

**WORKERS' COMPENSATION BENEFITS FOR
VOLUNTEER SAFETY OFFICERS**

2002 GENERAL SESSION

STATE OF UTAH

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This act modifies the Volunteer Government Workers Act to address workers' compensation coverage of voluntary firefighters and peace officers and to make conforming and technical changes.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

67-20-2, as last amended by Chapter 79, Laws of Utah 1999

67-20-3, as last amended by Chapter 13, Laws of Utah 1998

67-20-7, as last amended by Chapter 240, Laws of Utah 1996

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **67-20-2** is amended to read:

67-20-2. Definitions.

As used in this chapter:

(1) "Agency" means:

(a) any department, institution, office, college, university, authority, division, board, bureau, commission, council, or other agency of the state;

(b) any county, city, town, school district, or special improvement or taxing district; or

(c) any other political subdivision.

(2) "Compensatory service worker" means:

(a) any person who has been convicted of a criminal offense;

- (b) any youth who has been adjudged delinquent; or
- (c) any person or youth who:
 - (i) has been diverted from the criminal or juvenile justice system; and
 - (ii) performs a public service for an agency as a condition of the person or youth's:
 - (A) sentence;
 - (B) diversion;
 - (C) probation; or
 - (D) parole.

(3) (a) "Volunteer" means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

- (b) "Volunteer" does not include:
 - (i) any person participating in human subjects research to the extent that the participation is governed by federal law or regulation inconsistent with this chapter; or
 - (ii) compensatory service workers.
- (c) "Volunteer" includes a juror or potential juror appearing in response to a summons for a trial jury or grand jury.

(4) "Volunteer safety officer" means an individual who:

(a) provides services as a volunteer under the supervision of an agency; and

(b) at the time the individual provides the services to the supervising agency described in

Subsection (4)(a), the individual is:

- (i) exercising peace officer authority as provided in Section 53-13-102; or
- (ii) if the supervising agency described in Subsection (4)(a) is a fire department:
 - (A) on the rolls of the supervising agency as a firefighter;
 - (B) not regularly employed as a firefighter by the supervising agency; and
 - (C) acting in a capacity that includes the responsibility for the extinguishment of fire.

Section 2. Section **67-20-3** is amended to read:

67-20-3. Purposes for which a volunteer is considered a government employee.

~~[A]~~ (1) Except as provided in Subsection (2), a volunteer is considered a government employee for purposes of:

~~[(1)]~~ (a) receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Title 34A, Chapter 2, Workers' Compensation Act, and Chapter 3, Utah Occupational Disease Act;

~~[(2)]~~ (b) the operation of motor vehicles or equipment if the volunteer is properly licensed and authorized to do so; and

~~[(3)]~~ (c) liability protection and indemnification normally afforded paid government employees.

(2) (a) Notwithstanding Subsection (1)(a), a supervising agency shall provide workers' compensation benefits for a volunteer safety officer as provided in Section 67-20-7.

(b) Notwithstanding Subsection (2)(a), a volunteer safety officer is considered an employee of the supervising agency of the volunteer safety officer for purposes of Subsections (1)(b) and (c).

Section 3. Section **67-20-7** is amended to read:

67-20-7. Workers' compensation benefits for a volunteer safety officer.

(1) ~~[In addition to the purposes set out in Subsections 67-20-3(2) and (3), a]~~ A volunteer ~~[firefighter, as defined in Section 49-5-103,]~~ safety officer is considered an ~~[agency]~~ employee of an agency that supervises the volunteer safety officer for the purpose of receiving workers' compensation benefits under Title ~~[35A]~~ 34A, Chapter ~~[3]~~ 2, Workers' Compensation Act, and Chapter ~~[3A]~~ 3, Utah Occupational Disease Act.

(2) ~~[These]~~ (a) In accordance with Section 34A-2-105, the workers' compensation benefits described in Subsection (1) are the exclusive remedy against the supervising agency, or an officer, agent, or employee of the supervising agency, for all injuries and occupational diseases resulting from [his] the volunteer safety officer's services for the supervising agency as a volunteer [firefighter] safety officer. [Compensation]

(b) For purposes of Subsection (2)(a), the supervising agency for whom the volunteer safety officer provides services as a volunteer safety officer is considered an employer of the volunteer safety officer.

(3) To compute the workers' compensation benefits for a volunteer safety officer described in Subsection (1), the average weekly wage of the volunteer safety officer shall be [computed as indicated in Section 49-5-802] the state's average weekly wage at the time of the industrial accident or occupational disease that is the basis for the volunteer safety officer's worker's compensation claim.