
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1234 Session of
2019

INTRODUCED BY COX, DUSH, FRITZ, KAUFFMAN, MACKENZIE, MILLARD,
NELSON, RIGBY AND WHEELAND, APRIL 9, 2019

REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 9, 2019

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An
2 act defining the liability of an employer to pay damages for
3 injuries received by an employe in the course of employment;
4 establishing an elective schedule of compensation; providing
5 procedure for the determination of liability and compensation
6 thereunder; and prescribing penalties," in liability and
7 compensation, further providing for the definitions of
8 "injury," "personal injury" and "injury arising in the course
9 of his employment," providing for diseases with long latency
10 periods between occupational exposure and manifestation of
11 the disease and further providing for liability.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Sections 301(c) and 303(a) of the act of June 2,
15 1915 (P.L.736, No.338), known as the Workers' Compensation Act,
16 are amended and the sections are amended by adding subsections
17 to read:

18 Section 301. * * *

19 (c) (1) The terms "injury" and "personal injury," as used
20 in this act, shall be construed to mean an injury to an employe,
21 regardless of his previous physical condition, except as
22 provided under [subsection (f)] subsections (f) and (g), arising

1 in the course of his employment and related thereto, and such
2 disease or infection as naturally results from the injury or is
3 aggravated, reactivated or accelerated by the injury; and
4 wherever death is mentioned as a cause for compensation under
5 this act, it shall mean only death resulting from such injury
6 and its resultant effects, and occurring within three hundred
7 weeks after the injury. The term "injury arising in the course
8 of his employment," as used in this article, shall not include
9 an injury caused by an act of a third person intended to injure
10 the employe because of reasons personal to him, and not directed
11 against him as an employe or because of his employment; nor
12 shall it include injuries sustained while the employe is
13 operating a motor vehicle provided by the employer if the
14 employe is not otherwise in the course of employment at the time
15 of injury; but shall include all other injuries sustained while
16 the employe is actually engaged in the furtherance of the
17 business or affairs of the employer, whether upon the employer's
18 premises or elsewhere, and shall include all injuries caused by
19 the condition of the premises or by the operation of the
20 employer's business or affairs thereon, sustained by the
21 employe, who, though not so engaged, is injured upon the
22 premises occupied by or under the control of the employer, or
23 upon which the employer's business or affairs are being carried
24 on, the employe's presence thereon being required by the nature
25 of his employment.

26 (2) The terms "injury," "personal injury," and "injury
27 arising in the course of his employment," as used in this act,
28 shall include, unless the context clearly requires otherwise,
29 occupational disease as defined in section 108 of this act:
30 Provided, That whenever occupational disease is the basis for

1 compensation, for disability or death under this act, it shall
2 apply only to disability or death resulting from such disease
3 and occurring within three hundred weeks after the last date of
4 employment in an occupation or industry to which he was exposed
5 to hazards of such disease: And provided further, That if the
6 employe's compensable disability has occurred within such
7 period, his subsequent death as a result of the disease shall
8 likewise be compensable. This limitation shall not apply to
9 claims filed under subsection (g)(1). The provisions of this
10 paragraph (2) shall apply only with respect to the disability or
11 death of an employe which results in whole or in part from the
12 employe's exposure to the hazard of occupational disease after
13 June 30, 1973 in employment covered by The Pennsylvania
14 Workmen's Compensation Act. The employer liable for compensation
15 provided by section 305.1 or section 108, subsections (k), (l),
16 (m), (o), (p), (q) or (r), shall be the employer in whose
17 employment the employe was last exposed for a period of not less
18 than one year to the hazard of the occupational disease claimed.
19 In the event the employe did not work in an exposure at least
20 one year for any employer during the three hundred week period
21 prior to disability or death, the employer liable for the
22 compensation shall be that employer giving the longest period of
23 employment in which the employe was exposed to the hazards of
24 the disease claimed.

25 * * *

26 (g) (1) Notwithstanding the limitation under subsection (c)
27 (2) with respect to disability or death resulting from an
28 occupational disease having to occur within three hundred weeks
29 after the last date of employment in an occupation or industry
30 to which a claimant was exposed to the hazards of disease,

1 claims filed for any disease for which the time period between
2 exposure to the hazard of disease in the workplace and
3 manifestation of disease is greater than three hundred weeks
4 must be filed within three hundred weeks of the date on which a
5 claimant is diagnosed with the disease or the disease is
6 detectable. It shall be a claimant's burden to prove that the
7 disease for which compensation is sought has a latency period of
8 more than three hundred weeks.

9 (2) This subsection shall not apply to claims filed under
10 section 108(r).

11 Section 303. (a) The liability of an employer, together
12 with its holding companies, subsidiaries and affiliates, under
13 this act shall be exclusive and in place of any and all other
14 liability to such employes, his legal representative, husband or
15 wife, parents, dependents, next of kin or anyone otherwise
16 entitled to damages in any action at law or otherwise on account
17 of any injury or death as defined in section 301 (c) (1) and (2)
18 or occupational disease as defined in section 108.

19 * * *

20 (c) This act provides the exclusive remedy for any injury or
21 disease that may arise out of hazardous occupational exposure,
22 whether the disease is compensable as an occupational disease or
23 not.

24 Section 2. This act shall apply as follows:

25 (1) Except as provided in paragraph (2), this act shall
26 apply to claims filed on or after the effective date of this
27 act.

28 (2) The addition of sections 301(g) and 303(c) of the
29 act shall apply retroactively to civil claims existing as of
30 the effective date of this paragraph, if the plaintiff was

1 barred from seeking compensation for an occupational disease
2 by the time limit under section 301(c)(2), for which
3 compensation has not been paid or awarded.
4 Section 3. This act shall take effect immediately.