28 (b) **An employee described in subsection (a) who leaves the**  
29 **employee's duty station to respond to a fire or emergency call after**  
30 **the employee has reported to work shall, for worker's**  
31 **compensation purposes, be considered an employee of the unit**  
32 **while in the performance of the duties of a volunteer firefighter or**  
33 **volunteer member.**

34 (c) **The employee described in subsection (a) shall, for worker's**  
35 **compensation purposes, be considered as having entered in and**  
36 **acted in the regular course and scope of the employment with the**  
37 **unit when the employee responds to the fire or emergency call as**  
38 **a volunteer firefighter or volunteer member, regardless of whether**  
39 **the employee responds by traveling:**

40 (1) **to a fire station or other place where firefighting**  
41 **equipment that the company or unit is to use is located; or**

42 (2) **to perform any activities that the employee may be**



1           **directed to do by the chief of the fire department or, in the**  
2           **absence of the chief, the ranking officer.**

3           **(d) The employee described in subsection (a) shall, for worker's**  
4           **compensation purposes, be considered an employee of the unit until**  
5           **the employee returns to the location from which the employee was**  
6           **originally called to active duty, or until the employee engages in an**  
7           **activity beyond the scope of the performance of the duties of the**  
8           **volunteer firefighter or volunteer member, whichever occurs first.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-3-3-21, AS AMENDED BY P.L.201-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 21. In cases of the death of an employee from an injury by an accident arising out of and in the course of the employee's employment under circumstances that the employee would have been entitled to compensation if death had not resulted, the employer shall pay the burial expenses of such employee, not exceeding ~~seven twelve~~ thousand five hundred dollars (~~\$7,500~~): **(\$12,500)**.

SECTION 2. IC 22-3-7-15, AS AMENDED BY P.L.201-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 15. In cases of the death of an employee from an occupational disease arising out of and in the course of the employee's employment under circumstances that the employee would have been entitled to compensation if death had not resulted, the employer shall pay the burial expenses of such employee, not exceeding ~~seven twelve~~ thousand five hundred dollars (~~\$7,500~~): **(\$12,500)**."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1182 as introduced.)

VANNATTER

Committee Vote: yeas 12, nays 0.

