

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 664 Session of 2009

INTRODUCED BY DiGIROLAMO, BELFANTI, BAKER, BRENNAN, CIVERA, CLYMER, D. COSTA, CREIGHTON, DRUCKER, EVERETT, GALLOWAY, GEIST, GIBBONS, GINGRICH, HALUSKA, HENNESSEY, HORNAMAN, KIRKLAND, KORTZ, KULA, LONGIETTI, McILVAINE SMITH, MELIO, METZGAR, MILLER, MILNE, MOUL, MYERS, O'NEILL, PALLONE, QUINN, READSHAW, SIPTROTH, K. SMITH, STABACK, STERN, SWANGER, TALLMAN, J. TAYLOR, YOUNGBLOOD, CALTAGIRONE, HOUGHTON AND FARRY, FEBRUARY 27, 2009

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 13, 2010

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 FOR SOLE PROPRIETORS; AND
8 further defining "employe." "EMPLOYE"; AND MAKING A REPEAL.
9 "EMPLOYE."



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

12 Section 1. Section 601(a) of the act of June 2, 1915 (P.L.
13 736, No.338), known as the Workers' Compensation Act, reenacted
14 and amended June 21, 1939 (P.L.520, No.281), is amended by
15 adding a clause to read:



16 SECTION 1. THE ACT OF JUNE 2, 1915 (P.L.736, NO.338), KNOWN
17 AS THE WORKERS' COMPENSATION ACT, REENACTED AND AMENDED JUNE 21,
18 1939 (P.L.520, NO.281), IS AMENDED BY ADDING A SECTION TO READ:



1       SECTION 451. INSURERS, INCLUDING THE STATE WORKERS'  
2 INSURANCE FUND, ARE AUTHORIZED TO PROVIDE, TO SOLE PROPRIETORS,  
3 PARTNERS OF A PARTNERSHIP OR OFFICERS OF A LIMITED LIABILITY  
4 COMPANY, WORKERS' COMPENSATION INSURANCE EQUIVALENT TO THAT  
5 WHICH EMPLOYERS PROVIDE TO EMPLOYES WHICH INSURE THEIR LIABILITY  
6 UNDER ARTICLE III. IN ALL CASES WHERE AN INJURY WHICH IS  
7 COMPENSABLE UNDER THE TERMS OF THIS COVERAGE IS RECEIVED BY A  
8 SOLE PROPRIETOR, PARTNER OR OFFICER, THERE IS A REBUTTABLE  
9 PRESUMPTION THAT HIS WAGES SHALL BE EQUAL TO FIFTY PER CENTUM OF  
10 THE STATEWIDE AVERAGE WEEKLY WAGE FOR THE PURPOSE OF COMPUTING  
11 HIS COMPENSATION UNDER SECTIONS 306 AND 307. COVERAGE UNDER THIS ←  
12 SECTION PROVIDED BY THE STATE WORKERS' INSURANCE FUND SHALL BE  
13 PROVIDED IN ACCORDANCE WITH ARTICLE XV.

14       SECTION 2. SECTION 601(A) OF THE ACT IS AMENDED BY ADDING A  
15 CLAUSE TO READ:

16       Section 601. (a) In addition to those persons included  
17 within the definition of the word "employee" as defined in  
18 section 104, "employee" shall also include:

19       \* \* \*

20       (11) Individuals who:

21       (i) have completed the Community Emergency Response Team  
22 program as outlined by the Federal Emergency Management Agency;

23       (ii) are authorized in writing by a county or municipality  
24 to assist first responders in disaster assistance;

25       (iii) are acting voluntarily in the capacity of assisting  
26 first responders in an emergency or disaster;

27       (iv) are properly dispatched by the municipality or county  
28 to be acting in capacity of assisting first responders;

29       (v) are injured while actively engaged in assisting first  
30 responders or going to or from the emergency or disaster; and

1 (vi) have written acknowledgments, in advance of injury,  
2 from the county or municipality stating that the county or  
3 municipality opts to cover the individuals under this act and  
4 assumes liability for the individuals.

5 \* \* \*

6 ~~SECTION 3. SECTION 1526 OF THE ACT, ADDED JUNE 24, 1996~~ ←  
7 ~~(P.L.350, NO.57), IS REPEALED:~~

8 ~~{SECTION 1526. (A) THE FUND IS AUTHORIZED TO PROVIDE TO~~  
9 ~~SOLE PROPRIETORS OR PARTNERS ENGAGED IN LOGGING OR LOGGING~~  
10 ~~RELATED BUSINESSES COVERAGE EQUIVALENT TO THAT WHICH THE FUND~~  
11 ~~PROVIDES TO EMPLOYERS WHICH INSURE THEIR LIABILITY UNDER ARTICLE~~  
12 ~~III. THIS COVERAGE SHALL BE PROVIDED IN ACCORDANCE WITH THIS~~  
13 ~~ARTICLE. IN ALL CASES WHERE AN INJURY WHICH IS COMPENSABLE UNDER~~  
14 ~~THE TERMS OF THIS COVERAGE IS RECEIVED BY A SOLE PROPRIETOR OR A~~  
15 ~~PARTNER ENGAGED SOLELY IN LOGGING OR LOGGING RELATED BUSINESSES,~~  
16 ~~THERE IS A REBUTTABLE PRESUMPTION THAT HIS WAGES SHALL BE EQUAL~~  
17 ~~TO FIFTY PER CENTUM OF THE STATEWIDE AVERAGE WEEKLY WAGE FOR THE~~  
18 ~~PURPOSE OF COMPUTING HIS COMPENSATION UNDER SECTIONS 306 AND~~  
19 ~~307.~~

20 ~~(B) FOR PURPOSES OF THIS SECTION, "LOGGING" OR "LOGGING~~  
21 ~~RELATED BUSINESS" MEANS THE CUTTING OF TREES, ANY SKIDDING~~  
22 ~~ACTIVITY AND THE TRANSPORTATION OF LOGS OR RAW LUMBER, INCLUDING~~  
23 ~~THE CONSTRUCTION, OPERATION, MAINTENANCE AND EXTENSION OF~~  
24 ~~LOGGING ROADS OR TRAILS.}~~

25 Section ~~2 4~~ 3. This act shall take effect ~~in 60 days.~~ AS ←  
26 FOLLOWS:

27 (1) THE AMENDMENT OF SECTION 601 OF THE ACT SHALL TAKE  
28 EFFECT IN 60 DAYS.

29 (2) THIS SECTION AND THE REMAINDER OF THIS ACT SHALL  
30 TAKE EFFECT IMMEDIATELY.