

House Bill 461

By: Representatives Hudson of the 156th, Ray of the 128th, Powell of the 23rd, Skipper of the 137th, Buckner of the 95th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia
2 Annotated, relating to temporary disability compensation for law enforcement officers and
3 firemen who are injured in the line of duty, so as to provide temporary disability
4 compensation for officially recognized or designated members of a legally organized
5 volunteer fire department who are injured in the line of duty; to change the definition of
6 certain terms; to define another term; to change the provisions relating to payments of
7 compensation to law enforcement officers and firemen and limitations thereon; to provide
8 an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Part 2 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated,
12 relating to temporary disability compensation for law enforcement officers and firemen who
13 are injured in the line of duty, is amended by striking in their entirety paragraphs (2) and (5)
14 of Code Section 45-9-102, relating to definitions applicable under said part, and inserting in
15 lieu thereof new paragraphs (2) and (5) to read as follows:

16 "(2)(A) 'Fireman' means any person who is employed as a professional firefighter on
17 a full-time basis by any municipal, county, or state government fire department
18 employing three or more firemen and who has the responsibility of preventing and
19 suppressing fires, protecting life and property, enforcing municipal, county, and state
20 fire prevention codes, enforcing any law pertaining to the prevention and control of
21 fires or who performs any acts or actions while on duty or when responding to a fire or
22 emergency during any fire or other emergency or while performing duties intended to
23 protect life and property.

24 (B) 'Fireman' shall also mean any individual serving as an officially recognized or
25 designated member of a legally organized volunteer fire department who performs any

1 acts or actions while on duty or when responding to a fire or emergency during any fire
 2 or other emergency or while performing duties intended to protect life and property.

3 (5) 'Injured in the line of duty' means an injury which arises out of or in the course of
 4 employment in the line of duty. With respect to a fireman of a legally organized volunteer
 5 fire department, 'injured in the line of duty' means an injury while on duty or when
 6 responding to a fire or emergency during any fire or other emergency or while performing
 7 duties intended to protect life and property. Going to or from work shall not be
 8 considered in the line of duty. Going to a legally organized volunteer fire department to
 9 begin a service of duty or traveling from such a fire department after duties have been
 10 completed or traveling from the scene of a fire, emergency, or other location where duties
 11 were being performed and have been completed shall not be considered in the line of
 12 duty."

13 SECTION 2.

14 Said part is further amended by striking in their entirety subsections (b) and (c) of Code
 15 Section 45-9-103, relating to payments of compensation to law enforcement officers and
 16 firemen and limitations thereon, and inserting in lieu thereof new subsections (b) and (c) to
 17 read as follows:

18 "(b) Except as otherwise provided in this part, any law enforcement officer or fireman
 19 injured in the line of duty as provided in subsection (a) of this Code section shall receive
 20 monthly compensation from the commission in an amount equal to such person's regular
 21 compensation for the period of time that the law enforcement officer or fireman is
 22 physically unable to perform the duties of his or her employment; provided, however, that
 23 such benefits provided pursuant to this Code section for injuries resulting from a single
 24 incident shall not be granted for more than a total of 12 months. For the purposes of this
 25 subsection, the regular compensation of a fireman covered under subparagraph (2)(B) of
 26 Code Section 45-9-102 shall be deemed to be the Georgia average weekly earnings of
 27 production workers in manufacturing industries for the immediately preceding calendar
 28 year as published by the Georgia Department of Labor. A law enforcement officer or
 29 fireman shall be required to submit to the commission satisfactory evidence of such
 30 disability.

31 (c) Benefits made available under this Code section shall be subordinate to any workers'
 32 compensation benefits, disability and other compensation benefits from the person's
 33 employer which the law enforcement officer or fireman is awarded and shall be limited to
 34 the difference between the amount of workers' compensation benefits and other
 35 compensation benefits actually paid and the amount of the law enforcement officer's or
 36 fireman's regular compensation. For the purposes of this subsection, the regular

1 compensation of a fireman covered under subparagraph (2)(B) of Code Section 45-9-102
2 shall be deemed to be the Georgia average weekly earnings of production workers in
3 manufacturing industries for the immediately preceding calendar year as published by the
4 Georgia Department of Labor."

5 **SECTION 3.**

6 This Act shall become effective July 1, 2001.

7 **SECTION 4.**

8 All laws and parts of laws in conflict with this Act are repealed.