

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL**No. 864** Session of
1993

INTRODUCED BY MELLOW, MADIGAN, REIBMAN, SALVATORE, O'PAKE,
MUSTO, HART AND WILLIAMS, MARCH 31, 1993

AS AMENDED ON THIRD CONSIDERATION, MAY 5, 1993

AN ACT

1 Providing for a cause of action for damages resulting from
2 violations of unemployment compensation and workmen's
3 compensation laws by bidders on construction contracts.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Action for damages resulting from violation of
7 unemployment and workmen's compensation laws.

8 (a) General rule.--A person, firm, association or
9 corporation which suffers damages as a result of a competitive
10 bid for a project involving the construction, repair,
11 remodeling, alteration, conversion, modernization, improvement,
12 rehabilitation, replacement or renovation of a building or other
13 structure not being accepted due to another person, firm,
14 association or corporation knowingly violating the provisions of
15 the act of June 2, 1915 (P.L.736, No.338), known as The
16 Pennsylvania Workmen's Compensation Act, or the act of December
17 5, 1936 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the
18 Unemployment Compensation Law, may bring an action against the

1 successful bidder for damages.

2 (b) Employee status.--For purposes of an action brought
3 under this section, employee status shall be determined by the
4 applicable provisions of ~~the Internal Revenue Code of 1986~~ <—
5 ~~(Public Law 99-514, 26 U.S.C. § 1 et seq.)~~. ONE OF THE <—
6 FOLLOWING:

7 (1) THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN AS
8 THE PENNSYLVANIA WORKMEN'S COMPENSATION ACT, IF SUIT IS
9 BROUGHT UNDER THE PROVISIONS OF THAT ACT.

10 (2) THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937
11 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW,
12 IF SUIT IS BROUGHT UNDER THE PROVISIONS OF THAT ACT.

13 Section 2. Effective date.

14 This act shall take effect in 60 days.