
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1781 Session of
2017

INTRODUCED BY F. KELLER, COX, GROVE, MCGINNIS AND MILNE,
SEPTEMBER 12, 2017

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, SEPTEMBER 12, 2017

AN ACT

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

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, is amended by adding a section
13 to read:

14 Section 304.3. (a) Notwithstanding any other provision of
15 law, a person may file a registration with the department
16 regarding the status of an individual who is classified for
17 Federal income tax purposes as an independent contractor of the
18 person.

19 (b) A registration under this section shall include the
20 following:

21 (1) A written waiver by the individual of all benefits under

1 this act from the person.

2 (2) An affidavit by the individual specifying that the
3 individual understands that the individual:

4 (i) is not an employe of the person;

5 (ii) is not entitled to benefits under this act from the
6 person; and

7 (iii) may purchase workers' compensation insurance under
8 this act.

9 (c) The waiver and affidavit under subsection (b) shall be
10 made upon forms prescribed by the department.

11 (d) A person who registers an individual as an independent
12 contractor under this section:

13 (1) shall not be liable to the individual for benefits under
14 this act; and

15 (2) shall not be required to provide insurance coverage or
16 self-insure under this act regarding the individual.

17 (e) A registration regarding an individual as an independent
18 contractor shall be valid for each future year, except that the
19 individual may request that the registration be revoked at any
20 time. The following apply:

21 (1) The request for revocation shall be on a form prescribed
22 by the department.

23 (2) The individual shall file the request for revocation
24 with the department and provide notice by certified mail of the
25 filing of the request with the person who filed the
26 registration.

27 (3) The department shall confirm receipt of the request for
28 revocation with the individual and the person.

29 (4) The revocation shall be effective ten days after the
30 receipt of the request by the department.

1 (f) A person may not offer or provide an incentive,
2 pecuniary or otherwise, for an individual to:

3 (1) complete the waiver and affidavit under subsection (b);
4 or

5 (2) refrain from filing a request for revocation under
6 subsection (e).

7 (g) A person violating subsection (f) shall be subject to
8 the penalties under section 305.

9 (h) As used in this section:

10 (1) "Independent contractor" includes an individual who
11 performs services for a person for valuable consideration but
12 who is not classified as an employe of the person for Federal
13 income tax purposes.

14 (2) "Person" includes a corporation, partnership, limited
15 liability company, business trust, other association, government
16 entity other than the Commonwealth, estate, trust, foundation or
17 individual.

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