

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1108 Session of
1983

INTRODUCED BY GLADECK, PITTS, BURD, E. Z. TAYLOR, JACKSON,
SIRIANNI, NOYE, MADIGAN, MERRY, MACKOWSKI, FREIND, BUNT,
HERSHEY AND SAURMAN, MAY 25, 1983

REFERRED TO COMMITTEE ON LABOR RELATIONS, MAY 25, 1983

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 a connective
8 period for death and occupational disease claims.

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

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

16 Section 301. * * *

17 (c) (1) The terms "injury" and "personal injury," as used
18 in this act, shall be construed to mean an injury to an employe,
19 regardless of his previous physical condition, arising in the
20 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] two
6 hundred weeks after the injury. The term "injury arising in the
7 course of his employment," as used in this article, shall not
8 include an injury caused by an act of a third person intended to
9 injure the employe because of reasons personal to him, and not
10 directed against him as an employe or because of his employment;
11 but shall include all other injuries sustained while the employe
12 is actually engaged in the furtherance of the business or
13 affairs of the employer, whether upon the employer's premises or
14 elsewhere, and shall include all injuries caused by the
15 condition of the premises or by the operation of the employer's
16 business or affairs thereon, sustained by the employe, who,
17 though not so engaged, is injured upon the premises occupied by
18 or under the control of the employer, or upon which the
19 employer's business or affairs are being carried on, the
20 employe's presence thereon being required by the nature of his
21 employment.

22 (2) The terms "injury," "personal injury," and "injury
23 arising in the course of his employment," as used in this act,
24 shall include, unless the context clearly requires otherwise,
25 occupational disease as defined in section 108 of this act:
26 Provided, That whenever occupational disease is the basis for
27 compensation, for disability or death under this act, it shall
28 apply only to disability or death resulting from such disease
29 and occurring within [three] two hundred weeks after the last
30 date of employment in an occupation or industry to which he was

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

20 * * *

21 Section 2. This act shall apply to all claims filed on or
22 after July 1, 1983.

23 Section 3. This act shall take effect immediately.