

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 272

Session of
1981

INTRODUCED BY GEORGE, PITTS, LIVENGOD, PETRONE, BOWSER,
GREENFIELD, LETTERMAN, LEVI, MRKONIC, HORGOS, DUFFY, COCHRAN,
MORRIS, DeMEDIO, TRELLO, GRIECO, LESCOVITZ, STUBAN AND LUCYK,
JANUARY 27, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 27, 1981

AN ACT

1 Amending the act of June 21, 1939 (P.L.566, No.284), entitled
2 "An act defining the liability of an employer to pay damages
3 for occupational disease contracted by an employe arising out
4 of and in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder;
7 imposing duties on the Department of Labor and Industry, the
8 Workmen's Compensation Board, Workmen's Compensation
9 Referees, and deans of medical schools; creating a medical
10 board to determine controverted medical issues; establishing
11 an Occupational Disease Fund in custody of the State
12 Workmen's Insurance Board; imposing upon the Commonwealth a
13 part of the compensation payable for certain occupational
14 diseases; making an appropriation; and prescribing
15 penalties," further providing for compensation.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Subsection (i) of section 301, act of June 21,
19 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational
20 Disease Act," amended November 28, 1969 (P.L.312, No.134), is
21 amended to read:

22 Section 301. * * *

23 (i) (1) Notwithstanding any other provisions of this act,

1 compensation for silicosis, anthraco-silicosis, coal worker's
2 pneumoconiosis, and asbestosis shall be paid for each month
3 beginning with the month this amending act becomes effective, or
4 beginning with the first month of disability, whichever occurs
5 later, at the rate of seventy-five dollars (\$75) per month, to
6 every employe totally disabled thereby as a result of exposure
7 thereto, who has not theretofore been compensated because his
8 claim was barred by any of the time limitations prescribed by
9 this act, and shall continue during the period of such total
10 disability. No compensation under this section shall be paid to
11 any employe who has not been exposed to a silica, coal, or
12 asbestos hazard within the Commonwealth of Pennsylvania for a
13 period of two years. Subsequent to the effective date of this
14 amending act of 1969, it shall be necessary to be a resident of
15 Pennsylvania in order to qualify for compensation, but not to
16 continue receiving the same after qualification. All such
17 compensation to those whose last exposure precedes the effective
18 date of this amending act shall be paid by the Commonwealth.
19 Employes whose last exposure follows the effective date of this
20 amending act and who become entitled to the compensation
21 provided by this subsection shall be paid as provided by this
22 act.

23 (2) An application for compensation under this subsection
24 shall not be accepted from any person who, during the preceding
25 six months has been determined to be ineligible hereunder.

26 (3) Every application shall be accompanied by two prints of
27 the same recent photograph of the applicant, and such other
28 proof of identity as the board shall require. One of the prints
29 shall be stamped by the board and returned to the applicant, who
30 shall deliver it to the physician at the time of examination.

1 The physician shall attach the print to his report to the board.

2 (4) Compensation under this subsection shall be paid to any
3 employee whose total disability arises from an exposure to a
4 silica, coal or asbestos hazard within the Commonwealth where
5 such exposure occurred wholly before the effective date of "The
6 Pennsylvania Occupational Disease Act." All payments of any
7 claims for disability arising from such exposure shall be paid
8 by the Commonwealth.

9 * * *

10 Section 2. Section 315 of the act, amended April 4, 1974
11 (P.L.236, No.55), is amended to read:

12 Section 315. In cases of disability all claims for
13 compensation shall be forever barred, unless, within [sixteen
14 months] three years after compensable disability begins, the
15 parties shall have agreed upon the compensation payable under
16 this article, or unless, within [sixteen months] three years
17 after compensable disability begins, one of the parties shall
18 have filed a petition as provided in article four hereof. Where,
19 however, a person is receiving benefits pursuant to the act of
20 June 28, 1935 (P.L.477, No.193), referred to as the Heart and
21 Lung Act, the [sixteen-month] two-year period in which parties
22 must agree on compensation payable or file a petition for
23 compensation in cases of personal injury or cases of death,
24 shall not begin to run until the expiration of the receipt of
25 benefits pursuant to the Heart and Lung Act. In cases of death
26 all claims for compensation shall be forever barred, unless,
27 within [sixteen months] three years after the death, the parties
28 shall have agreed upon the compensation payable under this
29 article, or unless, within [sixteen months] three years after
30 the death, one of the parties shall have filed a petition as

1 provided in article four hereof. Where, however, payments of
2 compensation have been made in any case, said limitations shall
3 not take effect until the expiration of [sixteen months] three
4 years from the time of the making of the most recent payment
5 made prior to the date of filing such petition.

6 In cases of total disability from silicosis, anthraco-
7 silicosis, coal worker's pneumoconiosis, and asbestosis where
8 the claim is allowed, compensation shall be payable and commence
9 as of the date the claim is filed.

10 Section 3. Section 1 of this amendatory act shall take
11 effect immediately and be retroactive to those employees whose
12 claims under section 301(i) have been denied prior to the
13 effective date of this act on the basis that they do not meet
14 the requirements of exposure to a coal, silica or asbestos
15 hazard within the Commonwealth for two years after the effective
16 date of "The Pennsylvania Occupational Disease Act" and such
17 employees shall be entitled to compensation if otherwise
18 qualified under the provisions of "The Pennsylvania Occupational
19 Disease Act."