

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 154

Session of
1979

INTRODUCED BY C. GEORGE, MUSTO, DUFFY, FEE, SHUPNIK, WARGO,
McCALL, DOMBROWSKI, BELOFF, TRELLO, SEVENTY, B. F. O'BRIEN,
GOODMAN, ZITTERMAN, GRAY, WACHOB, STUBAN, CALTAGIRONE,
KUKOVICH, KERNICK, MICHLOVIC, PISTELLA AND McMONAGLE,
FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 1979

AN ACT

1 Amending the act of June 21, 1939 (P.L.566, No.284), entitled
2 "An act defining the liability of an employer to pay damages
3 for occupational disease contracted by an employe arising out
4 of and in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder;
7 imposing duties on the Department of Labor and Industry, the
8 Workmen's Compensation Board, Workmen's Compensation
9 Referees, and deans of medical schools; creating a medical
10 board to determine controverted medical issues; establishing
11 an Occupational Disease Fund in custody of the State
12 Workmen's Insurance Board; imposing upon the Commonwealth a
13 part of the compensation payable for certain occupational
14 diseases; making an appropriation; and prescribing
15 penalties," further providing for the running of certain
16 statutes of limitation applicable to certain benefits.

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

19 Section 1. Section 315, act of June 21, 1939 (P.L.566,
20 No.284), known as "The Pennsylvania Occupational Disease Act,"
21 amended April 4, 1974 (P.L.236, No.55), is amended to read:

22 Section 315. In cases of disability all claims for
23 compensation shall be forever barred, unless, within sixteen

1 months after compensable disability begins, the parties shall
2 have agreed upon the compensation payable under this article, or
3 unless, within sixteen months after compensable disability
4 begins, one of the parties shall have filed a petition as
5 provided in article four hereof. Where, however, a person is
6 receiving benefits pursuant to the act of June 28, 1935
7 (P.L.477, No.193), referred to as the Heart and Lung Act, the
8 sixteen-month period in which parties must agree on compensation
9 payable or file a petition for compensation in cases of personal
10 injury or cases of death, shall not begin to run until the
11 expiration of the receipt of benefits pursuant to the Heart and
12 Lung Act. In cases of death all claims for compensation shall be
13 forever barred, unless, within [sixteen months] three years
14 after the death, the parties shall have agreed upon the
15 compensation payable under this article, or unless, within
16 [sixteen months] three years after the death, one of the parties
17 shall have filed a petition as provided in article four hereof.
18 Where, however, payments of compensation have been made in any
19 case, said limitations shall not take effect until the
20 expiration of sixteen months from the time of the making of the
21 most recent payment made prior to the date of filing such
22 petition.

23 In cases of total disability from silicosis, anthraco-
24 silicosis, coal worker's pneumoconiosis, and asbestosis where
25 the claim is allowed, compensation shall be payable and commence
26 as of the date the claim is filed.

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