

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2955 Session of
1994

INTRODUCED BY BELFANTI, SURRA, PESCI, STABACK, VEON, MIHALICH,
KUKOVICH, JOSEPHS, RICHARDSON, DALEY, LEVDANSKY, CORRIGAN,
McGEEHAN, TRELLO, BELARDI, PISTELLA AND YOUNGBLOOD,
JUNE 20, 1994

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 20, 1994

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, imposing liability for
3 unsafe practices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 8340.1. Liability for unsafe practices.

9 (a) General rule.--An employee shall have a cause of action
10 against an employer for damages for injuries which result from
11 the employer's reckless, willful or wanton disregard for the
12 safety of the employee or which result from intentional
13 misconduct. This cause of action shall exist without regard to
14 the limitations, defenses and immunities of the act of June 2,
15 1915 (P.L.736, No.338), known as the Workers' Compensation Act.

16 (b) Certain defenses denied.--In any action brought under
17 this section, an employer may not raise a defense that the

1 employee assumed the risk of injury.

2 (c) Eligibility for workers' compensation.--

3 (1) Filing of a claim under this section shall not
4 affect an employee's eligibility for benefits under the
5 Workers' Compensation Act.

6 (2) Compensatory damages received under this section
7 shall be reduced by the amount of any workers' compensation
8 benefits received.

9 (3) An employer found liable under this section shall
10 have no right of subrogation for benefits paid under the
11 Workers' Compensation Act.

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