

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 440 Session of 2011

INTRODUCED BY MUSTIO, FRANKEL, BOYD, CLYMER, GINGRICH, GRELL, KAUFFMAN, KORTZ, MARSHALL, MILLARD, OBERLANDER, PEIFER, PICKETT, VULAKOVICH, DENLINGER, TRUITT AND PERRY, FEBRUARY 4, 2011

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 12, 2011

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," providing for insurance for different
8 forms of business; and repealing provisions on logging.

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

11 Section 1. The act of June 2, 1915 (P.L.736, No.338), known
12 as the Workers' Compensation Act, reenacted and amended June 21,
13 1939 (P.L.520, No.281), is amended by adding a section to read:

14 Section 451. Insurers, including the State Workers'
15 Insurance Fund, are authorized to provide, to sole proprietors,
16 partners of a partnership or officers MEMBERS of a limited ←
17 liability company, workers' compensation insurance equivalent to
18 that which employers provide to employes which insure their
19 liability under Article III. In all cases where an injury which ←

1 ~~is compensable under the terms of this coverage is received by a~~  
2 ~~sole proprietor or partner, there is a rebuttable presumption~~  
3 ~~that his wages shall be equal to fifty per centum of the~~  
4 ~~Statewide average weekly wage for the purpose of computing his~~  
5 ~~compensation under sections 306 and 307.~~ FOR THE PURPOSES OF  
6 COMPUTING THE PREMIUM CHARGE, THE WAGES OF A SOLE PROPRIETOR,  
7 PARTNER OR MEMBER SHALL BE AT LEAST EQUAL TO THE MINIMUM PAYROLL  
8 FOR A CORPORATE OFFICER, AND NO MORE THAN THE MAXIMUM PAYROLL  
9 FOR A CORPORATE OFFICER, AS ESTABLISHED BY UNDERWRITING RULES  
10 APPROVED BY THE INSURANCE DEPARTMENT. IF AN INJURY IS  
11 COMPENSABLE UNDER THE TERMS OF THIS COVERAGE, IT SHALL BE A  
12 REBUTTABLE PRESUMPTION THAT THE WAGES OF THE INJURED INDIVIDUAL  
13 ARE AT LEAST EQUAL TO MINIMUM PAYROLL FOR A CORPORATE OFFICER  
14 FOR THE PURPOSES OF CALCULATING HIS AVERAGE WEEKLY WAGE AND  
15 PAYING BENEFITS UNDER SECTIONS 306 AND 307.

16 Section 2. Section 1526 of the act, added June 24, 1996  
17 (P.L.350, No.57) is repealed:

18 [Section 1526. (a) The fund is authorized to provide to  
19 sole proprietors or partners engaged in logging or logging-  
20 related businesses coverage equivalent to that which the fund  
21 provides to employers which insure their liability under Article  
22 III. This coverage shall be provided in accordance with this  
23 article. In all cases where an injury which is compensable under  
24 the terms of this coverage is received by a sole proprietor or a  
25 partner engaged solely in logging or logging-related businesses,  
26 there is a rebuttable presumption that his wages shall be equal  
27 to fifty per centum of the Statewide average weekly wage for the  
28 purpose of computing his compensation under sections 306 and  
29 307.

30 (b) For purposes of this section, "logging" or "logging-

1 related business" means the cutting of trees, any skidding  
2 activity and the transportation of logs or raw lumber, including  
3 the construction, operation, maintenance and extension of  
4 logging roads or trails.]

5 Section 3. This act shall take effect in 60 days.