

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 60

Session of
2001

INTRODUCED BY BARD, WOGAN, ORIE, MANN, BASTIAN, BELARDI,
BELFANTI, CIVERA, COLAFELLA, FAIRCHILD, GEORGE, HARHAI,
HERMAN, HORSEY, LAUGHLIN, LEDERER, PETRONE, SOLOBAY,
E. Z. TAYLOR, WANSACZ, WILT, WOJNAROSKI AND THOMAS,
JANUARY 23, 2001

AS REPORTED FROM COMMITTEE ON LABOR RELATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 12, 2002

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 compensation for
8 certain injuries suffered by off-duty law enforcement
9 officers.

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

12 ~~Section 1. The act of June 2, 1915 (P.L.736, No.338), known~~ <—
13 ~~as the Workers' Compensation Act, reenacted and amended June 21,~~
14 ~~1939 (P.L.520, No.281), is amended by adding a section to read:~~
15 ~~Section 602. Compensation for any injury sustained by a law~~
16 ~~enforcement officer, while not on duty, which is the result of~~
17 ~~activities or actions authorized or required by regulation,~~
18 ~~including, but not limited to, the possession of service related~~
19 ~~firearms, shall not be barred.~~

SECTION 1. SECTION 301(C) OF THE ACT OF JUNE 2, 1915
(P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION ACT,
REENACTED AND AMENDED JUNE 21, 1939 (P.L.520, NO.281), AMENDED
DECEMBER 5, 1974 (P.L.782, NO.263) AND JULY 2, 1993 (P.L.190,
NO.44), IS AMENDED TO READ:

SECTION 301. * * *

(C) (1) THE TERMS "INJURY" AND "PERSONAL INJURY," AS USED
IN THIS ACT, SHALL BE CONSTRUED TO MEAN AN INJURY TO AN EMPLOYE,
REGARDLESS OF HIS PREVIOUS PHYSICAL CONDITION, ARISING IN THE
COURSE OF HIS EMPLOYMENT AND RELATED THERETO, AND SUCH DISEASE
OR INFECTION AS NATURALLY RESULTS FROM THE INJURY OR IS
AGGRAVATED, REACTIVATED OR ACCELERATED BY THE INJURY; AND
WHEREVER DEATH IS MENTIONED AS A CAUSE FOR COMPENSATION UNDER
THIS ACT, IT SHALL MEAN ONLY DEATH RESULTING FROM SUCH INJURY
AND ITS RESULTANT EFFECTS, AND OCCURRING WITHIN THREE HUNDRED
WEEKS AFTER THE INJURY. THE TERM "INJURY ARISING IN THE COURSE
OF HIS EMPLOYMENT," AS USED IN THIS ARTICLE PERTAINING TO A LAW
ENFORCEMENT OFFICER, SHALL INCLUDE AN INJURY CAUSED AS A RESULT
OF AN OFF-DUTY ACTION TAKEN IN ACCORDANCE WITH RULES OR
REGULATIONS OF THE EMPLOYER GOVERNING SUCH ACTIONS. THE TERM
"INJURY ARISING IN THE COURSE OF HIS EMPLOYMENT," AS USED IN
THIS ARTICLE, SHALL NOT INCLUDE AN INJURY CAUSED BY AN ACT OF A
THIRD PERSON INTENDED TO INJURE THE EMPLOYE BECAUSE OF REASONS
PERSONAL TO HIM, AND NOT DIRECTED AGAINST HIM AS AN EMPLOYE OR
BECAUSE OF HIS EMPLOYMENT; NOR SHALL IT INCLUDE INJURIES
SUSTAINED WHILE THE EMPLOYE IS OPERATING A MOTOR VEHICLE
PROVIDED BY THE EMPLOYER IF THE EMPLOYE IS NOT OTHERWISE IN THE
COURSE OF EMPLOYMENT AT THE TIME OF INJURY; BUT SHALL INCLUDE
ALL OTHER INJURIES SUSTAINED WHILE THE EMPLOYE IS ACTUALLY
ENGAGED IN THE FURTHERANCE OF THE BUSINESS OR AFFAIRS OF THE

1 EMPLOYER, WHETHER UPON THE EMPLOYER'S PREMISES OR ELSEWHERE, AND
2 SHALL INCLUDE ALL INJURIES CAUSED BY THE CONDITION OF THE
3 PREMISES OR BY THE OPERATION OF THE EMPLOYER'S BUSINESS OR
4 AFFAIRS THEREON, SUSTAINED BY THE EMPLOYEE, WHO, THOUGH NOT SO
5 ENGAGED, IS INJURED UPON THE PREMISES OCCUPIED BY OR UNDER THE
6 CONTROL OF THE EMPLOYER, OR UPON WHICH THE EMPLOYER'S BUSINESS
7 OR AFFAIRS ARE BEING CARRIED ON, THE EMPLOYEE'S PRESENCE THEREON
8 BEING REQUIRED BY THE NATURE OF HIS EMPLOYMENT.

9 (2) THE TERMS "INJURY," "PERSONAL INJURY," AND "INJURY
10 ARISING IN THE COURSE OF HIS EMPLOYMENT," AS USED IN THIS ACT,
11 SHALL INCLUDE, UNLESS THE CONTEXT CLEARLY REQUIRES OTHERWISE,
12 OCCUPATIONAL DISEASE AS DEFINED IN SECTION 108 OF THIS ACT:
13 PROVIDED, THAT WHENEVER OCCUPATIONAL DISEASE IS THE BASIS FOR
14 COMPENSATION, FOR DISABILITY OR DEATH UNDER THIS ACT, IT SHALL
15 APPLY ONLY TO DISABILITY OR DEATH RESULTING FROM SUCH DISEASE
16 AND OCCURRING WITHIN THREE HUNDRED WEEKS AFTER THE LAST DATE OF
17 EMPLOYMENT IN AN OCCUPATION OR INDUSTRY TO WHICH HE WAS EXPOSED
18 TO HAZARDS OF SUCH DISEASE: AND PROVIDED FURTHER, THAT IF THE
19 EMPLOYEE'S COMPENSABLE DISABILITY HAS OCCURRED WITHIN SUCH
20 PERIOD, HIS SUBSEQUENT DEATH AS A RESULT OF THE DISEASE SHALL
21 LIKEWISE BE COMPENSABLE. THE PROVISIONS OF THIS PARAGRAPH (2)
22 SHALL APPLY ONLY WITH RESPECT TO THE DISABILITY OR DEATH OF AN
23 EMPLOYEE WHICH RESULTS IN WHOLE OR IN PART FROM THE EMPLOYEE'S
24 EXPOSURE TO THE HAZARD OF OCCUPATIONAL DISEASE AFTER JUNE 30,
25 1973 IN EMPLOYMENT COVERED BY THE PENNSYLVANIA WORKMEN'S
26 COMPENSATION ACT. THE EMPLOYER LIABLE FOR COMPENSATION PROVIDED
27 BY SECTION 305.1 OR SECTION 108, SUBSECTIONS (K), (L), (M), (O),
28 (P) OR (Q), SHALL BE THE EMPLOYER IN WHOSE EMPLOYMENT THE
29 EMPLOYEE WAS LAST EXPOSED FOR A PERIOD OF NOT LESS THAN ONE YEAR
30 TO THE HAZARD OF THE OCCUPATIONAL DISEASE CLAIMED. IN THE EVENT

1 THE EMPLOYEE DID NOT WORK IN AN EXPOSURE AT LEAST ONE YEAR FOR
2 ANY EMPLOYER DURING THE THREE HUNDRED WEEK PERIOD PRIOR TO
3 DISABILITY OR DEATH, THE EMPLOYER LIABLE FOR THE COMPENSATION
4 SHALL BE THAT EMPLOYER GIVING THE LONGEST PERIOD OF EMPLOYMENT
5 IN WHICH THE EMPLOYEE WAS EXPOSED TO THE HAZARDS OF THE DISEASE
6 CLAIMED.

7 * * *

8 SECTION 2. THE AMENDMENT OF SECTION 301(C)(1) OF THE ACT
9 SHALL APPLY TO INJURIES WHICH OCCUR ON OR AFTER THE EFFECTIVE
10 DATE OF THIS ACT.

11 Section ~~2~~ 3. This act shall take effect in 60 days.

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