

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 683

Session of  
1985

INTRODUCED BY BOWSER, DISTLER, FARGO, DeWEESE, E. Z. TAYLOR,  
SCHEETZ, PITTS, HERSHEY, PRATT, TIGUE, ACOSTA, STAIRS, GEIST,  
PRESSMANN, HASAY, TRELLO AND BARLEY, MARCH 25, 1985

REFERRED TO COMMITTEE ON LABOR RELATIONS, MARCH 25, 1985

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338) entitled, as  
2 reenacted and amended, "An act defining the liability of an  
3 employer to pay damages for injuries received by an employe  
4 in the course of employment; establishing an elective  
5 schedule of compensation; providing procedure for the  
6 determination of liability and compensation thereunder; and  
7 prescribing penalties," further providing for counsel fees.

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

10 Section 1. Section 442 of the act of June 2, 1915 (P.L.736,  
11 No.338), known as The Pennsylvania Workmen's Compensation Act,  
12 reenacted and amended June 21, 1939 (P.L.520, No.281) and  
13 amended March 29, 1972 (P.L.159, No.61), is amended to read:

14 Section 442. [All counsel fees, agreed upon by claimant and  
15 his attorneys, for services performed in matters before any  
16 referee or the board, whether or not allowed as part of a  
17 judgment, shall be approved by the referee or board as the case  
18 may be, providing the counsel fees do not exceed twenty per  
19 centum of the amount awarded. The official conducting any  
20 hearing, upon cause shown, may allow a reasonable attorney fee

1 exceeding twenty per centum of the amount awarded at the  
2 discretion of the hearing official.] All counsel fees agreed  
3 upon by claimant and his attorneys for services performed in  
4 matters before any referee or the board shall be approved by the  
5 referee or board, as the case may be. Under no circumstance  
6 shall any counsel fee exceed twenty per centum of each periodic  
7 payment to be paid to the claimant as his award of compensation  
8 under this act with no counsel fees to be collected on any  
9 payments made after the expiration of two years from the date of  
10 the award.

11 In cases where the efforts of claimants' counsel produce a  
12 result favorable to the claimant but where no immediate award of  
13 compensation is made such as in cases of termination or  
14 suspension the hearing official shall allow or award reasonable  
15 counsel fees, as agreed upon by claimant and his attorneys,  
16 without regard to any per centum.

17 Section 2. This act shall apply to claim petitions filed on  
18 and after the effective date of this act.

19 Section 3. This act shall take effect in 60 days.