

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1367 Session of
1977

INTRODUCED BY CASSIDY, YAHNER, BROWN AND MILLIRON, JUNE 21, 1977

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 21, 1977

AN ACT

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

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 Pennsylvania Workmen's Compensation Act," reenacted and
13 amended June 21, 1939 (P.L.520, No.281), is amended by adding a
14 section to read:

15 Section 322. (a) An employer not a coal mine operator, who
16 employs an individual as a coal hauler, shall not be liable for
17 compensation to that individual or his dependents for disability
18 or death resulting from an occupational disease as defined in
19 sections 108(q) and 301 if such individual spent twenty per
20 centum or less of his time at a coal mine site in the course of
21 his employment during the twelve-month period immediately

1 preceding his disability or death.

2 (b) An individual or his dependents barred from compensation
3 by subsection (a) shall nevertheless be compensated in
4 accordance with this act by the last previous coal mine operator
5 or other employer, by whom the individual was employed in an
6 occupation involving direct contact with, handling of, or
7 exposure to the dust of anthracite or bituminous coal, if such
8 coal mine operator or other employer would otherwise be liable
9 under this act: Provided however, That a previous employer
10 liable for compensation shall not include an employer not a coal
11 mine operator who employed the individual as a coal hauler if
12 such individual spent twenty per centum or less of his time as a
13 coal mine site in the entire course of his employment: And
14 further provided, That if there exists no previous employer who
15 would otherwise be liable for compensation under this act the
16 individual or his dependents shall be compensated in accordance
17 with this act regardless of subsection (a).

18 (c) For workmen's compensation insurance rating purposes an
19 individual employed as a coal hauler by an employer not a coal
20 mine operator, who spends less than twenty per centum of his
21 time at a coal mine site in the course of his employment shall
22 not be classified as a surface miner.

23 (d) For the purposes of this act, the term "coal hauler"
24 shall mean an individual who transports coal overland.

25 Section 2. This act shall take effect in 60 days.