
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1298 Session of
1981

INTRODUCED BY GLADECK, MADIGAN, SIRIANNI, LEWIS, MACKOWSKI,
JACKSON, MERRY, DAIKELER AND NOYE, APRIL 27, 1981

REFERRED TO COMMITTEE ON LABOR RELATIONS, APRIL 27, 1981

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," further providing for a limitation on the fees of
8 expert witnesses and for payment of stenographic fees.

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

11 Section 1. Section 440, 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 added
14 February 8, 1972 (P.L.25, No.12), is amended to read:

15 Section 440. In any contested case where the insurer has
16 contested liability in whole or in part, the employe or his
17 dependent, as the case may be, in whose favor the matter at
18 issue has been finally determined shall be awarded, in addition
19 to the award for compensation, a reasonable sum for costs
20 incurred for attorney's fee, expert witnesses, necessary medical

1 examination, and the value of unreimbursed lost time to attend
2 the proceedings: Provided, That cost for attorney fees may be
3 excluded when a reasonable basis for the contest has been
4 established: And provided further That if the insurer has paid
5 or tendered payment of compensation and the controversy relates
6 to the amount of compensation due, costs for attorney's fee
7 shall be based only on the difference between the final award of
8 compensation and the compensation paid or tendered by the
9 insurer. The costs awarded as expert witness fees shall in no
10 case exceed the sum of one hundred dollars. Stenographic fees or
11 charges shall not be awarded as a cost; however, the referee to
12 whom a case has been assigned shall be required to provide to
13 the employer or to the employe or his dependent, upon written
14 request a true and completed copy of the record of the hearings
15 conducted. The employer or employe or dependent to whom a copy
16 of the record has been provided shall be required to reimburse
17 the department for the record as provided at a cost not to
18 exceed ten cents per page.

19 In contested cases involving petitions to terminate,
20 reinstate, increase, reduce or otherwise modify compensation
21 awards, agreements or other payment arrangements or to set aside
22 final receipts, where the contested issue, in whole or part, is
23 resolved in favor of the claimant, the claimant shall be
24 entitled to an award of reasonable costs as hereinabove set
25 forth.

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