

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1548 Session of
2005

INTRODUCED BY TURZAI, HUTCHINSON, REED, ELLIS, BOYD, PICKETT,
ARMSTRONG AND SAYLOR, MAY 9, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 9, 2005

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 penalties.

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

10 Section 1. Section 1111 of the act of June 2, 1915 (P.L.736,
11 No.338), known as the Workers' Compensation Act, reenacted and
12 amended June 21, 1939 (P.L.520, No.281), amended June 24, 1996
13 (P.L.350, No.57), is amended to read:

14 Section 1111. (a) A person found by a court of competent
15 jurisdiction, pursuant to a claim initiated by a prosecuting
16 authority, to have violated any provision of section 1102 shall
17 be subject to civil penalties of not more than [five thousand
18 dollars (\$5,000)] ten thousand dollars (\$10,000) for the first
19 violation, [ten thousand dollars (\$10,000)] twenty thousand
20 dollars (\$20,000) for the second violation and [fifteen thousand

1 dollars (\$15,000)] thirty thousand dollars (\$30,000) for each
2 subsequent violation. The penalty shall be paid to the
3 prosecuting authority to be used to defray the operating
4 expenses of investigating and prosecuting violations of this
5 article. The court may also award court costs and reasonable
6 attorney fees to the prosecuting authority.

7 (b) If a prosecuting authority has probable cause to believe
8 that a person has violated this section, nothing in this clause
9 shall be construed to prohibit the prosecuting authority and the
10 person from entering into a written agreement in which that
11 person does not admit or deny the charges but consents to
12 payment of the civil penalty. A consent agreement may not be
13 used in a subsequent civil or criminal proceeding, but
14 notification thereof shall be made to the licensing authority if
15 the person is licensed by a licensing authority of the
16 Commonwealth so that the licensing authority may take
17 appropriate administrative action.

18 (c) All fines and penalties imposed following a conviction
19 for a violation of this article shall be collected in the manner
20 provided by law and shall be paid in the following manner:

21 (1) If the prosecutor is a district attorney, the fines and
22 penalties shall be paid into the operating fund of the county in
23 which the district attorney is elected.

24 (2) If the prosecutor is the Attorney General, the fines and
25 penalties shall be paid into the State Treasury and appropriated
26 to the Office of Attorney General.

27 Section 2. The amendment of section 1111 of the act shall
28 apply to violations committed on or after the effective date of
29 this section.

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