AN ACT

Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," in liability and compensation, further defining "injury" and "personal injury"; providing for diseases with long latency periods between occupational exposure and manifestation of the disease; and further providing for liability.

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

Section 1. Section 301(c)(1) of the act of June 2, 1915 (P.L.736, No.338), known as the Workers' Compensation Act, is amended and the section is amended by adding a subsection 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, except as provided under [subsection] subsections (f) and (g), 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, 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 employer, whether upon the employer's
premises or elsewhere, and shall include all injuries caused by
the condition of the premises or by the operation of the
employer's business or affairs thereon, sustained by the
employe, who, though not so engaged, is injured upon the
premises occupied by or under the control of the employer, or
upon which the employer's business or affairs are being carried
on, the employe's presence thereon being required by the nature
of his employment.

* * *

(g) (1) Notwithstanding the limitation under subsection (c)
(2) with respect to disability or death resulting from an
occupational disease having to occur within three hundred weeks
after the last date of employment in an occupation or industry
to which a claimant was exposed to the hazards of disease, claims filed for any disease for which the time period between exposure to the hazard of disease in the workplace and manifestation of disease is greater than three hundred weeks must be filed within three hundred weeks of the date on which a claimant is diagnosed with the disease or the disease is detectable. It shall be a claimant's burden to prove that the disease for which compensation is sought has a latency period of more than three hundred weeks.

(2) This subsection shall not apply to claims filed under section 108(r).

Section 2. Section 303 of the act is amended by adding a clause to read:

Section 303. * * *

(c) This act provides the exclusive remedy for any injury or disease that may arise out of hazardous occupational exposure, whether the disease is compensable as an occupational disease or not.

Section 3. The date of loss for claims filed pursuant to section 301(g) of the act shall be the last date of injurious occupational exposure to the hazard.

Section 4. The provisions of this act shall be applied retroactively to the date on which the last injurious exposure occurred. As a result, any claim filed on or after the effective date of this section may be based on hazardous occupational exposure that occurred prior to the effective date of this section.

Section 5. This act shall take effect immediately.