

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1837 Session of 2021

INTRODUCED BY IRVIN, JAMES, KEEFER, PICKETT, ROWE AND JOZWIAK, SEPTEMBER 2, 2021

AS REPORTED FROM COMMITTEE ON LABOR AND INDUSTRY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 29, 2021

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 procedure, further
7 providing for compromise and release.

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

10 Section 1. Section 449(c) of the act of June 2, 1915
11 (P.L.736, No.338), known as the Workers' Compensation Act, is
12 amended to read:

13 Section 449. \* \* \*

14 (c) Every compromise and release by stipulation shall be in
15 writing and duly executed, and the signature of the employe,
16 widow or widower or dependent shall be attested by two witnesses
17 or acknowledged before a notary public. However, the attestation
18 by two witnesses or acknowledgment before a notary public shall
19 not be required if the employe, widow or widower or dependent
20 personally appears before the workers' compensation judge FOR <--

1 THE PURPOSES OF A HEARING REQUIRED under subsection (b) and  
2 provides a sworn oral statement that he or she understands the  
3 full legal significance of the agreement. The document shall  
4 specify:

5 (1) the date of the injury or occupational disease;

6 (2) the average weekly wage of the employe as calculated  
7 under section 309;

8 (3) the injury, the nature of the injury and the nature of  
9 disability, whether total or partial;

10 (4) the weekly compensation rate paid or payable;

11 (5) the amount paid or due and unpaid to the employe or  
12 dependent up to the date of the stipulation or agreement or  
13 death and the amount of the payment of disability benefits then  
14 or thereafter to be made;

15 (6) the length of time such payment of benefits is to  
16 continue;

17 (7) in the event of a lien for subrogation under section  
18 319, the total amount of compensation paid or payable which  
19 should be allowed to the employer or insurer;

20 (8) in the case of death:

21 (i) the date of death;

22 (ii) the name of the widow or widower;

23 (iii) the names and ages of all children;

24 (iv) the names of all other dependents; and

25 (v) the amount paid or to be paid under section 307 and to  
26 whom payment is to be made;

27 (9) a listing of all benefits received or available to the  
28 claimant;

29 (10) a disclosure of the issues of the case and the reasons  
30 why the parties are agreeing to the agreement; and

1       (11) the fact that the claimant is represented by an  
2 attorney of his or her own choosing or that the claimant has  
3 been specifically informed of the right to representation by an  
4 attorney of his or her own choosing and has declined such  
5 representation.

6       \* \* \*

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