
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1378 Session of
2015

INTRODUCED BY FOLMER, GORDNER, WAGNER, SCARNATI, SMUCKER,
HUTCHINSON, AUMENT, MENSCH, RESCHENTHALER AND STEFANO,
OCTOBER 12, 2016

REFERRED TO LABOR AND INDUSTRY, OCTOBER 12, 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 the liability of an 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, or an
16 employer's affiliate, holding company or subsidiary, under this
17 act shall be exclusive and in place of any and all other
18 liability to such employes, his legal representative, husband or
19 wife, parents, dependents, next of kin or anyone otherwise
20 entitled to damages in any action at law or otherwise on account

1 of any injury or death as defined in section 301 (c) (1) and (2)
2 or occupational disease as defined in section 108.

3 (b) In the event injury or death to an employe is caused by
4 a third party, then such employe, his legal representative,
5 husband or wife, parents, dependents, next of kin, and anyone
6 otherwise entitled to receive damages by reason thereof, may
7 bring their action at law against such third party, but the
8 employer, or an employer's affiliate, holding company or
9 subsidiary, his insurance carrier, their servants and agents,
10 employes, representatives acting on their behalf or at their
11 request shall not be liable to a third party for damages,
12 contribution, or indemnity in any action at law, or otherwise,
13 unless liability for such damages, contributions or indemnity
14 shall be expressly provided for in a written contract entered
15 into by the party alleged to be liable prior to the date of the
16 occurrence which gave rise to the action.

17 (c) For the purposes of this section:

18 (1) The term "affiliate" shall mean a person who, directly
19 or indirectly, through an intermediary controls, is controlled
20 by or is under common control with a specific person.

21 (2) The term "holding company" shall:

22 (i) Mean a person other than an individual which, directly
23 or indirectly, owns or has the power or right to control or vote
24 a significant part of the outstanding voting securities of a
25 business organization.

26 (ii) Be considered to be indirectly holding or owning a
27 power, right or security if the holding company holds or owns
28 the power, right or security through an interest in a
29 subsidiary.

30 (3) The term "subsidiary" shall mean a person other than an

1 individual that is one of the following:

2 (i) A business organization, with a significant part of
3 outstanding equity securities or interests owned, subject to a
4 power or right of control or held with the power to vote by a
5 holding company.

6 (ii) A person deemed to be a subsidiary under the former act
7 of May 5, 1933 (P.L.364, No.106), known as the "Business
8 Corporation Law."

9 Section 2. This act shall take effect immediately.