

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, PERRY AND FARRY,
FEBRUARY 4, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 27, 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, ON A VOLUNTARY BASIS, ←
16 to sole proprietors, partners of a partnership or members of a
17 limited liability company, workers' compensation insurance
18 equivalent to that which employers provide to employes which
19 insure their liability under Article III. For the purposes of

computing the premium charge, the wages of a sole proprietor,
partner or member shall be at least equal to the minimum payroll
for a corporate officer, and no more than the maximum payroll
for a corporate officer, as established by underwriting rules
approved by the Insurance Department. If an injury is
compensable under the terms of this coverage, it shall be a
rebuttable presumption that the wages of the injured individual
are at least equal to minimum payroll for a corporate officer
for the purposes of calculating his average weekly wage and
paying benefits under sections 306 and 307.

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(P.L.350, No.57), is repealed:

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

(b) For purposes of this section, "logging" or "logging-
related business" means the cutting of trees, any skidding
activity and the transportation of logs or raw lumber, including
the construction, operation, maintenance and extension of
logging roads or trails.]

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