

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 876 Session of 2015

INTRODUCED BY GORDNER, BAKER, EICHELBERGER, RAFFERTY, FOLMER, VULAKOVICH AND MENSCH, JUNE 8, 2015

SENATOR BAKER, LABOR AND INDUSTRY, AS AMENDED, MAY 10, 2016

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," in liability and compensation,
8 further providing for injuries outside this Commonwealth; IN <--
9 PROCEDURE, FURTHER PROVIDING FOR THE WORKMEN'S COMPENSATION
10 ADMINISTRATION FUND; AND, in the Uninsured Employers Guaranty
11 Fund, further providing for definitions, for fund, for
12 claims, for claim petition, for administration and for
13 assessments and transfers; and providing for uninsured
14 employer obligations and, for administrative penalties and <--
15 stop-work orders AND FOR ANNUAL REPORTS TO GENERAL ASSEMBLY. <--

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. Section 305.2(c) of the act of June 2, 1915
19 (P.L.736, No.338), known as the Workers' Compensation Act,
20 reenacted and amended June 21, 1939 (P.L.520, No.281) and added
21 December 5, 1974 (P.L.782, No.263), is amended and the section
22 is amended by adding a subsection to read:

23 Section 305.2. \* \* \*

24 (c) If an employe is entitled to the benefits of this act by

1 reason of an injury sustained in this State in employment by an  
2 employer who is domiciled in another state and who has not  
3 secured the payment of compensation as required by this act, the  
4 [employer or his carrier may file with the director a  
5 certificate, issued by] department may verify with the  
6 commission or agency of such other state having jurisdiction  
7 over [workmen's] workers' compensation claims[, certifying] that  
8 such employer has secured the payment of compensation under the  
9 [workmen's] workers' compensation law of such other state and  
10 that with respect to said injury such employe is entitled to the  
11 benefits provided under such law.

12 [In such event:

13 (1) The filing of such certificate shall constitute an  
14 appointment by such employer or his carrier of the Secretary of  
15 Labor and Industry as his agent for acceptance of the service of  
16 process in any proceeding brought by such employe or his  
17 dependents to enforce his or their rights under this act on  
18 account of such injury;

19 (2) The secretary shall send to such employer or carrier, by  
20 registered or certified mail to the address shown on such  
21 certificate, a true copy of any notice of claim or other process  
22 served on the secretary by the employe or his dependents in any  
23 proceeding brought to enforce his or their rights under this  
24 act;]

25 (3) The following shall apply:

26 (i) If such employer is a qualified self-insurer under the  
27 [workmen's] workers' compensation law of such other state, such  
28 employer shall[, upon submission of evidence, satisfactory to  
29 the director, of his ability to meet his liability to such  
30 employe under this act,] be deemed, for the purposes of such

1 employee, to be a qualified self-insurer under this act[;].

2 (ii) If such employer's liability under the workmen's  
3 compensation law of such other state is insured, such employer's  
4 carrier, as to such employe or his dependents only, shall be  
5 deemed to be an insurer authorized to write insurance under and  
6 be subject to this act: Provided, however, That unless its  
7 contract with said employer requires it to pay an amount  
8 equivalent to the compensation benefits provided by this act,  
9 its liability for income benefits or medical and related  
10 benefits shall not exceed the amounts of such benefits for which  
11 such insurer would have been liable under the workmen's  
12 compensation law of such other state[;].

13 (4) If the total amount for which such employer's insurance  
14 is liable under clause (3) above is less than the total of the  
15 compensation benefits to which such employe is entitled under  
16 this act, the [secretary] department may, if [he deems it]  
17 necessary, require the employer to file security[, satisfactory  
18 to the secretary, to secure] to guarantee the payment of  
19 benefits due such employe or his dependents under this act[;  
20 and].

21 (5) Upon compliance with the preceding requirements of this  
22 subsection (c), such employer, as to such employe only, shall be  
23 deemed to have secured the payment of compensation under this  
24 act[.], and shall not be an uninsured employer for purposes of  
25 Article XVI.

26 (c.1) If an employe alleges an injury that is incurred with  
27 an employer which is domiciled in another state and which has  
28 not secured the payment of compensation as required by this act,  
29 such employe shall provide to the Uninsured Employers Guaranty  
30 Fund and to any worker's compensation judge hearing a petition

1 against the fund, a written notice, denial, citation of law or  
2 court or administrative ruling from such other state or an  
3 insurer licensed to write insurance in that state as to that  
4 employer, indicating that the employe is not entitled to  
5 workers' compensation benefits in that state. No compensation  
6 shall be payable from the Uninsured Employers Guaranty Fund  
7 until the employe submits the notice, denial, citation or  
8 ruling, however, the employe may file a notice or petition  
9 against the fund under Article XVI of this act prior to the  
10 submission.

11 \* \* \*

12 SECTION 2. SECTION 446(A) AND (B) OF THE ACT, AMENDED JUNE <--  
13 22, 2000 (P.L.390, NO.53) AND JUNE 22, 2001 (P.L.606, NO.49),  
14 ARE AMENDED TO READ:

15 SECTION 446. (A) THERE IS HEREBY CREATED A SPECIAL FUND IN  
16 THE STATE TREASURY, SEPARATE AND APART FROM ALL OTHER PUBLIC  
17 MONEYS OR FUNDS OF THIS COMMONWEALTH, TO BE KNOWN AS THE  
18 WORKMEN'S COMPENSATION ADMINISTRATION FUND.

19 (A.1) THE PURPOSE OF [THIS FUND] THE WORKMEN'S COMPENSATION  
20 ADMINISTRATION FUND SHALL BE TO FINANCE:

21 (1) THE PREFUND ACCOUNT ESTABLISHED IN SECTION 909(A); AND

22 (2) THE OPERATING AND ADMINISTRATIVE EXPENSES OF THE  
23 DEPARTMENT OF LABOR AND INDUSTRY, INCLUDING THE WORKMEN'S  
24 COMPENSATION APPEAL BOARD AND STAFF, BUT NOT THE STATE WORKMEN'S  
25 INSURANCE FUND, IN THE DIRECT ADMINISTRATION OF THE PENNSYLVANIA  
26 WORKMEN'S COMPENSATION ACT AND THE PENNSYLVANIA OCCUPATIONAL  
27 DISEASE ACT [INCLUDING].

28 (A.2) THE OPERATING AND ADMINISTRATIVE EXPENSES IN  
29 SUBSECTION (A.1) (2) SHALL INCLUDE ONLY THE FOLLOWING:

30 (1) WAGES AND SALARIES OF EMPLOYES FOR SERVICES PERFORMED IN

1 THE ADMINISTRATION OF THESE ACTS;

2 (2) REASONABLE TRAVEL EXPENSES FOR EMPLOYEES WHILE ENGAGED IN  
3 OFFICIAL BUSINESS; AND

4 (3) MONEYS EXPENDED FOR OFFICE RENTAL, EQUIPMENT RENTAL,  
5 SUPPLIES, EQUIPMENT, REPAIRS, SERVICES, POSTAGE, BOOKS, AND  
6 PERIODICALS.

7 (B) THE [FUND] WORKMEN'S COMPENSATION ADMINISTRATION FUND  
8 SHALL BE MAINTAINED BY NO MORE THAN ONE (1) ANNUAL ASSESSMENT  
9 PAYABLE IN ANY CALENDAR YEAR ON INSURERS AND SELF-INSURERS UNDER  
10 THIS ACT, INCLUDING THE STATE WORKERS' INSURANCE FUND[. AFTER  
11 THE INITIAL TERM, BUDGETED EXPENSES SHALL BE APPROVED BY THE  
12 GENERAL ASSEMBLY ON A FISCAL YEAR BASIS. THEREAFTER, THE] AS  
13 FOLLOWS:

14 (1) THE DEPARTMENT SHALL [MAKE ASSESSMENTS AND] SUBMIT FOR  
15 APPROVAL TO THE GENERAL ASSEMBLY ON A FISCAL YEAR BASIS A  
16 PROPOSED BUDGET SUFFICIENT TO COVER THE PREFUND ACCOUNT AND  
17 OTHER OPERATING AND ADMINISTRATIVE EXPENSES UNDER SUBSECTION  
18 (A.1). THE TOTAL AMOUNT APPROVED BY THE GENERAL ASSEMBLY SHALL  
19 BE THE APPROVED BUDGET. THE DEPARTMENT SHALL COLLECT MONEYS  
20 BASED ON THE RATIO THAT SUCH INSURER'S OR SELF-INSURER'S  
21 PAYMENTS OF COMPENSATION BEAR TO THE TOTAL COMPENSATION PAID IN  
22 THE PRECEDING CALENDAR YEAR IN WHICH THE ANNUAL ASSESSMENT IS  
23 MADE. [THE TOTAL AMOUNT ASSESSED SHALL BE THE APPROVED BUDGET.]

24 (2) IF ON JANUARY 31, THERE EXISTS IN THE [ADMINISTRATION  
25 FUND] WORKMEN'S COMPENSATION ADMINISTRATION FUND ANY MONEY IN  
26 EXCESS OF ONE HUNDRED [THIRTY-THREE] TWENTY PER CENTUM OF THE  
27 [CURRENT] APPROVED BUDGET, THE FOLLOWING FISCAL YEAR'S  
28 ASSESSMENT SHALL BE REDUCED BY AN AMOUNT EQUAL TO THAT EXCESS  
29 AMOUNT.

30 \* \* \*

1 Section 2 3. Sections 1601, 1602, 1603, 1604 and 1605 of the <--  
2 act, added November 9, 2006 (P.L.1362, No.147), are amended to  
3 read:

4 Section 1601. Definitions.

5 The following words and phrases when used in this article  
6 shall have the meanings given to them in this section unless the  
7 context clearly indicates otherwise:

8 "Compensation." Benefits paid pursuant to sections 306 and  
9 307.

10 "Employer." Any employer as defined in section 103. The term  
11 does not include a person that qualifies as a self-insured  
12 employer under section 305.

13 "Fund." The Uninsured Employers Guaranty Fund established in  
14 section 1602. The fund shall not be considered an insurer and  
15 shall not be subject to penalties, unreasonable contest fees,  
16 interest or any reporting and liability requirements under  
17 section 440.

18 "Policyholder." A holder of a workers' compensation policy  
19 issued by the State Workers' Insurance Fund, or an insurer that  
20 is a domestic, foreign or alien mutual association or stock  
21 company writing workers' compensation insurance on risks which  
22 would be covered by this act.

23 "Secretary." The Secretary of Labor and Industry of the  
24 Commonwealth.

25 Section 1602. Fund.

26 (a) Establishment.--

27 (1) There is established a special fund to be known as  
28 the Uninsured Employers Guaranty Fund.

29 (2) The fund shall be maintained as a separate fund in  
30 the State Treasury subject to the procedures and provisions

1 set forth in this article.

2 (b) Source.--The sources of the fund are:

3 (1) Assessments provided for under section 1607.

4 (2) Reimbursements or restitution.

5 (3) Interest on money in the fund.

6 (4) Administrative penalties provided for under section  
7 1611.

8 (c) Use.--The administrator shall establish and maintain the  
9 fund for the exclusive purpose of paying to any claimant or his  
10 dependents workers' compensation benefits due and payable under  
11 this act and the act of June 21, 1939 (P.L.566, No.284), known  
12 as The Pennsylvania Occupational Disease Act, and any costs  
13 specifically associated therewith where the employer liable for  
14 the payments failed to insure or self-insure its workers'  
15 compensation liability under section 305 at the time the  
16 injuries took place.

17 (d) Administration.--The secretary shall be the  
18 administrator of the fund and shall have the power to collect  
19 money for and disburse money from the fund.

20 (e) Status.--The fund shall have all of the same rights[,  
21 duties, responsibilities and obligations] as an insurer.  
22 Section 1603. Claims.

23 (a) Scope.--This section shall apply to claims for an injury  
24 or a death which occurs on or after the effective date of this  
25 article.

26 (b) Time.--An injured worker shall notify the fund within 45  
27 days after the worker [knew] has been advised by the employer or  
28 another source that the employer was uninsured. The department  
29 shall have adequate time to monitor the claim and shall  
30 determine the obligations of the employer. No employee shall

1 receive compensation [shall be paid] from the fund [until notice  
2 is given] unless:

3 (1) the employee notifies the fund within the time  
4 period specified in this subsection; and

5 (2) the department determines that the employer failed  
6 to voluntarily accept and pay the claim or subsequently  
7 defaulted on payments of compensation. [No compensation shall  
8 be due until notice is given.]

9 (c) Process.--After notice, the fund shall process the claim  
10 in accordance with the provisions of this act.

11 (d) Petitions.--

12 (1) No claim petition may be filed against the fund  
13 until at least 21 days after notice of the claim is made to  
14 the fund.

15 (2) A claim petition shall be filed within 180 days  
16 after notice of the claim is made to the fund. If the time  
17 requirement under this paragraph is not met, a claim petition  
18 shall not be allowed.

19 (e) List of providers.--

20 (1) The fund may establish lists of at least six  
21 designated health care providers that are accessible in each  
22 county in specialties relevant to the treatment of work  
23 injuries in this Commonwealth, as referenced in section  
24 306(f.1)(1).

25 (2) If the fund establishes a list under paragraph (1),  
26 the fund shall be responsible only to reimburse expenses of  
27 medical treatments, services and accommodations rendered by  
28 the physicians or other health care providers that are  
29 designated on the list for the period set forth in section  
30 306(f.1)(1) from the date of the employee's notice to the



1 fund under subsection (b).

2 (3) On the notice under subsection (b), the fund shall:

3 (i) provide access to the list of designated

4 providers to the employee; and

5 (ii) notify the employee of the requirements of this  
6 subsection.

7 (4) If the employee receives medical treatments,  
8 services or accommodations from a health care provider that  
9 is not designated on the list, the fund shall be relieved of  
10 liability for the payment of medical treatments, services or  
11 accommodations rendered during the period set forth in  
12 section 306(f.1)(1) from the date of the employee's notice to  
13 the fund under subsection (b).

14 Section 1604. Claim petition.

15 (a) Authorization.--If a claim for compensation is filed  
16 under this article and the claim is not voluntarily accepted as  
17 compensable, the employee may file a claim petition naming both  
18 the employer and the fund as defendants. Failure of the  
19 uninsured employer to answer a claim petition shall not serve as  
20 an admission or otherwise bind the fund under section 416.

21 (b) Amount of wages.--In a proceeding under this article,  
22 the fund shall not be liable for wage loss benefits unless the  
23 amount of wages the employee earned at the time of injury is  
24 established by one of the following:

25 (1) A check, check stub or payroll record.

26 (2) A tax return. This paragraph includes IRS form W-2  
27 and form 1099, and successors to those forms.

28 (3) Unemployment compensation records, including form  
29 UC-2A.

30 (4) Bank statements or records showing regular and

1 recurring deposits.

2 (5) Written documentation created contemporaneously with  
3 the payment of wages.

4 (6) Testimony of the uninsured employer presented under  
5 oath at a hearing or deposition.

6 (7) Testimony of the claimant, if found credible by the  
7 judge, which is provided in addition to one or more of the  
8 items listed in paragraphs (1), (2), (3), (4), (5) and (6).

9 Section 1605. Department.

10 (a) Insurance inquiry.--Within ten days of notice of a  
11 claim, the fund shall demand from the employer proof of  
12 applicable insurance coverage. Within 14 days from the date of  
13 the fund's request, the employer must provide proof of  
14 insurance. If the employer does not provide proof, there shall  
15 be rebuttable presumption of uninsurance.

16 (b) Reimbursement.--The department shall, on behalf of the  
17 fund, exhaust all remedies at law against the uninsured employer  
18 in order to collect the amount of a voluntary payment or award,  
19 including voluntary payment or award itself and reimbursement of  
20 costs, interest, penalties, fees under section 440 and costs of  
21 the fund's attorney, which have been paid by the fund. The fund  
22 shall also be reimbursed for costs or attorney fees which are  
23 incurred in seeking reimbursement under this subsection. The  
24 department is authorized to investigate violations of section  
25 305 for prosecution of the uninsured employer pursuant to  
26 section 305(b) and shall pursue such prosecutions through  
27 coordination with the appropriate prosecuting authority. [Any  
28 restitution obtained shall be paid to the fund.] The fund shall  
29 be entitled to restitution of all payments made under this  
30 article as the result of any injury to an employee of an

1 uninsured employer. Restitution to the fund under section 305  
2 shall not be limited to the amount specified in the award of  
3 compensation and shall include the amount of any voluntary  
4 payment or award and reimbursement of the fund's costs and the  
5 fees of the fund's attorney.

6 (c) Bankruptcy.--The department has the right to appear and  
7 represent the fund as a creditor in a bankruptcy proceeding  
8 involving the uninsured employer.

9 (d) Liens.--If payments of any nature have been made by the  
10 fund on behalf of an uninsured employer, the fund shall file a  
11 certified proof of payment with the prothonotary of a court of  
12 common pleas, and the prothonotary shall enter the entire  
13 balance as a judgment against the employer. The judgment shall  
14 be a statutory lien against property of the employer in the  
15 manner set forth in section 308.1 of the act of December 5, 1936  
16 (2nd Sp.Sess., 1937 P.L.2897, No.1), known as the Unemployment  
17 Compensation Law, and execution may issue on it. The fund has  
18 the right to update the amount of the lien as payments are made.

19 Section ~~2.1.~~ 4. Section 1607 of the act is amended by adding ~~adding~~ <--  
20 ~~a subsection~~ to read:

21 Section 1607. Assessments and transfers.

22 \* \* \* <--

23 ~~(c) For the purposes of further maintaining the fund, the~~  
24 ~~sum of \$4,000,000 is transferred to the fund from the~~  
25 ~~Administration Fund established under section 446.~~

26 (A) [FOR THE PURPOSE OF ESTABLISHING AND MAINTAINING THE <--  
27 FUND, THE SUM OF \$1,000,000 IS HEREBY TRANSFERRED FROM THE  
28 ADMINISTRATION FUND ESTABLISHED UNDER SECTION 446 TO THE FUND  
29 FOR OPERATION OF THE FUND FOR THE PERIOD COMMENCING ON THE  
30 EFFECTIVE DATE OF THIS SECTION THROUGH JUNE 30, 2007.] (1) THE

1 DEPARTMENT SHALL CALCULATE THE AMOUNT NECESSARY TO MAINTAIN THE  
2 FUND AND SHALL ASSESS INSURERS AND SELF-INSURED EMPLOYERS AS IS  
3 NECESSARY TO PROVIDE AN AMOUNT SUFFICIENT TO PAY OUTSTANDING AND  
4 ANTICIPATED CLAIMS IN THE FOLLOWING YEAR IN A TIMELY MANNER AND  
5 TO MEET THE COSTS OF THE DEPARTMENT TO ADMINISTER THE FUND. THE  
6 FUND SHALL BE MAINTAINED IN THE SAME MANNER AS THE WORKMEN'S  
7 COMPENSATION ADMINISTRATION FUND UNDER SECTION 446 AND THE  
8 REGULATIONS THEREUNDER.

9       (2) IN NO EVENT SHALL ANY ANNUAL ASSESSMENT EXCEED  
10 [0.1%] 0.25% OF THE TOTAL COMPENSATION PAID BY ALL INSURERS  
11 OR SELF-INSURED EMPLOYERS DURING THE PREVIOUS CALENDAR YEAR.

12       (3) EACH FISCAL YEAR, THE DEPARTMENT SHALL DETERMINE THE  
13 EXPENSES OF THE FUND FOR THE PRIOR FISCAL YEAR. IF THE TOTAL  
14 AMOUNT ASSESSED FOR THE PRIOR FISCAL YEAR EXCEEDS 130% OF THE  
15 EXPENSES FOR THAT PRIOR FISCAL YEAR, THE CURRENT FISCAL YEAR  
16 ASSESSMENT SHALL BE REDUCED BY AN AMOUNT EQUAL TO THAT EXCESS  
17 AMOUNT.

18 [(B) FOR THE PURPOSES OF FURTHER MAINTAINING THE FUND, THE  
19 SUM OF \$4,000,000 IS HEREBY TRANSFERRED TO THE FUND FROM THE  
20 ADMINISTRATION FUND ESTABLISHED UNDER SECTION 446.]

21 (C) FOR THE PURPOSES OF FURTHER MAINTAINING THE UNINSURED  
22 EMPLOYERS GUARANTY FUND, THE OUTSTANDING LOAN WHICH OCCURRED ON  
23 MARCH 15, 2016, FROM THE WORKERS' COMPENSATION ADMINISTRATION  
24 FUND ESTABLISHED UNDER SECTION 446 IN THE AMOUNT OF \$4,000,000  
25 USED TO MAINTAIN THE FUND IS HEREBY DESIGNATED AN ADDITIONAL  
26 TRANSFER AND SHALL NOT BE REPAID.

27 Section 3 5. The act is amended by adding sections to read: <--

28 Section 1609. (Reserved).

29 Section 1610. Uninsured employer obligations.

30 Nothing in this article shall alter the uninsured employer's

1 obligations under this act.

2 Section 1611. Administrative penalties and stop-work orders.

3 (a) Certification.--

4 (1) If the department receives information indicating  
5 that an employer has failed to insure the employer's  
6 obligations as required by this act, the department may  
7 require the employer to certify, on a form prescribed by the  
8 department, that the employer meets one of the following:

9 (i) Possesses the requisite insurance. This  
10 subparagraph shall require the identification of the  
11 insurer, policy period and policy number.

12 (ii) No longer operates a business. This  
13 subparagraph shall require a statement of the dates of  
14 operation and cessation of operation.

15 (iii) Does not employ an individual entitled to  
16 compensation under this act.

17 (iv) Is otherwise exempt from the requirements of  
18 obtaining insurance under this act. This paragraph shall  
19 require the identification of the applicable exemption.

20 (2) The employer shall return the form to the department  
21 within 15 days of service of the form by the department.

22 (i) If an employer does not return the form within  
23 15 days of service by the department, the department may  
24 assess an administrative penalty of \$200 per day until  
25 the earlier of:

26 (A) the date the employer complies; or

27 (B) 30 days from service under this paragraph.

28 (ii) If an employer does not comply with this  
29 paragraph within 45 days of service under this paragraph,  
30 the department may proceed with further enforcement under

1           subsection (d).

2           (b) Good cause.--If the department's investigation under  
3 section 1605 reveals good cause to believe that the employer is  
4 required and has failed to insure the employer's liabilities as  
5 required by this act, the department may proceed with further  
6 enforcement under subsection (d).

7           (c) Enforcement.--For the purposes of enforcing section 305  
8 and this article, each department employee or agent charged with  
9 enforcement may enter the premises or worksite of an employer  
10 that is subject to subsection (a)(2)(ii) or (b).

11           (d) Stop-work order.--The department may issue an order  
12 requiring the cessation of operations of an employer that has  
13 failed to insure its liabilities as required by this act. The  
14 following apply:

15           (1) The order may require compliance with conditions  
16 necessary to ensure that the employer insures its liabilities  
17 as required by this act.

18           (2) The order shall take effect when served upon the  
19 employer by first class mail or posting at the employer's  
20 worksite.

21           (3) The order shall remain in effect until released by  
22 the department or a court of competent jurisdiction.

23           (4) The order shall be effective against a successor  
24 entity that:

25           (i) has one or more of the same principals or  
26 officers as the employer against whom the order was  
27 issued; and

28           (ii) is engaged in the same or equivalent trade or  
29 activity.

30           (e) Nonexclusivity.--An order under subsection (d) is in

1 addition to any penalty which may be imposed pursuant to this  
2 act.

3 (f) Appeal.--

4 (1) An order under subsection (d) is subject to 2  
5 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of  
6 Commonwealth agency action).

7 (2) Except as set forth in paragraph (3), an appeal of a  
8 penalty under subsection (a)(2)(i) or an order under  
9 subsection (d) shall not act as a supersedeas.

10 (3) Upon application and for cause shown, the department  
11 may issue a supersedeas.

12 (g) Noncompliance.--

13 (1) Upon failure to comply with an order under  
14 subsection (d) and (f), the department may institute an  
15 action to enforce the order.

16 (2) An action under this subsection may be initiated as  
17 follows:

18 (i) In Commonwealth Court under 42 Pa.C.S. §  
19 761(a)(2) (relating to original jurisdiction).

20 (ii) In a court of common pleas under 42 Pa.C.S. §  
21 931(b) (relating to original jurisdiction and venue).

22 Venue for an action under this subparagraph lies in  
23 either:

24 (A) the Twelfth Judicial District; or

25 (B) the judicial district where the violation  
26 occurred.

27 SECTION 1612. ANNUAL REPORT TO GENERAL ASSEMBLY.

<--

28 ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE DEPARTMENT OF  
29 LABOR AND INDUSTRY SHALL SUBMIT TO THE LABOR AND INDUSTRY  
30 COMMITTEE OF THE SENATE AND THE LABOR AND INDUSTRY COMMITTEE OF

1 THE HOUSE OF REPRESENTATIVES A REPORT OUTLINING THE DEPARTMENT'S  
2 EFFORTS TO IDENTIFY AND PROSECUTE UNINSURED EMPLOYERS, ANY  
3 PENALTIES RESULTING FROM THAT ACTIVITY, THE STATUS OF CLAIMS AND  
4 OPERATIONS, INCLUDING THE NUMBER OF CLAIMS FILED, PENDING AND  
5 PAID IN THE PAST YEAR AND AN ANALYSIS OF THE ADMINISTRATIVE  
6 EXPENSES OF THE FUND.

7 Section ~~4~~ 6. Applicability is as follows: <--

8 (1) The amendment or addition of section 1603(d) and (e)  
9 of the act shall apply to every claim in which notice under  
10 section 1603 of the act is provided to the fund on or after  
11 the effective date of this paragraph.

12 (2) The following provisions shall apply retroactively  
13 to claims existing as of the effective date of this paragraph  
14 for which compensation has not been paid or awarded:

- 15 (i) The amendment of section 305.2(c) of the act.
- 16 (ii) The amendment of section 1601 of the act.
- 17 (iii) The amendment of section 1603(b) of the act.
- 18 (iv) The amendment of section 1604 of the act.

19 Section ~~5~~ 7. This act shall take effect immediately. <--