

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1106** Session of  
1983

INTRODUCED BY GLADECK, PITTS, BURD, E. Z. TAYLOR, JACKSON,  
SIRIANNI, NOYE, MADIGAN, MERRY, MACKOWSKI, FREIND, BUNT,  
HERSHEY AND SAURMAN, MAY 25, 1983

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 25, 1983

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as  
2 reenacted and amended, "An act defining the liability of an  
3 employer to pay damages for injuries received by an employe  
4 in the course of employment; establishing an elective  
5 schedule of compensation; providing procedure for the  
6 determination of liability and compensation thereunder; and  
7 prescribing penalties," further providing for the effective  
8 date of certain claim petitions.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 315 of the act of June 2, 1915 (P.L.736,  
12 No.338), known as The Pennsylvania Workmen's Compensation Act,  
13 reenacted and amended June 21, 1939 (P.L.520, No.281) and  
14 amended April 4, 1974 (P.L.239, No.56) and December 5, 1974  
15 (P.L.782, No.263), is amended to read:

16 Section 315. In cases of personal injury all claims for  
17 compensation shall be forever barred, unless, within three years  
18 after the injury, the parties shall have agreed upon the  
19 compensation payable under this article; or unless within three  
20 years after the injury, one of the parties shall have filed a

1 petition as provided in article four hereof. In cases of death  
2 all claims for compensation shall be forever barred, unless  
3 within three years after the death, the parties shall have  
4 agreed upon the compensation under this article; or unless,  
5 within three years after the death, one of the parties shall  
6 have filed a petition as provided in article four hereof. Where,  
7 however, in the case of any person receiving benefits pursuant  
8 to the act of June 28, 1935 (P.L.477, No.193), referred to as  
9 the Heart and Lung Act, the two-year period in which parties  
10 must agree upon the compensation or file a petition for  
11 compensation in cases of personal injury or in death, shall not  
12 begin to run until the expiration of the receipt of benefits  
13 pursuant to the Heart and Lung Act. Where, however, payments of  
14 compensation have been made in any case, said limitations shall  
15 not take effect until the expiration of three years from the  
16 time of the making of the most recent payment prior to date of  
17 filing such petition: Provided, That any payment made under an  
18 established plan or policy of insurance for the payment of  
19 benefits on account of non-occupational illness or injury and  
20 which payment is identified as not being workmen's compensation  
21 shall not be considered to be payment in lieu of workmen's  
22 compensation, and such payment shall not toll the running of the  
23 Statute of Limitations. However, in cases of injury resulting  
24 from ionizing radiation in which the nature of the injury or its  
25 relationship to the employment is not known to the employe, the  
26 time for filing a claim shall not begin to run until the employe  
27 knows, or by the exercise of reasonable diligence should know,  
28 of the existence of the injury and its possible relationship to  
29 his employment. The term "injury" in this section means, in  
30 cases of occupational disease, disability resulting from

1 occupational disease.

2 In cases of total disability for silicosis, anthraco-  
3 silicosis, coal worker's pneumoconiosis, asbestosis, byssinosis,  
4 and diseases compensable under clause (n) of section 108 where  
5 the claim is allowed, compensation shall be payable and commence  
6 as of the date the claim is filed.

7 Section 2. This act shall apply to claims for those diseases  
8 specified in section 315 filed on or after July 1, 1983.

9 Section 3. This act shall take effect immediately.