

Sec. 146.01. As used in sections 146.01 to 146.19 of the Revised Code:

(A) "FIRE DEPARTMENT" MEANS A VOLUNTEER FIRE DEPARTMENT, A FIRE DEPARTMENT OF A POLITICAL SUBDIVISION OR A FIRE DISTRICT OF THIS STATE, OR A PRIVATE VOLUNTEER COMPANY THAT HAS ELECTED TO PARTICIPATE IN THE VOLUNTEER FIRE FIGHTERS' DEPENDENTS FUND PURSUANT TO SECTION 146.02 OF THE REVISED CODE.

(B)(1) "Volunteer fire fighter" means ~~a~~ BOTH OF THE FOLLOWING, SUBJECT TO DIVISION (B)(2) OF THIS SECTION:

(a) A duly appointed member of a ~~volunteer~~ fire department on either a nonpay or part-pay basis who is ineligible to be a member of the police and fireman's FIREMEN'S disability and pension fund, or whose employment as a fire fighter does not in itself qualify any such person for membership in the public employees retirement system, ~~except that, on and after the effective date of this amendment,~~ ~~a~~ OR WHO HAS WAIVED MEMBERSHIP IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM;

(b) FIRE FIGHTERS DRAFTED, REQUISITIONED, OR APPOINTED TO SERVE IN AN EMERGENCY.

(2)(a) A volunteer fire fighter who is a member of the public employees retirement system shall be considered a volunteer fire fighter for

purposes of this chapter, and in particular, for purposes of divisions (A) and (B) of section 146.12 of the Revised Code until he has at least one and one-half years of Ohio service credit for purposes of division (B) of section 145.45 of the Revised Code, ~~and except that, on and after the effective date of this amendment, a;~~

(b) A volunteer fire fighter who is a member of the public employees retirement system shall be considered a volunteer fire fighter for purposes of this chapter and, in particular, for purposes of division (C) of section 146.12 of the Revised Code until this person has at least five years of total service credit for purposes of sections 145.35 and 145.36 of the Revised Code. ~~It includes a volunteer fire fighter who may be a member either of a fire department of a political subdivision or a fire district of this state or of a private volunteer fire company that has elected to participate in the volunteer fire fighters' dependents fund pursuant to section 146.02 of the Revised Code, or fire fighters drafted, requisitioned, or appointed to serve in an emergency.~~

~~(B)~~ (C) "Private volunteer fire company" means a company of trained volunteer fire fighters having a contract to furnish fire protection or emergency service or both to a political subdivision or fire district of this state.

~~(C)~~ (D) "Member of the fund" includes a political subdivision or fire district of this state that maintains in whole or in part a volunteer fire department or employs volunteer fire fighters, and a private volunteer fire company that has elected to participate in the volunteer fire fighters' dependents fund.

~~(D)~~ (E) "Dependent" means the surviving spouse or child under ~~sixteen~~ EIGHTEEN years of age of a volunteer fire fighter regardless of financial status.

~~(E)~~ (F) "Volunteer fire fighters' dependents fund" means the fund established by section 146.07 of the Revised Code.

(G) "TOTALLY AND PERMANENTLY DISABLED" MEANS THAT A VOLUNTEER FIRE FIGHTER IS UNABLE TO ENGAGE IN ANY SUBSTANTIAL GAINFUL EMPLOYMENT FOR A PERIOD OF NOT LESS THAN TWELVE MONTHS BY REASON OF A MEDICALLY DETERMINABLE PHYSICAL IMPAIRMENT THAT IS PERMANENT OR PRESUMED TO BE PERMANENT.

Effective
3-17-89