

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 317

Session of
1981

INTRODUCED BY O'CONNELL, PECORA, SINGEL, MELLOW AND RHOADES,
FEBRUARY 10, 1981

REFERRED TO LABOR AND INDUSTRY, FEBRUARY 10, 1981

AN ACT

1 Amending the act of June 21, 1939 (P.L.566, No.284), entitled
2 "An act defining the liability of an employer to pay damages
3 for occupational disease contracted by an employe arising out
4 of and in the course of employment; establishing an elective
5 schedule of compensation; providing procedure for the
6 determination of liability and compensation thereunder;
7 imposing duties on the Department of Labor and Industry, the
8 Workmen's Compensation Board, Workmen's Compensation
9 Referees, and deans of medical schools; creating a medical
10 board to determine controverted medical issues; establishing
11 an Occupational Disease Fund in custody of the State
12 Workmen's Insurance Board; imposing upon the Commonwealth a
13 part of the compensation payable for certain occupational
14 diseases; making an appropriation; and prescribing
15 penalties," further providing for the application of certain
16 compensation provisions for the benefit of employes disabled
17 as the result of an exposure wholly occurring prior to the
18 date of final enactment of the Occupational Disease Act, and
19 providing for the payment of such claims by the Commonwealth.

20 The General Assembly of the Commonwealth of Pennsylvania

21 hereby enacts as follows:

22 Section 1. Subsection (i) of section 301, act of June 21,
23 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational
24 Disease Act," amended November 28, 1969 (P.L.312, No.134), is
25 amended to read:

26 Section 301. * * *

1 (i) (1) Notwithstanding any other provisions of this act,
2 compensation for silicosis, anthraco-silicosis, coal worker's
3 pneumoconiosis, and asbestosis shall be paid for each month
4 beginning with the month this amending act becomes effective, or
5 beginning with the first month of disability, whichever occurs
6 later, at the rate of seventy-five dollars (\$75) per month, to
7 every employe totally disabled thereby as a result of exposure
8 thereto, who has not theretofore been compensated because his
9 claim was barred by any of the time limitations prescribed by
10 this act, and shall continue during the period of such total
11 disability. No compensation under this section shall be paid to
12 any employe who has not been exposed to a silica, coal, or
13 asbestos hazard within the Commonwealth of Pennsylvania for a
14 period of two years. Subsequent to the effective date of this
15 amending act of 1969, it shall be necessary to be a resident of
16 Pennsylvania in order to qualify for compensation, but not to
17 continue receiving the same after qualification. All such
18 compensation to those whose last exposure precedes the effective
19 date of this amending act shall be paid by the Commonwealth.
20 Employes whose last exposure follows the effective date of this
21 amending act and who become entitled to the compensation
22 provided by this subsection shall be paid as provided by this
23 act.

24 (2) An application for compensation under this subsection
25 shall not be accepted from any person who, during the preceding
26 six months has been determined to be ineligible hereunder.

27 (3) Every application shall be accompanied by two prints of
28 the same recent photograph of the applicant, and such other
29 proof of identity as the board shall require. One of the prints
30 shall be stamped by the board and returned to the applicant, who

1 shall deliver it to the physician at the time of examination.
2 The physician shall attach the print to his report to the board.
3 (4) Compensation under this subsection shall be paid to any
4 employee whose total disability arises from an exposure to a
5 silica, coal or asbestos hazard within the Commonwealth where
6 such exposure occurred wholly before June 21, 1939. All payments
7 of any claims for disability arising from such exposure shall be
8 made by the Commonwealth.

9 * * *

10 Section 2. This act shall take effect immediately and shall
11 be retroactive to January 1, 1977.