

JAN 20 2023

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 46-13.1, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~+~~§46-13.1~~+~~ **Volunteer fire stations.** (a) The council
4 of the several counties may establish and maintain one or more
5 volunteer fire stations in any area or areas of the county as it
6 may determine to be necessary to provide adequate fire
7 protection. All necessary facilities and equipment for the
8 volunteer fire stations may be furnished by the county. The
9 officers, firefighters, or other personnel necessary for the
10 operation or maintenance of these stations shall be selected and
11 appointed by the fire chief partially or entirely on a voluntary
12 noncompensatory basis ~~and~~, except as otherwise provided in
13 this section. All volunteer personnel for any volunteer fire
14 station shall serve at the pleasure of the fire chief.
15 (b) The fire chief of the county shall have full authority
16 and control over all volunteer fire stations, their equipment,
17 apparatus, officers, firefighters, and personnel, and the fire



1 chief may designate a suitable person to be in charge of any
2 volunteer fire station. Suitable instructors may be assigned
3 from time to time by the fire chief to such fire stations for
4 the training of volunteer firefighters and personnel.

5 (c) In case any person serving in the capacity of
6 volunteer personnel for the fire station, including a volunteer
7 officer or firefighter, sustains any injury or dies as a result
8 of any accident arising out of and in the course of training, or
9 the performance of duty for such fire station, the person shall
10 be entitled to the benefits provided for volunteer personnel in
11 part V of chapter 386, and be considered to be an employee of
12 the county for the purpose of obtaining compensation benefits
13 under chapter 386. Compensation benefits shall be determined
14 upon the basis of average weekly wages computed as set forth in
15 section 386-51, and upon the basis of earnings from the usual
16 employment of the person, or upon the basis of earnings at the
17 rate of \$18 per week, whichever is most favorable to the
18 claimant or claimants[-]; provided that for volunteer
19 firefighters, average weekly wages shall be computed as set
20 forth in section 386-181(c). The director of labor and



1 industrial relations shall administer the provisions [~~hereof~~] in
2 this subsection in accordance with section 386-172.

3 (d) Any provision to the contrary notwithstanding,
4 volunteer personnel, including officers and firefighters, shall
5 be entitled to subsistence in amounts deemed proper by the
6 council of the respective counties."

7 SECTION 2. Section 386-181, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) In computing the average weekly wages of an injured
10 public board member, reserve police officer, police chaplain,
11 reserve public safety law enforcement officer, sheriffs'
12 chaplain, volunteer firefighter, volunteer boating enforcement
13 officer, or volunteer conservation and resources enforcement
14 officer:

15 (1) The person's income from self-employment shall be
16 considered wages;

17 (2) The person shall, in no event, be considered to have
18 earned less than the minimum hourly wage prescribed in
19 chapter 387;

20 (3) Wages of other employees in comparable employment
21 [~~shall not~~] may be considered; and



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1 (4) All provisions of section 386-51 not inconsistent with
2 this section shall apply; provided that section 386-
3 51(5) shall not apply."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Kent M. Pearson* 19



S.B. NO. 696

Report Title:

Workers' Compensation; Average Weekly Wages; Volunteers; DLIR

Description:

Authorizes wages of other employees in comparable employment to be considered when computing the average weekly wages of an injured public board member, reserve police officer, police chaplain, sheriffs' chaplain, volunteer firefighter, volunteer boating enforcement officer, or volunteer conservation and resources enforcement officer. Clarifies computation of average weekly wages of an injured volunteer firefighter for workers' compensation benefits purposes.

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