

House Bill 166 (FLOOR SUBSTITUTE)

By: Representatives Jenkins of the 93<sup>rd</sup> and Ray of the 108<sup>th</sup>

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 firefighters who are injured in the line of duty, so as to provide temporary disability  
4 compensation for officially recognized or designated members of legally organized volunteer  
5 fire departments who are injured in the line of duty; to redefine certain terms; to change  
6 certain provisions relating to payments of compensation to law enforcement officers and  
7 firefighters and limitations thereon; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

15 "(2) 'Firefighter' or 'fireman' means ~~any~~;

16 (A) Any person who is employed as a professional firefighter on a full-time basis by  
17 any municipal, county, or state government fire department certified in writing by the  
18 Georgia Firefighter Standards and Training Council pursuant to Code Section 25-3-22  
19 employing three or more firefighters and who has the responsibility of preventing and  
20 suppressing fires, protecting life and property, enforcing municipal, county, and state  
21 fire prevention codes, enforcing any law pertaining to the prevention and control of  
22 fires or who performs any acts or actions while on duty or when responding to a fire or  
23 emergency during any fire or other emergency or while performing duties intended to  
24 protect life and property; or

25 (B) Any individual serving as an officially recognized or designated member of a  
26 legally organized volunteer fire department certified in writing by the Georgia

1 Firefighter Standards and Training Council pursuant to Code Section 25-3-22 who  
 2 performs any acts or actions while on duty or when responding to a fire or emergency  
 3 during any fire or other emergency or while performing duties intended to protect life  
 4 and property."

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

## 15 SECTION 2.

16 Said part is further amended by striking in their entirety subsections (b) and (c) of Code  
 17 Section 45-9-103, relating to payments of compensation to law enforcement officers and  
 18 firefighters and limitations thereon, and inserting in lieu thereof the following:

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

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

1 compensation benefits actually paid and the amount of the law enforcement officer's or  
2 firefighter's regular compensation; provided, however, that benefits shall never exceed the  
3 person's regular compensation minus the maximum weekly workers' compensation benefit  
4 level for that person whether or not workers' compensation is available. For the purposes  
5 of this subsection, the regular compensation of a firefighter covered under subparagraph  
6 (2)(B) of Code Section 45-9-102 shall be deemed to be the Georgia average weekly  
7 earnings of production workers in manufacturing industries for the immediately preceding  
8 calendar year as published by the Georgia Department of Labor."

9 **SECTION 3.**

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