

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 713

Session of  
1975

INTRODUCED BY MESSRS. PITTS, NOVAK, PETRARCA, A. K. HUTCHINSON,  
VROON, E. H. SMITH, MORRIS, TURNER, RHODES, McCLATCHY,  
MRS. FAWCETT AND MR. HASAY, MARCH 12, 1975

AS AMENDED ON THIRD CONSIDERATION, IN SENATE,  
SEPTEMBER 27, 1976

AN ACT

1 ~~Amending the act of June 2, 1915 (P.L.736, No.338), entitled, as~~ <—  
2 ~~amended, "An act defining the liability of an employer to pay~~  
3 ~~damages for injuries received by an employe in the course of~~  
4 ~~employment; establishing an elective schedule of~~  
5 ~~compensation; providing procedure for the determination of~~  
6 ~~liability and compensation thereunder; and prescribing~~  
7 ~~penalties," MAKING CERTAIN EDITORIAL CHANGES, PROVIDING FOR~~ <—  
8 ~~THE ASSESSMENT OF INSURANCE CARRIERS, SELF INSURERS, AND THE~~  
9 ~~STATE WORKMEN'S INSURANCE FUND, REPEALING AN APPROPRIATION~~  
10 ~~AUTHORIZING THE TEMPORARY TRANSFER OF FUNDS FROM THE GENERAL~~ <—  
11 ~~FUND TO THE WORKMEN'S COMPENSATION SUPPLEMENTAL PAYMENT FUND,~~  
12 ~~AND providing an additional coverage.~~  
13 MAKING AN APPROPRIATION TO THE DEPARTMENT OF LABOR AND INDUSTRY <—  
14 FOR WORKMEN'S COMPENSATION PAYMENT.

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

17 ~~SECTION 1. THE NEXT TO THE LAST PARAGRAPH OF CLAUSE (C) AND~~ <—  
18 ~~CLAUSE (H) OF SECTION 306, ACT OF JUNE 2, 1915 (P.L.736,~~  
19 ~~NO.338), KNOWN AS "THE PENNSYLVANIA WORKMEN'S COMPENSATION ACT,"~~  
20 ~~REENACTED AND AMENDED JUNE 21, 1939 (P.L.520, NO.281), CLAUSE~~  
21 ~~(C) AMENDED AND CLAUSE (H) ADDED DECEMBER 5, 1974 (P.L.782,~~  
22 ~~NO.263), ARE AMENDED, AND A CLAUSE IS CLAUSES ARE ADDED TO READ:~~

SECTION 306. THE FOLLOWING SCHEDULE OF COMPENSATION IS  
HEREBY ESTABLISHED:

\* \* \*

(C) \* \* \*

COMPENSATION UNDER PARAGRAPHS (1) THROUGH (24) OF THIS CLAUSE  
SHALL NOT BE MORE THAN THE MAXIMUM COMPENSATION PAYABLE NOR LESS  
THAN FIFTY PER CENTUM OF THE MAXIMUM COMPENSATION PAYABLE PER  
WEEK [FOR TOTAL DISABILITY AS PROVIDED IN SUBSECTION (A) OF THIS  
SECTION, BUT IN NO EVENT MORE THAN THE STATEWIDE AVERAGE WEEKLY  
WAGE].

\* \* \*

(H) ANY PERSON RECEIVING COMPENSATION UNDER SECTIONS 306(A),  
306(B), 306(C)(23), OR SECTION 307, AS A RESULT OF AN ACCIDENT  
WHICH OCCURRED PRIOR TO THE EFFECTIVE DATE OF THE AMENDATORY ACT  
OF JANUARY 17, 1968 (P.L.6, NO.4) SHALL HAVE [THE] HIS  
COMPENSATION [RATE] ADJUSTED TO [THE LEVEL THEY] THAT WHICH HE  
WOULD HAVE RECEIVED HAD THE INJURY OCCURRED ON THE EFFECTIVE  
DATE OF THE AMENDATORY ACT OF JANUARY 17, 1968 (P.L.6, NO.4) AND  
HAD THE INJURED EMPLOYEE BEEN EARNING WAGES EQUAL TO NINETY  
DOLLARS (\$90) PER WEEK. IN CASES WHERE THE INJURED EMPLOYEE HAD  
BEEN EARNING WAGES GREATER THAN NINETY DOLLARS (\$90) PER WEEK,  
THOSE WAGES SHALL CONTINUE TO BE USED IN THE CALCULATION OF  
COMPENSATION. THE ADDITIONAL COMPENSATION SHALL BE PAID BY THE  
SELF INSURED EMPLOYER OR INSURANCE CARRIER MAKING PAYMENT AND  
SHALL BE REIMBURSED IN ADVANCE BY THE COMMONWEALTH ON A  
QUARTERLY BASIS AS PROVIDED IN RULES AND REGULATIONS OF THE  
DEPARTMENT. THE PAYMENT OF ADDITIONAL COMPENSATION SHALL BE MADE  
BY THE CARRIER OR SELF INSURED EMPLOYER ONLY DURING THOSE FISCAL  
YEARS FOR WHICH [APPROPRIATIONS ARE MADE TO COVER REIMBURSEMENT]  
SUFFICIENT MONEYS ARE AVAILABLE IN THE WORKMEN'S COMPENSATION

~~SUPPLEMENTAL PAYMENT FUND TO COVER THE COST OF SUCH  
REIMBURSEMENT.~~

~~(I) THE WORKMEN'S COMPENSATION SUPPLEMENTAL PAYMENT FUND IS  
HEREBY ESTABLISHED IN THE STATE TREASURY, SEPARATE AND APART  
FROM ALL OTHER PUBLIC MONEYS OR FUNDS OF THIS COMMONWEALTH. THE  
PURPOSE OF THIS FUND SHALL BE TO PROVIDE MONEYS FOR PAYMENTS  
PURSUANT TO SUBSECTION (H). THE DEPARTMENT SHALL BE CHARGED WITH  
THE MAINTENANCE AND CONSERVATION OF THIS FUND. THE FUND SHALL BE  
MAINTAINED BY ANNUAL ASSESSMENTS ON INSURERS AND SELF INSURERS  
UNDER THIS ACT, INCLUDING THE STATE WORKMEN'S INSURANCE FUND.  
THE DEPARTMENT SHALL MAKE ASSESSMENTS AND COLLECT MONEYS  
PURSUANT TO THIS SECTION. THE ASSESSMENT SHALL BE TWO AND FIVE  
TENTHS PER CENTUM OF THE TOTAL COMPENSATION PAID BY EACH  
INSURER, SELF INSURER, AND THE STATE WORKMEN'S INSURANCE FUND IN  
THE CALENDAR YEAR PRECEDING THE YEAR IN WHICH THE ASSESSMENT IS  
MADE: PROVIDED, THAT THE FIRST ASSESSMENT MADE UNDER THIS ACT  
FOR THE FISCAL YEAR COMMENCING JULY 1, 1975 1976 AND ENDING  
SEPTEMBER 30, 1976 JUNE 30, 1977 SHALL BE AT THE RATE OF TWO AND  
EIGHT TENTHS PER CENTUM OF TOTAL COMPENSATION PAID DURING THE  
CALENDAR YEAR 1974 1975. THE DEPARTMENT SHALL GIVE NOTICE TO  
EVERY INSURER AND SELF INSURER UNDER THIS ACT, INCLUDING THE  
STATE WORKMEN'S INSURANCE FUND, OF THE AMOUNT ASSESSED AGAINST  
SUCH INSURER, SELF INSURER, OR THE STATE WORKMEN'S INSURANCE  
FUND ON OR BEFORE JUNE 30 OF THE YEAR FOLLOWING THE YEAR UPON  
WHICH THE ASSESSMENT IS BASED. PAYMENT OF ASSESSMENTS SHALL BE  
MADE TO THE DEPARTMENT WITHIN THIRTY DAYS OF RECEIPT OF NOTICE  
OF THE AMOUNT ASSESSED: PROVIDED, THAT NOTICE OF THE FIRST  
ANNUAL ASSESSMENT UNDER THIS ACT SHALL BE GIVEN TO EVERY INSURER  
AND SELF INSURER UNDER THIS ACT, INCLUDING THE STATE WORKMEN'S  
INSURANCE FUND, WITHIN NINETY DAYS OF THE EFFECTIVE DATE OF THIS~~

1 ~~AMENDING ACT.~~

2 ~~THE FUND SHALL BE SUBJECT TO AUDIT BY THE AUDITOR GENERAL AND~~  
3 ~~A COPY OF THE REPORT OF THE AUDIT FURNISHED TO ASSESSED INSURERS~~  
4 ~~AND SELF INSURERS UPON REQUEST.~~

5 ~~THE SECRETARY OF LABOR AND INDUSTRY SHALL BE THE~~  
6 ~~ADMINISTRATOR OF THE FUND AND SHALL HAVE THE POWER TO DISPENSE~~  
7 ~~AND DISBURSE MONEYS FROM THE FUND FOR THE PURPOSE OF PAYMENTS~~  
8 ~~MADE PURSUANT TO THIS SECTION. ALL MONEYS IN THE FUND AS ARE~~  
9 ~~REQUIRED TO CARRY OUT THE PURPOSES OF THIS SECTION ARE HEREBY~~  
10 ~~SPECIFICALLY APPROPRIATED TO THE DEPARTMENT OF LABOR AND~~  
11 ~~INDUSTRY. THE STATE TREASURER SHALL BE CUSTODIAN OF THE FUND.~~

12 ~~(J) UNTIL SUCH TIME AS A SUFFICIENT CASH BALANCE SHALL EXIST~~ <—  
13 ~~IN THE WORKMEN'S COMPENSATION SUPPLEMENTAL PAYMENT FUND TO MEET~~  
14 ~~PROMPTLY THE EXPENSES OF THE COMMONWEALTH PAYABLE FROM SUCH~~  
15 ~~FUND, THE STATE TREASURER IS HEREBY AUTHORIZED AND DIRECTED,~~  
16 ~~FROM TIME TO TIME, TO TRANSFER TO THE WORKMEN'S COMPENSATION~~  
17 ~~SUPPLEMENTAL PAYMENT FUND IF THE SAME BE DEFICIENT, FROM THE~~  
18 ~~GENERAL FUND, SUCH SUMS AS THE GOVERNOR SHALL DIRECT. ANY SUMS~~  
19 ~~SO TRANSFERRED SHALL BE AVAILABLE FOR THE PURPOSES FOR WHICH THE~~  
20 ~~FUND TO WHICH THEY ARE TRANSFERRED IS APPROPRIATED BY LAW. SUCH~~  
21 ~~TRANSFERS SHALL BE MADE HEREUNDER UPON WARRANT OF THE STATE~~  
22 ~~TREASURER UPON REQUISITION OF THE GOVERNOR.~~

23 ~~IN ORDER TO REIMBURSE THE GENERAL FUND FOR SUCH TRANSFERS, AN~~  
24 ~~AMOUNT EQUAL TO THAT TRANSFERRED FROM THE GENERAL FUND DURING~~  
25 ~~ANY FISCAL PERIOD SHALL BE RETRANSFERRED TO THE GENERAL FUND~~  
26 ~~FROM THE WORKMEN'S COMPENSATION SUPPLEMENTAL PAYMENT FUND IN~~  
27 ~~SUCH AMOUNTS AND AT SUCH TIMES AS THE GOVERNOR SHALL DIRECT, BUT~~  
28 ~~IN NO EVENT LATER THAN THIRTY DAYS AFTER THE END OF SUCH FISCAL~~  
29 ~~PERIOD. SUCH TRANSFERS SHALL BE MADE HEREUNDER UPON WARRANT OF~~  
30 ~~THE STATE TREASURER UPON REQUISITION OF THE GOVERNOR.~~

~~THE MONIES IN THE GENERAL FUND AND IN THE WORKMEN'S  
COMPENSATION SUPPLEMENTAL PAYMENT FUND ARE HEREBY SPECIFICALLY  
APPROPRIATED FOR TRANSFER FROM TIME TO TIME AS PROVIDED FOR IN  
THIS ACT.~~

~~Section 1. 2. Section 601, act of June 2, 1915 (P.L.736,  
No.338), known as "The Pennsylvania Workmen's Compensation Act,"  
OF THE ACT, added December 5, 1974 (P.L.782, No.263), is amended <—  
to read:~~

~~Section 601. In addition to those persons included within  
the definition of the word "employee" as defined in section 104  
of this act, there shall be included all members of volunteer  
ambulance corps, volunteer rescue and life saving squads,  
volunteer fire companies or volunteer fire departments of the  
various cities, boroughs, incorporated towns, and townships, who  
shall be and are hereby declared to be "employees" of such  
cities, boroughs, incorporated towns, townships, for all the  
purposes of this act, and shall be entitled to receive  
compensation in case of injuries received while actually engaged  
as ambulance corpsmen, rescue and life saving service squad  
members or firemen or while going to or returning from any fire  
which the fire companies or ambulance corps or rescue and life  
saving squad or fire department of which they are members shall  
have attended, or while participating in instruction fire,  
rescue and life saving or ambulance drills in which the fire  
company, rescue and life saving squad, or ambulance corps of  
which they are members shall have participated, or while  
repairing or doing other work about or on the fire, rescue and  
life saving or ambulance apparatus or buildings and grounds of  
such fire company upon the authorization of the chief, squad  
leader or corps president or other person in charge, or while~~

1 ~~answering any emergency call for any purpose, or while riding~~  
2 ~~upon the fire, rescue and life saving or ambulance apparatus~~  
3 ~~owned or used by the fire companies, rescue and life saving~~  
4 ~~squads, or ambulance corps of which they are members, at any~~  
5 ~~time, or while performing any other duties of such ambulance~~  
6 ~~corps, rescue and life saving squads, companies or fire~~  
7 ~~department authorized by such cities, boroughs, incorporated~~  
8 ~~towns and townships, or while performing duties imposed by~~  
9 ~~section 15 of the act, approved April 27, 1927 (P.L.465,~~  
10 ~~No.299), entitled, as amended, "An act to provide for the safety~~  
11 ~~of persons employed, housed, or assembled in certain buildings~~  
12 ~~and structures not in cities of the first class, second class,~~  
13 ~~and second class A, by requiring certain construction and ways~~  
14 ~~of egress, equipment, and maintenance; providing for the~~  
15 ~~licensing of projectionists, except in cities of the first class~~  
16 ~~and second class; requiring the submission of plans for~~  
17 ~~examination and approval; providing for the promulgation of~~  
18 ~~rules and regulations for the enforcement of this act; providing~~  
19 ~~for the enforcement of this act by the Department of Labor and~~  
20 ~~Industry and, in certain cases, by the chiefs of fire~~  
21 ~~departments in cities of the third class; providing penalties~~  
22 ~~for violations of the provisions of this act; and repealing~~  
23 ~~certain acts," as amended; and there shall be included all~~  
24 ~~individuals who extinguish forest fires and are entitled to~~  
25 ~~compensation therefor, as determined by authorized officers of~~  
26 ~~the Department of Environmental Resources, and such individuals~~  
27 ~~are hereby declared to be "forest fire fighters" and "employees"~~  
28 ~~of the department for all the purposes of this act, and shall be~~  
29 ~~entitled to receive compensation in case of injuries received~~  
30 ~~while actually engaged in extinguishing forest fires or while~~

~~going to or returning from forest fires or while performing any other duties in connection with extinguishing forest fires authorized or ratified by the department's officers.~~

~~In all cases where an injury compensable under the provisions of this act is received by a member of a volunteer ambulance corps, volunteer rescue and life saving squad, volunteer fire company, or volunteer fire department or by a forest fire fighter of the department whether employed, self-employed, or unemployed, there is an irrebuttable presumption that his wages shall be at least equal to the Statewide average weekly wage for the purposes of computing his compensation under sections 306 and 307 of this act.~~

~~SECTION 3. SECTION 18, ACT OF DECEMBER 5, 1974 (P.L.782, NO.263), ENTITLED "AN ACT AMENDING THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), ENTITLED, AS AMENDED, 'AN ACT DEFINING THE LIABILITY OF AN EMPLOYER TO PAY DAMAGES FOR INJURIES RECEIVED BY AN EMPLOYEE IN THE COURSE OF EMPLOYMENT; ESTABLISHING AN ELECTIVE SCHEDULE OF COMPENSATION; PROVIDING PROCEDURE FOR THE DETERMINATION OF LIABILITY AND COMPENSATION THEREUNDER; AND PRESCRIBING PENALTIES,' FURTHER DEFINING 'MAXIMUM WEEKLY COMPENSATION PAYABLE' AND 'THE MAXIMUM COMPENSATION PAYABLE PER WEEK'; MAKING THE ACT COMPULSORY AND PROVIDING FOR ACTIONS AT LAW FOR DAMAGES FOR CERTAIN NONCOMPLIANCE; PROVIDING FOR EXTRATERRITORIAL COVERAGE; CHANGING THE WAITING PERIOD AND PAYMENTS IN CONNECTION THEREWITH, COMPUTATION AND DISTRIBUTION OF CERTAIN COMPENSATION AND AGRICULTURAL LABOR COVERAGE; AND INCORPORATING CERTAIN EXISTING COVERAGES WITH CHANGES AS TO COMPUTATION OF COMPENSATION THEREUNDER," IS REPEALED.~~

~~Section 2. 4. 3. This act shall take effect immediately.~~

~~SECTION 1. THE SUM OF \$2,350,000, OR AS MUCH THEREOF AS MAY~~

1 BE NECESSARY, IS HEREBY APPROPRIATED TO THE DEPARTMENT OF LABOR  
2 AND INDUSTRY FOR THE FISCAL YEAR JULY 1, 1976 TO JUNE 30, 1977  
3 TO CARRY OUT THE PROVISIONS OF SECTION 306(H) OF THE ACT OF JUNE  
4 2, 1915 (P.L.736, NO.338), KNOWN AS "THE PENNSYLVANIA WORKMEN'S  
5 COMPENSATION ACT."

6 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.