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S.B. NO. 3142

A Bill for an Act Relating to the Workers' Compensation Law.

Be It Enacted by the Legislature of the State of Hawaii:

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

“C. PUBLIC BOARD MEMBERS, RESERVE POLICE OFFICERS, POLICE CHAPLAINS, VOLUNTEER FIREFIGHTERS, VOLUNTEER BOATING ENFORCEMENT OFFICERS, ~~[AND]~~ VOLUNTEER CONSERVATION AND RESOURCES ENFORCEMENT OFFICERS, AND RESERVE PUBLIC SAFETY LAW ENFORCEMENT OFFICERS”

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

“§386-181 Generally. (a) As used in this section:

“Police chaplain” means a member of an authorized chaplaincy program of a county police department who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Public board” means a governmental body, regardless of its designation, duly created under authority vested by law for the purposes of performing quasi-judicial, administrative, or advisory functions.

“Reserve police officer” means a member of an authorized reserve force of a county police department who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Reserve public safety law enforcement officer” means a member of the authorized volunteer law enforcement force of the department of public safety who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department of public safety.

“Sheriffs’ chaplain” means a member of an authorized chaplaincy program of the department of public safety who performs functions similar to a police chaplain in a voluntary and unpaid capacity for the sheriff division.

“Volunteer boating enforcement officer” means a member of the authorized volunteer enforcement force of the harbors division, department of transportation, who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Volunteer conservation and resources enforcement officer” means a member of the authorized volunteer enforcement force of the division of conservation and resources enforcement, department of land and natural resources, who performs services in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

“Volunteer firefighter” means a person who performs services for a county fire department in a voluntary and unpaid capacity under the authorized direction of an officer of the department.

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

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

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

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- (2) The person shall, in no event, be considered to have earned less than the minimum hourly wage prescribed in chapter 387;
- (3) Wages of other employees in comparable employment shall not be considered; and
- (4) All provisions of section 386-51 not inconsistent with this section shall apply; provided that section 386-51(5) shall not apply.”

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

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

(Approved June 17, 2022.)