

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2220 Session of
1978

INTRODUCED BY WISE, HARPER, IRVIS, MANDERINO, REED, FLAHERTY,
DAVIES, GLEESON, J. L. WRIGHT JR., MEBUS, BROWN, HOFFEL,
KUKOVICH, COLE, RHODES, ITKIN, HASKELL, MILANOVICH, COHEN,
O'DONNELL, SWEET, ZEARFOSS, LEVIN, HONAMAN, E. Z. TAYLOR,
PICCOLA, SCIRICA, COWELL, WILSON, M. H. GEORGE, GILLETTE,
KERNICK, POTT, RICHARDSON AND WHITE, APRIL 3, 1978

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 1978

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," to provide for equal rights between widows and
8 widowers.

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

11 Section 1. Section 101, act of June 2, 1915 (P.L.736,
12 No.338), known as "The Pennsylvania Workmen's Compensation Act,"
13 reenacted and amended June 21, 1939 (P.L.520, No.281) and
14 amended December 5, 1974 (P.L.782, No.263), is amended to read:

15 Section 101. That this act shall be called and cited as The
16 Pennsylvania [Workmen's] Worker's Compensation Act, and shall
17 apply to all injuries occurring within this Commonwealth,
18 irrespective of the place where the contract of hiring was made,
19 renewed, or extended, and extraterritorially as provided by

1 section 305.2.

2 Section 2. The second paragraph of section 307 of the act,
3 amended December 5, 1974 (P.L.782, No.263), is amended to read:

4 Section 307. * * *

5 Compensation shall be payable under this section to or on
6 account of any child, brother, or sister, only if and while such
7 child, brother, or sister, is under the age of eighteen unless
8 such child, brother or sister is dependent because of disability
9 when compensation shall continue or be paid during such
10 disability of a child, brother or sister over eighteen years of
11 age or unless such child is enrolled as a full-time student in
12 any accredited educational institution when compensation shall
13 continue until such student becomes twenty-three. No
14 compensation shall be payable under this section to a [widow]
15 surviving spouse, unless [she] he was living with [her] his
16 deceased [husband] spouse at the time of his death, or was then
17 actually dependent upon [him] the deceased spouse and receiving
18 from [him] such deceased spouse a substantial portion of [her]
19 his support. [No compensation shall be payable under this
20 section to a widower, unless he be incapable of self-support at
21 the time of his wife's death and be at such time dependent upon
22 her for support.] If members of decedent's household at the time
23 of his death, the terms "child" and "children" shall include
24 step-children, adopted children and children to whom he stood in
25 loco parentis, and shall include posthumous children. Should any
26 dependent or surviving spouse of a deceased employee die or
27 remarry, [or should the widower become capable of self-support,]
28 the right of such dependent [or widower] or surviving spouse to
29 compensation under this section shall cease except that if a
30 [widow] surviving spouse remarries, [she] he shall receive one

1 hundred four weeks compensation at a rate computed in accordance
2 with clause 2. of section 307 in a lump sum after which
3 compensation shall cease: Provided, however, That if, upon
4 investigation and hearing, it shall be ascertained that the
5 widow or widower is living with a man or woman, as the case may
6 be, in meretricious relationship and not married, [or the widow
7 living a life of prostitution,] the board may order the
8 termination of compensation payable to such widow or widower. If
9 the compensation payable under this section to any person shall,
10 for any cause, cease, the compensation to the remaining persons
11 entitled thereunder shall thereafter be the same as would have
12 been payable to them had they been the only persons entitled to
13 compensation at the time of the death of the deceased.

14 * * *

15 Section 3. Section 310 of the act is repealed.

16 Section 4. This act shall take effect in 60 days.