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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# SENATE BILL

No. **514** Session of  
1961

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INTRODUCED BY MR. VAN SANT, APRIL 11, 1961.

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY,  
APRIL 11, 1961.

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## AN ACT

Amending the act of June 2 1915 (P L 736) entitled as amended "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment establishing an elective schedule of compensation providing procedure for the determination of liability and compensation thereunder and prescribing penalties" providing for reimbursement by the Commonwealth to employers the State Workmen's Insurance Fund and insurance carriers for awards of compensation and expenses paid in certain cases

EXPLANATION—CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underscoring indicates new matter added to existing law. (Brackets) indicate matter stricken from existing law.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

1 Section 1 The act of June 2 1915 (P L 736) known as "The  
2 Pennsylvania Workmen's Compensation Act" reenacted and amended  
3 June 21 1939 (P L 520) is amended by adding after section 306.1 a  
4 new section to read

5 Section 306.2 (a) "Permanent latent impairment" as used in this  
6 section means any permanent condition of an employe due to diseases  
7 or inheritance including periodic impairment of consciousness or  
8 muscular control with or without seizures whether or not an employer  
9 hired or retained an employe with knowledge of such condition

10 (b) If an employe who has a permanent latent impairment incurs  
11 an injury arising out of and in the course of his employment resulting  
12 in disability or death of such employe and it is determined that such  
13 injury would not have occurred except for the employe's pre-existing  
14 permanent latent impairment the employer State Workmen's Insurance  
15 Fund or insurance carrier shall in the first instance pay all awards of  
16 compensation and expenses provided for under this act or its supple-  
17 ments but such employer fund or insurance carrier shall be reimbursed

1 by the Commonwealth out of the General Fund for all awards of com-  
2 pensation and expenses so paid

3 (c) If an employe who has a permanent latent impairment incurs  
4 an injury arising out of and in the course of his employment and  
5 such injury added to the employe's permanent latent impairment re-  
6 sults in disability or death and such impairment is a substantial element  
7 of the disability or a substantial contributing cause of his death even  
8 though the injury would have occurred in the absence of the employe's  
9 pre-existing permanent latent impairment the employer State Work-  
10 men's Insurance Fund or insurance carrier shall in the first instance  
11 pay all awards of compensation and expenses provided for under this  
12 act or its supplements but such employer fund or insurance carrier  
13 shall be reimbursed by the Commonwealth out of the General Fund  
14 for all awards of compensation and expenses so paid

15 (d) If an employe who has a permanent latent impairment contrib-  
16 utes to the cause of an injury to a fellow employe which injury arises out  
17 of and in the course of employment and results in disability or death  
18 and it is determined that such injury would not have occurred except  
19 for the permanent latent impairment of the employe who contributed  
20 to the injury the employer State Workmen's Insurance Fund or in-

1 insurance carrier shall in the first instance pay all awards of compen-  
2 sation and expenses provided for under this act and its supplements  
3 but such employer fund or insurance carrier shall be reimbursed by  
4 the Commonwealth out of the General Fund for all awards of com-  
5 pensation and expenses so paid

6 Claims for reimbursement under this section shall be presented  
7 to the Department of Labor and Industry at the end of each fiscal  
8 year and shall be paid out of appropriations made to the department  
9 for that purpose The Attorney General shall appoint a member of his  
10 staff to represent the Commonwealth in all claims made for reimburse-  
11 ment

We certify that this bill has passed the Senate and the House of Representatives.

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Chief Clerk, Senate

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President pro tempore, Senate

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Speaker, House of Representatives

Approved The ..... day of ..... A. D. 1961.

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Governor