

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2636 Session of
1990

INTRODUCED BY SCHEETZ, D. F. CLARK, MORRIS, RUDY, VROON, SEMMEL,
JOHNSON, SCHULER, FLEAGLE, FAIRCHILD, NOYE, BARLEY, ADOLPH,
FARGO, HERSHEY, JACKSON, ALLEN, BILLOW, CIVERA, TRELLO, BUSH,
MOEHLMANN, MERRY, KENNEY, BURD, SAURMAN, STAIRS, D. W. SNYDER
AND CARLSON, JUNE 4, 1990

REFERRED TO COMMITTEE ON LABOR RELATIONS, JUNE 4, 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 workers' compensation coverage.

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

10 Section 1. Section 302 of the act of June 2, 1915 (P.L.736,
11 No.338), known as The Pennsylvania Workmen's Compensation Act,
12 reenacted and amended June 21, 1939 (P.L.520, No.281) and
13 amended December 5, 1974 (P.L.782, No.263), is amended to read:

14 Section 302. (a) A contractor who subcontracts all or any
15 part of a contract and his insurer shall be liable for the
16 payment of compensation to the employes of the subcontractor
17 unless the subcontractor primarily liable for the payment of
18 such compensation has secured its payment as provided for in
19 this act. Any contractor or his insurer who shall become liable

1 hereunder for such compensation may recover the amount thereof
2 paid and any necessary expenses from the subcontractor primarily
3 liable therefor.

4 For purposes of this subsection, a person who contracts with
5 another (1) to have work performed consisting of (i) the
6 removal, excavation or drilling of soil, rock or minerals, or
7 (ii) the cutting or removal of timber from lands, or (2) to have
8 work performed of a kind which is a regular or recurrent part of
9 the business, occupation, profession or trade of such person
10 shall be deemed a contractor, and such other person a
11 subcontractor. This subsection shall not apply, however, to an
12 owner or lessee of land principally used for agriculture who is
13 not a covered employer under this act and who contracts for the
14 removal of timber from such land.

15 (b) Any employer who permits the entry upon premises
16 occupied by him or under his control of a laborer or an
17 assistant hired by an employe or contractor, for the performance
18 upon such premises of a part of such employer's regular business
19 entrusted to that employe or contractor, shall be liable for the
20 payment of compensation to such laborer or assistant unless such
21 hiring employe or contractor, if primarily liable for the
22 payment of such compensation, has secured the payment thereof as
23 provided for in this act. Any employer or his insurer who shall
24 become liable hereunder for such compensation may recover the
25 amount thereof paid and any necessary expenses from another
26 person if the latter is primarily liable therefor.

27 For purposes of this subsection (b), the term "contractor"
28 shall have the meaning ascribed in section 105 of this act.

29 (c) Any employer employing persons in agricultural labor
30 shall be required to provide workmen's compensation coverage for

1 such employes according to the provisions of this act, if such
2 employer is otherwise covered by the provisions of this act or
3 if during the calendar year such employer pays wages to one
4 employe for agricultural labor totalling [one hundred fifty
5 dollars (\$150)] seven hundred fifty dollars (\$750) or more or
6 furnishes employment to one employe in agricultural labor on
7 twenty or more days in any of which events the employer shall be
8 required to provide coverage for all employes.

9 Section 2. This act shall take effect in 60 days.