
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

SECTION 1. Section 46-13.1, Hawaii Revised Statutes, is amended to read as follows:

"~~[§]~~**\$46-13.1**~~[§]~~ **Volunteer fire stations.** The council of the several counties may establish and maintain one or more volunteer fire stations in any area or areas of the county as it may determine to be necessary to provide adequate fire protection. All necessary facilities and equipment for the volunteer fire stations may be furnished by the county. The officers, firefighters, or other personnel necessary for the operation or maintenance of these stations shall be selected and appointed by the fire chief partially or entirely on a voluntary noncompensatory basis, ~~[and]~~ except as otherwise provided in this section. All volunteer personnel for any volunteer fire station shall serve at the pleasure of the fire chief.

The fire chief of the county shall have full authority and control over all volunteer fire stations, their equipment, 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 In case any person serving in the capacity of volunteer
6 personnel for the fire station, including a volunteer officer or
7 firefighter, sustains any injury or dies as a result of any
8 accident arising out of and in the course of training, or the
9 performance of duty for such fire station, the person shall be
10 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 accordance with section 386-172.

3 Any provision to the contrary notwithstanding, volunteer
4 personnel, including officers and firefighters, shall be
5 entitled to subsistence in amounts deemed proper by the council
6 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 sheriffs' chaplain, volunteer firefighter, volunteer boating
12 enforcement officer, or volunteer conservation and resources
13 enforcement officer:

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

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

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



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.

7

INTRODUCED BY:

Ch Tull ar

JAN 21 2022



H.B. NO. 1704

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.

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

