

34:15-10

LEGISLATIVE FACT SHEET

on Junior fire aux. -- double indemnity not allowed.

N.J.R.S. 34:15-10

(1971 Amendment)

LAWS OF 1971

SENATE BILL

INTRODUCED Jan. 28, 1971

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING *None discovered*

VETO

CHAPTER 416 Jan. 20, 1972

ASSEMBLY BILL 2081

BY *Schluter, Weidel, McDonough + Keavortik*

<input checked="" type="radio"/> YES	<input type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO
<input type="radio"/> YES	<input checked="" type="radio"/> NO

DEPOSITORY COPY  
Do Not Remove From Library

STATEMENT to A 2081.

In 1968, a law (L. 1968, c. 309) was enacted permitting volunteer fire companies to establish "junior firemen's auxiliaries." The purpose of the law, as set forth in the introducer's statement to the bill, was "to create a pool of trained firemen available for promotion to the regular volunteer fire department when reaching the minimum age of 21." The statement also said that the auxiliaries would "serve as a wholesome, interesting and useful outlet for the energies of youth between the ages of 18 and 21." The minimum age for membership in such an auxiliary was set at 18. One section of the law requires that, "Members of the auxiliary shall be provided with the same insurance coverage and in the same amounts provided for the regular volunteer firemen of the municipality or fire district pursuant to law."

CONT'D →

JA/PC  
11/7/75

ASSEMBLY, No. 2081

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1971

By Assemblymen SCHLUTER, WEIDEL, McDONOUGH  
and KRAVARIK

Referred to Committee on Insurance

AN ACT concerning junior fire auxiliaries to volunteer fire departments, and amending R. S. 34:15-10.

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

1 1. R. S. 34:15-10 is amended to read as follows:

2 34:15-10. In the employment of minors, this article shall be  
3 presumed to apply unless the notice be given by or to the parent  
4 or guardian of the minor. If the injured employee at the time of  
5 the accident or compensable occupational disease is a minor under  
6 14 years of age employed in violation of the labor law or a minor  
7 between 14 and 18 years of age employed, permitted or suffered  
8 to work without an employment certificate or special permit if  
9 required by law or at an occupation prohibited at the minor's age  
10 by law, a compensation or death benefit shall be payable to the  
11 employee or his dependents which shall be double the amount payable  
12 under the schedules provided in sections 34:15-12 and 34:15-13  
13 of this Title.

14 The possession of such duly issued employment certificate shall  
15 be conclusive evidence for an employer that the minor has reached  
16 the age certified to therein and no extra compensation shall be  
17 payable to any minor engaged in an employment allowed by the  
18 law for the age and sex certified to in such certificate. If the  
19 certificate presented by the employee as one issued to him shall  
20 have been really issued to another child and the real age of the  
21 employee shall be such that his employment in any capacity or in  
22 the particular capacity he was employed by the employer was  
23 prohibited and if the employer shall show to the satisfaction of  
24 the Division of Workmen's Compensation that he accepted the cer-

25 tificate in good faith as having been issued to the employee and  
 26 could not have, despite reasonable diligence, discovered the fraud,  
 27 in such event no extra compensation shall be paid to the employee  
 28 illegally employed.

29 The employer alone and not the insurance carrier shall be liable  
 30 for the extra compensation or death benefit which is over and above  
 31 the amount of the compensation or death benefit provided under  
 32 said sections 34:15-12 or 34:15-13. Any provision in an insurance  
 33 policy undertaking to relieve an employer from the liability for the  
 34 extra compensation or extra death benefit shall be void.

35 Nothing in this chapter contained shall deprive an infant under  
 36 the age of 18 years of the right or rights now existing to recover  
 37 damages in a common law or other appropriate action or proceed-  
 38 ing for injuries received by reason of the negligence of his or her  
 39 master.

40 Nothing in this section regarding the payment of a compensation  
 41 or death benefit in double the amount payable under the schedules  
 42 provided in sections 34:15-12 and 34:15-13 of this Title shall apply  
 43 to *members of a junior firemen's auxiliary established pursuant to*  
 44 *chapter 309 of the laws of 1958 (C. 40:47-30.6 et seq.) or to em-*  
 45 *ployees, of the age of 18 years or under, employed in summer*  
 46 *camps operated by the Boy Scouts of America, the Girl Scouts of*  
 47 *America, the Knights of Columbus, the Young Men's Christian*  
 48 *Association, the Young Women's Christian Association, the Young*  
 49 *Men's Hebrew Association, or any domestic corporation organized*  
 50 *solely for religious or charitable purposes.*

1 2. This act shall take effect immediately.

---

#### STATEMENT

In 1968, a law (L. 1968, c. 309) was enacted permitting volunteer fire companies to establish "junior firemen's auxiliaries." The purpose of the law, as set forth in the introducer's statement to the bill, was "to create a pool of trained firemen available for promotion to the regular volunteer fire department when reaching the minimum age of 21." The statement also said that the auxiliaries would "serve as a wholesome, interesting and useful outlet for the energies of youth between the ages of 18 and 21." The minimum age for membership in such an auxiliary was set at 18. One section of the law requires that, "Members of the auxiliary shall be provided with the same insurance coverage and in the same amounts provided for the regular volunteer firemen of the municipality or fire district pursuant to law."

By Assembly Bill No. 399 of 1970, enacted as L. 1970, c. 310, approved December 16, 1970, the age limit for membership was lowered to 16. The purpose of that bill, according to the introducer's statement, was to "permit such organization to attract and enlist young men into the ranks of community service before their attention and time are taken by such other pursuits as military service and college."

It is anticipated that, if such auxiliaries are to serve the purpose of bringing young people into intimate contact with the activities of volunteer fire organizations, even the greatest care will not suffice to prevent, on occasion, their close contact with, and perhaps participation in, certain activities which are forbidden to minors below the age of 18 under the Workmen's Compensation Law. The public benefit anticipated from these auxiliaries may be thought to override the hazards involved. However, should any injury to a minor under 18 occur, even if it occurs while the minor is engaged in an activity prohibited by the volunteer fire company's regulations, municipalities may thereupon become liable to the penalizing provisions of the Workmen's Compensation Law. That law provides that, in the event of death or injury of a minor while engaging in a forbidden activity, the "employer" is liable to pay *double* the ordinary compensation; and further, that the "employer" (in this case the municipality) is *forbidden to insure itself* against the added liability. That this provision of the law is meant to penalize employers who ignore the requirements of safety for minor employees is obvious; the law has previously been amended to exclude minor "employees" of summer camps run by such organizations as the Boy Scouts.

It is unlikely that the purposes of the new legislation lowering to 16 the age limit for fire auxiliaries will achieve its purpose unless the municipalities involved are relieved of this large and uninsurable potential liability. Since this is a situation in which it is not anticipated that removal of the liability will result in exploitation of underage workers, the present bill simply adds members of such auxiliaries to the list of those minor "employees" already excluded from the penal provision.