

S.B. NO. 3142

JAN 26 2022

A BILL FOR AN ACT

RELATING TO THE WORKERS' COMPENSATION LAW.

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

1 SECTION 1. Chapter 386, Hawaii Revised Statutes, is
2 amended by amending the title of part V, subpart C to read as
3 follows:

4 "C. PUBLIC BOARD MEMBERS, RESERVE POLICE OFFICERS, POLICE
5 CHAPLAINS, VOLUNTEER FIREFIGHTERS, VOLUNTEER BOATING
6 ENFORCEMENT OFFICERS, [~~AND~~] VOLUNTEER CONSERVATION AND RESOURCES
7 ENFORCEMENT OFFICERS, AND RESERVE PUBLIC SAFETY LAW ENFORCEMENT
8 OFFICERS"

9 SECTION 2. Section 386-181, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§386-181 Generally.** (a) As used in this section:

12 "Police chaplain" means a member of an authorized
13 chaplaincy program of a county police department who performs
14 services in a voluntary and unpaid capacity under the authorized
15 direction of an officer of the department.

16 "Public board" means a governmental body, regardless of its
17 designation, duly created under authority vested by law for the

1 purposes of performing quasi-judicial, administrative, or
2 advisory functions.

3 "Reserve police officer" means a member of an authorized
4 reserve force of a county police department who performs
5 services in a voluntary and unpaid capacity under the authorized
6 direction of an officer of the department.

7 "Reserve public safety law enforcement officer" means a
8 member of the authorized volunteer law enforcement force of the
9 department of public safety who performs services in a voluntary
10 and unpaid capacity under the authorized direction of an officer
11 of the department of public safety.

12 "Sheriffs' chaplain" means a member of an authorized
13 chaplaincy program of the department of public safety who
14 performs functions similar to a police chaplain in a voluntary
15 and unpaid capacity for the sheriff division.

16 "Volunteer boating enforcement officer" means a member of
17 the authorized volunteer enforcement force of the harbors
18 division, department of transportation, who performs services in
19 a voluntary and unpaid capacity under the authorized direction
20 of an officer of the department.

21 "Volunteer conservation and resources enforcement officer"
22 means a member of the authorized volunteer enforcement force of
23 the division of conservation and resources enforcement,

1 department of land and natural resources, who performs services
2 in a voluntary and unpaid capacity under the authorized
3 direction of an officer of the department.

4 "Volunteer firefighter" means a person who performs
5 services for a county fire department in a voluntary and unpaid
6 capacity under the authorized direction of an officer of the
7 department.

8 (b) If a member of a public board, a reserve police
9 officer, a police chaplain, a reserve public safety law
10 enforcement officer, sheriffs' chaplain, a volunteer
11 firefighter, a volunteer boating enforcement officer, or a
12 volunteer conservation and resources enforcement officer is
13 injured while performing services for the board, county police
14 department, county fire department, department of public safety,
15 harbors division of the department of transportation, or
16 division of conservation and resources enforcement of the
17 department of land and natural resources, under the conditions
18 specified in section 386-3, the person or the person's
19 dependents shall be entitled to all compensation in the manner
20 provided by this chapter and, for the purposes of this chapter,
21 the person shall, in every case, be deemed to have earned wages
22 for the services.

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1 (c) In computing the average weekly wages of an injured
2 public board member, reserve police officer, police chaplain,
3 reserve public safety law enforcement officer, sheriffs'
4 chaplain, volunteer firefighter, volunteer boating enforcement
5 officer, or volunteer conservation and resources enforcement
6 officer:

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

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

12 (3) Wages of other employees in comparable employment
13 shall not be considered; and

14 (4) All provisions of section 386-51 not inconsistent with
15 this section shall apply; provided that section 386-
16 51(5) shall not apply."

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

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

20
21 INTRODUCED BY: 

22 BY REQUEST

Report Title:

Workers' Compensation Law

Description:

Amends the title of chapter 386, part V, subpart C, Hawaii Revised Statutes (HRS), to add reserve public safety law enforcement officers, and amends section 386-181, HRS, to include reserve public safety law enforcement officers to the list of volunteer occupations covered under the workers' compensation law. Allows reserve public safety law enforcement officers who are injured under the conditions specified in section 386-3, HRS, to receive workers' compensation. Adds reserve public safety law enforcement officers to the list of volunteers who are covered under the conditions for computing average weekly wages.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO THE WORKERS' COMPENSATION LAW.

PURPOSE: To add reserve public safety law enforcement officers to the list of volunteer occupations covered under the workers' compensation law. The addition of reserve public safety law enforcement officers to the list of covered volunteer occupations under chapter 386, Hawaii Revised Statutes (HRS), will enable reserve public safety law enforcement officers who are injured on the job to receive workers' compensation coverage and include reserve public safety law enforcement officers under the provisions for computing average weekly wages.

MEANS: Amend the title of chapter 386, part V, subpart C, HRS, and section 386-181, HRS.

JUSTIFICATION: The passage of this bill will enable the department of public safety to more easily augment its cadre of reserve volunteer law enforcement officers to enhance public safety.

Impact on the public: Increased law enforcement services to better protect the community.

Impact on the department and other agencies: Provide workers' compensation coverage for volunteer reserve public safety law enforcement officers to encourage voluntarism for the reserve law enforcement workforce.

GENERAL FUND: The general fund or the special compensation fund may be used to pay workers' compensation benefits to the reserve public

safety law enforcement officers or their dependents as provided in chapter 386, HRS.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: PSD 502.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.