

VOLUNTEER SEARCH AND RESCUE WORKERS'

COMPENSATION CLAIMS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kraig Powell

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies provisions related to state officers and employees to address workers' compensation claims by members of a county sheriff's search and rescue team.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the workers' compensation benefits available to a volunteer search and rescue team member under specified circumstances; and
- ▶ makes technical and conforming amendments.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

67-20-2, as last amended by Laws of Utah 2010, Chapter 300

67-20-3, as last amended by Laws of Utah 2002, Chapter 36

ENACTS:

67-20-7.5, Utah Code Annotated 1953



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

(b) ~~[any]~~ a county, city, town, school district, or special improvement or taxing district;

or

(c) any other political subdivision.

(2) "Compensatory service worker" means ~~[any]~~ a person who performs a public service with or without compensation for an agency as a condition or part of the person's:

(a) incarceration;

(b) plea;

(c) sentence;

(d) diversion;

(e) probation; or

(f) parole.

(3) (a) "Volunteer" means ~~[any]~~ a 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]~~ a 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) a compensatory service ~~[workers]~~ worker.

(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

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

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

65 (5) "Volunteer search and rescue team member" means an individual who:

- 66 (a) provides services as a volunteer under the supervision of a county sheriff; and
 67 (b) at the time the individual provides the services to the county sheriff described in
 68 Subsection (5)(a), is:

- 69 (i) certified as a member of the county sheriff's search and rescue team; and
 70 (ii) acting in the capacity of a member of the search and rescue team of the supervising
 71 county sheriff.

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

73 **67-20-3. Purposes for which a volunteer is considered a government employee.**

74 (1) Except as provided in Subsection (2) or (3), a volunteer is considered a government
 75 employee for purposes of:

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

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

81 (c) liability protection and indemnification normally afforded paid a government
 82 [~~employees~~] employee.

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

85 (b) [~~Notwithstanding Subsection (2)(a), a~~] A volunteer safety officer is considered an
 86 employee of the supervising agency of the volunteer safety officer for purposes of Subsections
 87 (1)(b) and (c).

88 (3) (a) The county of a county sheriff that certifies and supervises a volunteer search
 89 and rescue team member shall provide workers' compensation benefits for the volunteer search

90 and rescue team member as provided in Section 67-20-7.5.

91 (b) For purposes of Subsections (1)(b) and (c), a volunteer search and rescue team
92 member is considered an employee of the county of the county sheriff that certifies and
93 supervises the volunteer search and rescue team member.

94 Section 3. Section **67-20-7.5** is enacted to read:

95 **67-20-7.5. Workers' compensation benefits for a volunteer search and rescue team**
96 **member.**

97 (1) A volunteer search and rescue team member is considered an employee of the
98 county of the county sheriff that certifies and supervises the volunteer search and rescue team
99 member for the purpose of receiving workers' compensation benefits under:

100 (a) Title 34A, Chapter 2, Workers' Compensation Act; and

101 (b) Title 34A, Chapter 3, Utah Occupational Disease Act.

102 (2) (a) In accordance with Section 34A-2-105, the workers' compensation benefits
103 described in Subsection (1) are the exclusive remedy against the county of the supervising
104 county sheriff or an officer, agent, or employee of the county or supervising county sheriff, for
105 the injuries and occupational diseases resulting from the volunteer search and rescue team
106 member's services for the supervising county sheriff as a volunteer search and rescue team
107 member.

108 (b) For purposes of Subsection (2)(a), the county of the supervising county sheriff for
109 whom the volunteer search and rescue team member provides services as a volunteer search
110 and rescue team member is considered an employer of the volunteer search and rescue team
111 member.

112 (3) To compute the workers' compensation benefits for a volunteer search and rescue
113 team member described in Subsection (1), the average weekly wage of the volunteer search and
114 rescue team member for purposes of the volunteer search and rescue team member's workers'
115 compensation claim is the average weekly wage of an entry-level deputy sheriff employed by
116 the supervising county sheriff at the time of the industrial accident or occupational disease.

Legislative Review Note
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Office of Legislative Research and General Counsel