

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 327 Session of
1991

INTRODUCED BY NAHILL, MICHLOVIC, FARGO, GEIST, PESCI, TRELLO,
HESS AND FLICK, FEBRUARY 6, 1991

REFERRED TO COMMITTEE ON LABOR RELATIONS, FEBRUARY 6, 1991

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," providing an exception from coverage
8 under certain circumstances.

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

11 Section 1. The act of June 2, 1915 (P.L.736, No.338), known
12 as The Pennsylvania Workmen's Compensation Act, reenacted and
13 amended June 21, 1939 (P.L.520, No.281), is amended by adding a
14 section to read:

15 Section 304.3. (a) Notwithstanding any other provision of
16 the act, a sole proprietorship or corporation which has a single
17 employe who is also the owner of the sole proprietorship or
18 principal shareholder of the corporation, as the case may be,
19 may file an application with the department to be excepted from
20 the provisions of the act in respect to the single employe. The

1 application shall include a written waiver by the employe of all
2 benefits under the act and an affidavit by the employe that he
3 is the owner of the sole proprietorship or principal shareholder
4 of the corporation, as the case may be.

5 (b) The waiver and affidavit required by clause (a) shall be
6 made upon a form to be provided by the department.

7 (c) The application shall be granted if the department finds
8 that the criteria of clause (a) have been met.

9 (d) An exception granted under this section shall be valid
10 for all future years unless the sole proprietorship or
11 corporation ceases to meet the requirements of clause (a).

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