

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 70 Session of  
2005

INTRODUCED BY THOMAS, TANGRETTI, YOUNGBLOOD, BISHOP, WASHINGTON,  
WATERS, MELIO, KIRKLAND, JOSEPHS, JAMES, CURRY, J. TAYLOR,  
DeWEESE, DALEY, RUFFING AND CALTAGIRONE, JANUARY 25, 2005

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 25, 2005

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 exclusive  
8 liability of employer.

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

11 Section 1. Section 303 of the act of June 2, 1915 (P.L.736,  
12 No.338), known as the Workers' Compensation Act, reenacted and  
13 amended June 21, 1939 (P.L.520, No.281) and amended December 5,  
14 1974 (P.L.782, No.263), is amended to read:

15 Section 303. (a) The liability of an employer under this  
16 act shall be exclusive and in place of any and all other  
17 liability to such employes, his legal representative, husband or  
18 wife, parents, dependents, next of kin or anyone otherwise  
19 entitled to damages in any action at law or otherwise on account  
20 of any injury or death as defined in section 301 (c)(1) and (2)

1 or occupational disease as defined in section 108.

2 (b) In the event injury or death to an employe is caused by  
3 a third party, then such employe, his legal representative,  
4 husband or wife, parents, dependents, next of kin, and anyone  
5 otherwise entitled to receive damages by reason thereof, may  
6 bring their action at law against such third party, but the  
7 employer, his insurance carrier, their servants and agents,  
8 employes, representatives acting on their behalf or at their  
9 request shall not be liable to a third party for damages,  
10 contribution, or indemnity in any action at law, or otherwise,  
11 unless:

12 (1) liability for such damages, contributions or indemnity  
13 shall be expressly provided for in a written contract entered  
14 into by the party alleged to be liable prior to the date of the  
15 occurrence which gave rise to the action[.];

16 (2) the death of the employe is caused by a violent attack  
17 committed by the third party and the employer knew or reasonably  
18 should have known that the attack was likely to occur; or

19 (3) the injury to the employe is permanent.

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