

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 731 Session of
2001

INTRODUCED BY MAITLAND, EGOLF, ALLEN, BASTIAN, CLYMER,
FAIRCHILD, HALUSKA, HENNESSEY, HESS, HORSEY, R. MILLER,
NICKOL, ROSS, RUBLEY, SAYLOR, STERN, E. Z. TAYLOR, WILT AND
DALEY, FEBRUARY 14, 2001

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, APRIL 29, 2002

AN ACT

1 Amending the act of December 5, 1936 (2nd Sp.Sess., 1937
2 P.L.2897, No.1), entitled "An act establishing a system of
3 unemployment compensation to be administered by the
4 Department of Labor and Industry and its existing and newly
5 created agencies with personnel (with certain exceptions)
6 selected on a civil service basis; requiring employers to
7 keep records and make reports, and certain employers to pay
8 contributions based on payrolls to provide moneys for the
9 payment of compensation to certain unemployed persons;
10 providing procedure and administrative details for the
11 determination, payment and collection of such contributions
12 and the payment of such compensation; providing for
13 cooperation with the Federal Government and its agencies;
14 creating certain special funds in the custody of the State
15 Treasurer; and prescribing penalties," further providing for
16 false statements and representations, for violation of the
17 act and rules and regulations and for penalties.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 801 of the act of December 5, 1936 (2nd
21 Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment
22 Compensation Law, amended June 22, 1964 (Sp.Sess., P.L.112,
23 No.7), is amended to read:

24 Section 801. False Statements and Representations to Obtain

1 or Increase Compensation.--(a) Whoever makes a false statement
2 or representation knowing it to be false, or knowingly fails to
3 disclose a material fact to obtain or increase any compensation
4 or other payment under this act or under an employment security
5 law of any other state or of the Federal Government or of a
6 foreign government, either for himself or for any other person,
7 shall upon conviction thereof in a summary proceeding, be
8 sentenced to pay a fine of not less than [thirty nor more than
9 two hundred] one hundred dollars nor more than one thousand
10 dollars, or shall be sentenced to imprisonment for not longer
11 than thirty days, or both, and each such false statement or
12 representation or failure to disclose a material fact shall
13 constitute a separate offense. IN ADDITION TO ANY OTHER <—
14 SANCTION, AN INDIVIDUAL CONVICTED UNDER THIS SUBSECTION SHALL BE
15 ORDERED TO MAKE RESTITUTION OF THE COMPENSATION TO WHICH THE
16 INDIVIDUAL WAS NOT ENTITLED AND OF INTEREST ON THAT COMPENSATION
17 FROM THE DATE OF RECEIPT THROUGH THE DATE OF PAYMENT.

18 (b) Whoever makes a false statement knowing it to be false,
19 or knowingly fails to disclose a material fact to obtain or
20 increase any compensation or other payment under this act or
21 under an employment security law of any other state or of the
22 Federal Government or of a foreign government, may be
23 disqualified in addition to such week or weeks of improper
24 payments for a penalty period of two weeks and for not more than
25 one additional week for each such week of improper payment:
26 Provided, That no additional weeks of disqualification shall be
27 imposed under this section if prosecution proceedings have been
28 instituted against the claimant because of such
29 misrepresentation or non-disclosure. The departmental
30 determination imposing penalty weeks under the provisions of

1 this subsection shall be subject to appeal in the manner
2 provided in this act for appeals from determinations of
3 compensation. The penalty weeks herein provided for shall be
4 imposed against any weeks with respect to which the claimant
5 would otherwise be eligible for compensation, under the
6 provisions of this act, which begin within the [two year] four
7 year period following the [departmental determination imposing
8 such penalty weeks] end of the benefit year with respect to
9 which the improper payment or payments occurred.

10 Section 2. Section 802 of the act, amended March 30, 1955
11 (P.L.6, No.5), is amended to read:

12 Section 802. False Statements and Representations to Prevent
13 or Reduce Compensation.--Any employer (whether or not liable for
14 the payment of contributions under this act) or any officer or
15 agent of such employer or any other person who makes a false
16 statement or representation knowing it to be false, or who
17 knowingly fails to disclose a material fact to prevent or reduce
18 the payment of compensation to any employe entitled thereto, or
19 to avoid becoming or remaining subject hereto, or to avoid or
20 reduce any contribution or other payment required from an
21 employer under this act, or who wilfully fails or refuses to
22 make any such contribution or other payment or to furnish any
23 reports required hereunder, or who wilfully fails or refuses to
24 produce or permit the inspection or copying of records as
25 required hereunder, shall, upon conviction thereof in a summary
26 proceeding, be sentenced to pay a fine of not less than [fifty]
27 one hundred dollars nor more than [five] fifteen hundred
28 dollars[, and in default of the payment of such fine and costs
29 shall be sentenced] or to imprisonment for not longer than
30 thirty days, [and each] or both. Each such false statement or

1 representation or failure to disclose a material fact, and each
2 day of such failure or refusal shall constitute a separate
3 offense. IN ADDITION TO ANY OTHER SANCTION, ANY EMPLOYER,
4 OFFICER, AGENT OR OTHER PERSON CONVICTED UNDER THIS SECTION FOR
5 WILLFUL FAILURE OR REFUSAL TO MAKE A PAYMENT SHALL BE ORDERED TO
6 MAKE RESTITUTION OF THE UNPAID AMOUNTS, INCLUDING INTEREST AND
7 PENALTY FROM THE DATE THE PAYMENT WAS DUE THROUGH THE DATE OF
8 PAYMENT.

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9 Section 3. Section 803 of the act is amended to read:

10 Section 803. Violation of Act and Rules and Regulations.--

11 Any person who shall wilfully violate any provision of this act
12 or any rule or regulation thereunder, the violation of which is
13 made unlawful, or the observance of which is required under the
14 terms of this act, and for which a penalty is neither prescribed
15 herein nor provided by any other applicable statute, shall, upon
16 conviction thereof in a summary proceeding, be sentenced to pay
17 a fine of not less than [twenty nor more than two hundred] one
18 hundred dollars nor more than one thousand dollars[, and in
19 default of the payment of such fine and costs shall be
20 sentenced] or to imprisonment for not longer than thirty days,
21 [and each] or both. Each day such violation continues shall be
22 deemed to be a separate offense.

23 Section 4. This act shall take effect in 60 days.