

34:15-36

LEGISLATIVE HISTORY CHECKLIST

NJSA: 34:15-36 (First aid & rescue worker--include travel while responding in workers' compensation coverage)

LAWS OF: 1986

CHAPTER 35

BILL NO: S397

Sponsor(s): Rand

Date Introduced: Pre-filed

Committee: Assembly: Appropriations

Senate: Labor, Industry and Professions

Amended during passage: No Substituted for A2161 (not attached since identical to S397).

Date of Passage: Assembly: May 15, 1986

Senate: April 21, 1986

Date of Approval: June 23, 1986

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill provides that travel by members of a first aid or rescue squad to and from an emergency would be considered employment for purposes of workers' compensation.

SENATE, No. 397
STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1986 SESSION

By Senator RAND

AN ACT concerning *first aid or rescue squad personnel* and amending R. S. 34:15-36.

1 BE IT ENACTED by the Senate and General Assembly of the State
2 of New Jersey:

1 1. R. S. 34:15-36 is amended to read as follows:

2 34:15-36. "Willful negligence" within the intent of this chapter
3 shall consist of (1) deliberate act or deliberate failure to act, or
4 (2) such conduct as evidences reckless indifference to safety, or (3)
5 intoxication, operating as the proximate cause of injury, or (4)
6 unlawful use of a controlled dangerous substance as defined in the
7 "New Jersey Controlled Dangerous Substances Act" P. L. 1970,
8 c. 226 (C. 24:21-1 et seq.).

9 "Employer" is declared to be synonymous with master, and in-
10 cludes natural persons, partnerships, and corporations; "em-
11 ployee" is synonymous with servant, and includes all natural per-
12 sons, including officers of corporations, who perform service for
13 an employer for financial consideration, exclusive of casual em-
14 ployments, which shall be defined, if in connection with the em-
15 ployer's business, as employment the occasion for which arises by
16 chance or is purely accidental; or if not in connection with any busi-
17 ness of the employer, as employment not regular, periodic or recur-
18 ring; provided, however, that forest fire wardens and forest fire-
19 fighters employed by the State of New Jersey shall, in no event,
20 be deemed casual employees.

21 Employment shall be deemed to commence when an employee
22 arrives at the employer's place of employment to report for work

EXPLANATION—Matter enclosed in bold-faced brackets [] in the above bill
is not enacted and is intended to be omitted in the law.
Matter printed in italics *thus* is new matter.

23 and shall terminate when the employee leaves the employer's place
24 of employment excluding areas not under the control of the em-
25 ployer; provided, however, when the employee is required by the
26 employer to be away from the employer's place of employment, the
27 employee shall be deemed to be in the course of employment when
28 the employee is engaged in the direct performance of duties assigned
29 or directed by the employer; but the employment of employee paid
30 travel time by an employer for time spent traveling to and from a
31 job site or of any employee who utilizes an employer authorized
32 vehicle shall commence and terminate with the time spent traveling
33 to and from a job site or the authorized operation of a vehicle on
34 business authorized by the employer. Travel by a policeman [or],
35 fireman, or a member of a first aid or rescue squad, in responding
36 to and returning from an emergency shall be deemed to be in the
37 course of employment.

38 Employment shall also be deemed to commence when an employee
39 is traveling in a ridesharing arrangement between his or her place
40 of residence or terminal near such place and his or her place of em-
41 ployment if one of the following conditions is satisfied: the vehicle
42 used in the ridesharing arrangement is owned, leased or contracted
43 for by the employer or the employee is required by the employer to
44 travel in a ridesharing arrangement as a condition of employment.

45 "Disability permanent in quality and partial in character" means
46 a permanent impairment caused by a compensable accident or com-
47 pensable occupational disease, based upon demonstrable objective
48 medical evidence, which restricts the function of the body or of its
49 members or organs; included in the criteria which shall be con-
50 sidered shall be whether there has been a lessening to a material
51 degree of an employee's working ability. Subject to the above pro-
52 visions nothing in this definition shall be construed to preclude bene-
53 fits to a worker who returns to work following a compensable acci-
54 dent even if there be no reduction in earnings. Injuries such as
55 minor lacerations, minor contusions, minor sprains, and scars which
56 do not constitute significant permanent disfigurement, and occupa-
57 tional disease of a minor nature such as mild dermatitis and mild
58 bronchitis shall not constitute permanent disability within the
59 meaning of this definition.

60 "Disability permanent in quality and total in character" means a
61 physical or neuropsychiatric total permanent impairment caused by
62 a compensable accident or compensable occupational disease where
63 no fundamental or marked improvement in such condition can be
64 reasonably expected.

65 Factors other than physical and neuropsychiatric impairments
66 may be considered in the determination of permanent total disability
67 where such physical and neuropsychiatric impairments constitute
68 at least 75% or higher of total disability.

69 "Ridesharing" means the transportation of persons in a motor
70 vehicle, with a maximum carrying capacity of not more than 15
71 passengers, including the driver, where such transportation is in-
72 cidental to the purpose of the driver. This term shall include such
73 ridesharing arrangements known as carpools and vanpools.

1 2. This act shall take effect on the 30th day after enactment.

WORKERS' and UNEMPLOYMENT COMPENSATION

Includes travel by members of a first aid or rescue squad in re-
sponding to emergencies to be within the scope of employment
for workers' compensation coverage.

65 Factors other than physical and neuropsychiatric impairments
66 may be considered in the determination of permanent total disability
67 where such physical and neuropsychiatric impairments constitute
68 at least 75% or higher of total disability.

69 "Ridesharing" means the transportation of persons in a motor
70 vehicle, with a maximum carrying capacity of not more than 15
71 passengers, including the driver, where such transportation is in-
72 cidental to the purpose of the driver. This term shall include such
73 ridesharing arrangements known as carpools and vanpools.

1 2. This act shall take effect on the 30th day after enactment.

STATEMENT

This bill provides that travel by members of a first aid or rescue squad to and from an emergency would be considered employment for purposes of workers' compensation.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 397

STATE OF NEW JERSEY

DATED: MAY 12, 1986

The Assembly Appropriations Committee favorably reports this bill.

Senate Bill No. 397 provides that travel to and from an emergency, by members of a first aid or rescue squad, would be considered employment for purposes of workers' compensation. The bill also provides that police or firemen returning from an emergency would be deemed traveling in the course of employment for the purpose of workers' compensation.

FISCAL IMPACT

A fiscal note worksheet has not been received as of this date, however, there should be no impact on State, county or municipal costs since all employees of these levels of government are already covered by workers' compensation. Every volunteer first aid or rescue squad worker is also covered.

Generally, an employee or volunteer who is on the mission of his employer (the volunteer first aid squad) and does not substantially deviate from that mission, would be covered. The rescue squads have their own workers' compensation coverage.

**SENATE LABOR, INDUSTRY AND PROFESSIONS
COMMITTEE**

**STATEMENT TO
SENATE, No. 397**

STATE OF NEW JERSEY

DATED: MARCH 6, 1986

This bill provides that travel by members of a first aid or rescue squad to and from an emergency would be considered employment for purposes of workers' compensation.

This bill was pre-filed for introduction in the 1986 session pending technical review. As reported, the bill includes the changes required by technical review.