

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 30

Session of  
2005

INTRODUCED BY LEDERER, WATSON, TIGUE, MANN, BELFANTI, TANGRETTI,  
McGEEHAN, DeWEESE, JAMES, DONATUCCI, DALEY, FRANKEL, McCALL,  
CAWLEY, CRUZ, MELIO, PISTELLA, GERGELY, WALKO, REICHLEY,  
KIRKLAND, THOMAS, WASHINGTON, FABRIZIO AND BLACKWELL,  
JANUARY 25, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 25, 2005

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 the payment of  
8 compensation to widows, widowers and children.

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

11 Section 1. Section 307 of the act of June 2, 1915 (P.L.736,  
12 No.338), known as the Workers' Compensation Act, reenacted and  
13 amended June 21, 1939 (P.L.520, No.281) and amended July 2, 1993  
14 (P.L.190, No.44), is amended to read:

15 Section 307. In case of death, compensation shall be  
16 computed on the following basis, and distributed to the  
17 following persons: Provided, That in no case shall the wages of  
18 the deceased be taken to be less than fifty per centum of the  
19 Statewide average weekly wage for purposes of this section:

1 [1.] (1) If there be no widow nor widower entitled to  
2 compensation, compensation shall be paid to the guardian of the  
3 child or children, or, if there be no guardian, to such other  
4 persons as may be designated by the board as hereinafter  
5 provided as follows:

6 (a) If there be one child, thirty-two per centum of wages of  
7 deceased, but not in excess of the Statewide average weekly  
8 wage.

9 (b) If there be two children, forty-two per centum of wages  
10 of deceased, but not in excess of the Statewide average weekly  
11 wage.

12 (c) If there be three children, fifty-two per centum of  
13 wages of deceased, but not in excess of the Statewide average  
14 weekly wage.

15 (d) If there be four children, sixty-two per centum of wages  
16 of deceased, but not in excess of the Statewide average weekly  
17 wage.

18 (e) If there be five children, sixty-four per centum of  
19 wages of deceased, but not in excess of the Statewide average  
20 weekly wage.

21 (f) If there be six or more children, sixty-six and two-  
22 thirds per centum of wages of deceased, but not in excess of the  
23 Statewide average weekly wage.

24 The amounts payable under (b), (c), (d), (e) and (f) of clause  
25 (1) of this section shall be divided equally among the children  
26 if those children are with different guardians.

27 [2.] (2) To the widow or widower, if there be no children,  
28 fifty-one per centum of wages, but not in excess of the  
29 Statewide average weekly wage.

30 [3. To the widow or widower, if there be one child, sixty

1 per centum of wages, but not in excess of the Statewide average  
2 weekly wage.

3 4. To the widow or widower, if there be two children, sixty-  
4 six and two-thirds per centum of wages but not in excess of the  
5 Statewide average weekly wage.

6 4 1/2. To the widow or widower, if there be three or more  
7 children, sixty-six and two thirds per centum of wages, but not  
8 in excess of the Statewide average weekly wage.

9 5.] (3) To the widow or widower who is the guardian of all  
10 of the deceased's children, payment shall be as follows:

11 (a) If there is one child, sixty per centum of wages, but  
12 not in excess of the Statewide average weekly wage.

13 (b) If there are two or more children, sixty-six and two-  
14 thirds per centum of wages, but not in excess of the Statewide  
15 average weekly wage.

16 (4) If there is a widow or widower who is not the guardian  
17 of all of the deceased's children, the widow or widower and to  
18 the respective guardians as follows:

19 (a) If there is one child, a total of sixty per centum of  
20 wages, but not in excess of the Statewide average weekly wage,  
21 to be divided equally between the widow or widower and the  
22 child.

23 (b) If there are two or more children, a total of sixty-six  
24 and two-thirds per centum of wages, but not in excess of the  
25 Statewide average weekly wage, to be divided as follows: thirty-  
26 three and one-third per centum to the widow or widower and the  
27 remainder to be divided equally among the children.

28 (5) If there be neither widow, widower, nor children  
29 entitled to compensation, then to the father or mother, if  
30 dependent to any extent upon the employe at the time of the

1 injury, thirty-two per centum of wages but not in excess of the  
2 Statewide average weekly wage: Provided, however, That in the  
3 case of a minor child who has been contributing to his parents,  
4 the dependency of said parents shall be presumed: And provided  
5 further, That if the father or mother was totally dependent upon  
6 the deceased employe at the time of the injury, the compensation  
7 payable to such father or mother shall be fifty-two per centum  
8 of wages, but not in excess of the Statewide average weekly  
9 wage.

10 [6.] (6) If there be neither widow, widower, children, nor  
11 dependent parent, entitled to compensation, then to the brothers  
12 and sisters, if actually dependent upon the decedent for support  
13 at the time of his death, twenty-two per centum of wages for one  
14 brother or sister, and five per centum additional for each  
15 additional brother or sister, with a maximum of thirty-two per  
16 centum of wages of deceased, but not in excess of the Statewide  
17 average wage, such compensation to be paid to their guardian, or  
18 if there be no guardian, to such other person as may be  
19 designated by the board, as hereinafter provided.

20 [7.] (7) Whether or not there be dependents as aforesaid,  
21 the reasonable expense of burial, not exceeding three thousand  
22 dollars (\$3,000), which shall be paid by the employer or insurer  
23 directly to the undertaker (without deduction of any amounts  
24 theretofore paid for compensation or for medical expenses).

25 Compensation shall be payable under this section to or on  
26 account of any child, brother, or sister, only if and while such  
27 child, brother, or sister, is under the age of eighteen unless  
28 such child, brother or sister is dependent because of disability  
29 when compensation shall continue or be paid during such  
30 disability of a child, brother or sister over eighteen years of

1 age or unless such child is enrolled as a full-time student in  
2 any accredited educational institution when compensation shall  
3 continue until such student becomes twenty-three. No  
4 compensation shall be payable under this section to a widow,  
5 unless she was living with her deceased husband at the time of  
6 his death, or was then actually dependent upon him and receiving  
7 from him a substantial portion of her support. No compensation  
8 shall be payable under this section to a widower, unless he be  
9 incapable of self-support at the time of his wife's death and be  
10 at such time dependent upon her for support. If members of  
11 decedent's household at the time of his death, the terms "child"  
12 and "children" shall include step-children, adopted children and  
13 children to whom he stood in loco parentis, and children of the  
14 deceased and shall include posthumous children. Should any  
15 dependent of a deceased employe die or remarry, or should the  
16 widower become capable of self-support, the right of such  
17 dependent or widower to compensation under this section shall  
18 cease except that if a widow remarries, she shall receive one  
19 hundred four weeks compensation at a rate computed in accordance  
20 with clause [2. of section 307] (2) in a lump sum after which  
21 compensation shall cease: Provided, however, That if, upon  
22 investigation and hearing, it shall be ascertained that the  
23 widow or widower is living with a man or woman, as the case may  
24 be, in meretricious relationship and not married, or the widow  
25 living a life of prostitution, the board may order the  
26 termination of compensation payable to such widow or widower. If  
27 the compensation payable under this section to any person shall,  
28 for any cause, cease, the compensation to the remaining persons  
29 entitled thereunder shall thereafter be the same as would have  
30 been payable to them had they been the only persons entitled to

1 compensation at the time of the death of the deceased.

2       The board may, if the best interest of a child or children  
3 shall so require, at any time order and direct the compensation  
4 payable to a child or children, or to a widow or widower on  
5 account of any child or children, to be paid to the guardian of  
6 such child or children, or, if there be no guardian, to such  
7 other person as the board as hereinafter provided may direct. If  
8 there be no guardian or committee of any minor, dependent, or  
9 insane employe, or dependent, on whose account compensation is  
10 payable, the amount payable on account of such minor, dependent,  
11 or insane employe, or dependent may be paid to any surviving  
12 parent, or such other person as the board may order and direct,  
13 and the board may require any person, other than a guardian or  
14 committee, to whom it has directed compensation for a minor,  
15 dependent, or insane employe, or dependent to be paid, to  
16 render, as and when it shall so order, accounts of the receipts  
17 and disbursements of such person, and to file with it a  
18 satisfactory bond in a sum sufficient to secure the proper  
19 application of the moneys received by such person.

20       Section 2. This act shall apply to all claims arising on or  
21 after the effective date of this act.

22       Section 3. This act shall take effect immediately.