

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2916 Session of
1990

INTRODUCED BY VEON, BELFANTI, KASUNIC, PRESSMANN, COHEN,
McNALLY, PESCI, BLAUM, KUKOVICH, McCALL, KOSINSKI, BILLOW,
MELIO, STABACK, HUGHES, JOSEPHS, TRELLO, LAUGHLIN, PISTELLA,
GIGLIOTTI, LEVDANSKY, DOMBROWSKI, HARPER, RYBAK, FEE, BELARDI
AND FREEMAN, SEPTEMBER 26, 1990

REFERRED TO COMMITTEE ON LABOR RELATIONS, SEPTEMBER 26, 1990

AN ACT

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

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

10 Section 1. Section 301(c) of the act of June 2, 1915
11 (P.L.736, No.338), known as The Pennsylvania Workmen's
12 Compensation Act, reenacted and amended June 21, 1939 (P.L.520,
13 No.281), amended October 17, 1972 (P.L.930, No.223) and December
14 5, 1974 (P.L.782, No.263), is amended to read:

15 Section 301. * * *

16 (c) (1) The terms "injury" and "personal injury," as used
17 in this act, shall be construed to mean an injury to an employe,
18 regardless of his previous physical condition, arising in the
19 course of his employment and related thereto, and such disease

1 or infection as naturally results from the injury or is
2 aggravated, reactivated or accelerated by the injury; and
3 wherever death is mentioned as a cause for compensation under
4 this act, it shall mean only death resulting from such injury
5 and its resultant effects, and occurring within three hundred
6 weeks after the injury. The term "injury arising in the course
7 of his employment," as used in this article, shall not include
8 an injury caused by an act of a third person intended to injure
9 the employe because of reasons personal to him, and not directed
10 against him as an employe or because of his employment; but
11 shall include all other injuries sustained while the employe is
12 actually engaged in the furtherance of the business or affairs
13 of the employer, whether upon the employer's premises or
14 elsewhere, shall include injuries sustained while the employe is
15 engaged in strike activity at or in the vicinity of the
16 employer's premises, and shall include all injuries caused by
17 the condition of the premises or by the operation of the
18 employer's business or affairs thereon, sustained by the
19 employe, who, though not so engaged, is injured upon the
20 premises occupied by or under the control of the employer, or
21 upon which the employer's business or affairs are being carried
22 on, the employe's presence thereon being required by the nature
23 of his employment.

24 (2) The terms "injury," "personal injury," and "injury
25 arising in the course of his employment," as used in this act,
26 shall include, unless the context clearly requires otherwise,
27 occupational disease as defined in section 108 of this act:
28 Provided, That whenever occupational disease is the basis for
29 compensation, for disability or death under this act, it shall
30 apply only to disability or death resulting from such disease

1 and occurring within three hundred weeks after the last date of
2 employment in an occupation or industry to which he was exposed
3 to hazards of such disease: And provided further, That if the
4 employe's compensable disability has occurred within such
5 period, his subsequent death as a result of the disease shall
6 likewise be compensable. The provisions of this paragraph (2)
7 shall apply only with respect to the disability or death of an
8 employe which results in whole or in part from the employe's
9 exposure to the hazard of occupational disease after June 30,
10 1973 in employment covered by The Pennsylvania Workmen's
11 Compensation Act. The employer liable for compensation provided
12 by section 305.1 or section 108, subsections (k), (l), (m), (o),
13 (p) or (q), shall be the employer in whose employment the
14 employe was last exposed for a period of not less than one year
15 to the hazard of the occupational disease claimed. In the event
16 the employe did not work in an exposure at least one year for
17 any employer during the three hundred week period prior to
18 disability or death, the employer liable for the compensation
19 shall be that employer giving the longest period of employment
20 in which the employe was exposed to the hazards of the disease
21 claimed.

22 * * *

23 Section 2. This act shall take effect immediately.