

Approval of court.

unless the same be approved in writing by the judge presiding at the trial, or, in case of settlement without trial, by a judge of the common pleas court of the county in which the accident occurred.

Claim or agreement for legal services to be passed upon by board.

No claim or agreement for legal services or disbursements in support of any claim for compensation, or in preparing any agreement for compensation, under article three of this act, shall be an enforceable lien against the amount to be paid as compensation, or be valid or binding in any other respect, unless the same be approved by the board. Any such claim or agreement shall be filed with the department, which shall, as soon as may be, notify the person by whom the same was filed of the board's approval or disapproval thereof, as the case may be.

Lien.

Proviso.

After the approval as herein required, if the employer be notified in writing of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as damages or compensation: *Provided, however, That where the employe's compensation is payable by the employer in periodical instalments, the board shall fix, at the time of approval, the proportion of each instalment to be paid on account of legal services and disbursements, and the board may, upon application made to it, commute the sum awarded for legal services and disbursements.*

Effective date.

Section 2. This act shall take effect in thirty days.

APPROVED—The 28th day of February, A. D. 1956.

GEORGE M. LEADER

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No. 356

AN ACT

Amending the act of June two, one thousand nine hundred fifteen (Pamphlet Laws 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," changing provisions relating to liability of employers and benefits and persons entitled thereto; changing

certain rules of evidence and regulating practice and procedure; authorizing commutation of certain awards; providing for certain subrogation rights and the fixing of certain fees; prescribing penalties; making appropriations and generally clarifying and changing the provisions of the act.

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

Section 1. The hereinafter designated sections and parts of sections of the act of June two, one thousand nine hundred fifteen (Pamphlet Laws 736), known as "The Pennsylvania Workmen's Compensation Act," reenacted and amended June twenty-one, one thousand nine hundred thirty-nine (Pamphlet Laws 520), are amended to read:

#### Section 101.

Section 101. That this act shall be called and cited as The Pennsylvania Workmen's Compensation Act, and shall apply to all accidents occurring within this Commonwealth, irrespective of the place where the contract of hiring was made, renewed, or extended, and shall not apply to any accident occurring outside of the Commonwealth, except to accidents occurring to Commonwealth employes outside the Commonwealth while such employes are engaged in duly authorized business of the Commonwealth, and except accidents occurring to [Pennsylvania] employes whose duties require them to go temporarily beyond the territorial limits of the Commonwealth, not over [ninety days] *six months* when such employes are performing services for employers whose place of business is within the Commonwealth.

#### Section 104.

Section 104. The term "employee," as used in this act is declared to be synonymous with servant, and includes—

All natural persons who perform services for another for a valuable consideration, exclusive of persons whose employment is casual in character and not in the regular course of the business of the employer, and exclusive of persons to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished or repaired, or adapted for sale in the worker's own home, or on other premises, not under the control or management of the employer. *Every executive officer of a corporation elected or appointed in accordance with*

The Pennsylvania Workmen's Compensation Act.

Act of June 2, 1915, P. L. 736, reenacted and amended June 21, 1939, P. L. 520, further amended.

The Pennsylvania Workmen's Compensation Act.

General application.

Employee.

*the charter and by-laws of the corporation, except elected officers of the Commonwealth or any of its political subdivisions, shall be an employe of the corporation.*

Subsection (a) of Section 301.

Agreement.

Section 301. (a) When employer and employe shall by agreement, either express or implied, as hereinafter provided, accept the provisions of article three of this act, compensation for personal injury to, or for the death of such employe, by an accident in the course of his employment, shall be paid in all cases by the employer, without regard to negligence, according to the schedule contained in sections three hundred and six and three hundred and seven of this article: Provided, That no compensation shall be paid when the injury or death is intentionally self inflicted, or is caused by the employe's violation of law, but the burden of proof of such fact shall be upon the employer, *and no compensation shall be paid if, during hostile attacks on the United States, injury or death of employes results solely from military activities of the armed forces of the United States or from military activities or enemy sabotage of a foreign power.*

Injury self inflicted, or caused by employe's violation of law.

Burden of proof.

Section 305, Amended May 22, 1953 (P. L. 204).

Employer to insure.

Section 305. Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund, or in any insurance company, or mutual association or company, authorized to insure such liability in this Commonwealth, unless such employer shall be exempted by the department from such insurance. An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department, showing his financial ability to pay such compensation, whereupon the department, if satisfied of the applicant's financial ability, shall, upon the payment of a fee of fifty dollars (\$50.00), issue to the applicant a permit authorizing such exemption. From a refusal of the department to issue such permit, an appeal shall lie to the court of common pleas of Dauphin County. In any such appeal the only question shall be whether the department abused its discretion in refusing such permit. The department shall establish a period of twelve (12) calendar months, to begin and

Self insurance.

Fee.

Permit.

Appeal on refusal.

end at such times as the department shall prescribe, which shall be known as the annual exemption period. Unless previously revoked, all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued. Permits issued under this act shall be renewed upon the filing of an application, and the payment of a renewal fee of fifty dollars (\$50.00). The department may, from time to time, require further statements of the financial ability of such employer, and, if at any time such employer appear no longer able to pay compensation, shall revoke its permit granting exemption, in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund, or insure his liability in any insurance company or mutual association or company, as aforesaid.

Annual exemp-  
tion period.

Renewal.

Revocation.

Effect.

[If any employer] *Any employer who* fails to comply with the provisions of this section [such employer shall be guilty of a misdemeanor, and, upon conviction thereof] for every such failure, shall, *upon summary conviction before any official of competent jurisdiction*, be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and costs of prosecution, or imprisonment for a period of not more than six months, or both [at the discretion of the court]. Every day's violation shall constitute a separate offense. It shall be the duty of the department to enforce the provisions of this section; and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof. All fines recovered under the provisions of this section shall be paid [by the clerk of the court] to the department, and by it paid into the State Treasury.

Failure of em-  
ployer to comply.

Penalty.

Enforcement.

Disposition of  
fines.

In any proceeding against an employer under this section, a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section, shall be prima facie evidence of the facts therein stated.

Evidence.

Section 306. Subsection (a) Amended August 24, 1953 (P. L. 1379) and August 24, 1953 (P. L. 1382), Subsection (b), the Last Paragraph of Subsection (c) and Subsections (d), (f) and (h) Amended August 24, 1953 (P. L. 1382) and Subsection (e) Amended January 2, 1952 (P. L. 1803).

**Schedule of compensation.**

Section 306. The following schedule of compensation is hereby established [for injuries resulting in total disability]:

**Total disability.**

(a) For [the first seven hundred weeks after the seventh day of] total disability, sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine [but the compensation shall not be more than thirty-two dollars and fifty cents per week nor less than twenty-two dollars and fifty cents per week, and shall not exceed in the aggregate the sum of twenty thousand dollars: Provided, That, if at the time of the injury, the employe receives wages of less than twenty-two dollars and fifty cents per week, then he shall receive the full amount of such wages per week as compensation, but in no event less than twelve dollars and fifty cents per week.] *beginning after the seventh day of total disability, and payable for the duration of total disability, but the compensation shall not be more than thirty-seven dollars and fifty cents per week nor less than twenty-five dollars per week. If at the time of injury, the employe receives wages of twenty-five dollars per week or less, \*then he shall receive ninety per centum of the wages per week as compensation, but in no event less than fifteen dollars per week.* Nothing in this clause shall require payment of compensation after disability shall cease. [Should partial disability be followed by total disability, the period of seven hundred weeks mentioned in the clause of this section shall be reduced by the number of weeks during which compensation was paid for such partial disability.]

**Partial disability.**

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-six and two-thirds per centum of the difference between the wages of the injured employe, as defined in section three hundred and nine, and the earning power of the employe thereafter; but such compensation shall not be more than [twenty-three dollars] *twenty-seven dollars and fifty cents* per week. This compensation shall be paid during the period of such partial disability, [not, however, beyond three hundred and fifty weeks after the seventh day of disability] *except as provided in clause (e) of this section, but for not more than three hundred and fifty weeks.* Should total disability be followed by partial disability, the period of three hundred and fifty weeks [mentioned in this clause] shall *not* be reduced by the number of weeks during which compensation was paid for total disability. The term "earning power," as used in this section, shall in no case be less than the weekly amount which the employe receives

\* "than" in original.

after the accident, [and shall \* in no case] *and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not be less than five times his actual daily wage as fixed by the day, hour, or by the output of the employe, and in no instance shall an employe receiving compensation under this section receive more in compensation and wages combined than a fellow employe in [similar] employment similar to that in which the injured employe was engaged at the time of the accident.*

(c) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows: **Permanent injuries.**

For the loss of a hand, sixty-six and two-thirds per centum of wages during one hundred and seventy-five weeks.

For the loss of a forearm, sixty-six and two-thirds per centum of wages during one hundred and ninety-five weeks.

For the loss of an arm, sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks.

For the loss of a foot, sixty-six and two-thirds per centum of wages during one hundred and fifty weeks.

For the loss of a lower leg, sixty-six and two-thirds per centum of wages during one hundred and eighty weeks.

For the loss of a leg, sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks.

For the loss of an eye, sixty-six and two-thirds per centum of wages during one hundred and [twenty-five] *fifty* weeks.

For the complete loss of hearing, in both ears, sixty-six and two-thirds per centum of wages during one hundred and [fifty] *eighty* weeks.

For the loss of a thumb, sixty-six and two-thirds per centum of wages during sixty weeks.

For the loss of a first finger, commonly called index finger, sixty-six and two-thirds per centum of wages during thirty-five weeks.

For the loss of a second finger, sixty-six and two-thirds per centum of wages during thirty weeks.

For the loss of a third finger, sixty-six and two-thirds per centum of wages during twenty weeks.

For the loss of a fourth finger, commonly called little finger, sixty-six and two-thirds per centum of wages during fifteen weeks.

[The loss of the first phalange of the thumb, or of any finger, shall be considered equivalent to the loss of

\* "not," in original.

one-half of such thumb or finger, and shall be compensated at the same rate as for the loss of a thumb or finger, but for one-half of the period provided for the loss of a thumb or finger.

The loss of more than one phalange of a thumb or finger shall be considered equivalent to the loss of the entire thumb or finger.]

*The loss of the first phalange of the thumb shall be considered the loss of the thumb. The loss of a substantial part of the first phalange of the thumb shall be considered the loss of one-half of the thumb.*

*The loss of any substantial part of the first phalange of a finger, or an amputation immediately below the first phalange for the purpose of providing an optimum surgical result, shall be considered loss of one-half of the finger. Any greater loss shall be considered the loss of the entire finger.*

*The loss of one-half of the thumb, or a finger, shall be compensated at the same rate as for the loss of a thumb or finger but for one-half of the period provided for the loss of a thumb or finger.*

For the loss of, or permanent loss of the use of, any two or more such members, not constituting total disability, sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each.

For the loss of a great toe, sixty-six and two-thirds per centum of wages during forty weeks.

For the loss of any other toe, sixty-six and two-thirds per centum of wages during sixteen weeks.

The loss of the first phalange of the great toe, or of any toe, shall be considered equivalent to the loss of one-half of such great toe, or other toe, and shall be compensated at the same rate as for the loss of a great toe, or other toe, but for one-half of the period provided for the loss of a great toe or other toe.

The loss of more than one phalange of a great toe, or any toe, shall be considered equivalent to the loss of the entire great toe or other toe.

For the loss of, or permanent loss of the use of any two or more such members, not constituting total disability, sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each.

**Disfigurement.**

For serious and permanent disfigurement of the head, neck or face, of such a character as to produce an unsightly appearance, and such as is not usually incident to the employment, sixty-six and two-thirds per centum of wages not to exceed one hundred and fifty weeks.

Unless the board shall otherwise determine, the loss of both hands or both arms or both feet or both legs or

both eyes shall constitute total disability, to be compensated according to the provisions of clause (a).

Amputation at the wrist shall be considered as the equivalent of the loss of a hand, and amputation at the ankle shall be considered as the equivalent of the loss of a foot. Amputation between the wrist and the elbow shall be considered as the loss of a forearm, and amputation between the ankle and the knee shall be considered as the loss of a lower leg. Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg, eye, finger, or thumb, great toe or other toe, shall be considered as the equivalent of the loss of such hand, arm, foot, leg, eye, finger, or thumb, great toe or other toe. Amputation.

*In addition to the payments hereinbefore provided for permanent injuries of the classes specified, any period of disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection. The healing period shall end (I) when the claimant returns to employment without impairment in earnings, or (II) on the last day of the period specified in the following table, whichever is the earlier:*

*For the loss of a hand, twenty weeks.*

*For the loss of a forearm, twenty weeks.*

*For the loss of an arm, twenty weeks.*

*For the loss of a foot, twenty-five weeks.*

*For the loss of the lower leg, twenty-five weeks.*

*For the loss of a leg, twenty-five weeks.*

*For the loss of an eye, ten weeks.*

*For the loss of hearing, ten weeks.*

*For the loss of a thumb or any part thereof, ten weeks.*

*For the loss of any other finger or any part thereof, six weeks.*

*For the loss of a great toe or any part thereof, twelve weeks.*

*For the loss of any other toe or any part thereof, six weeks.*

This compensation shall not be more than [thirty-two] Rate of compensation. *thirty-seven* dollars and fifty cents per week nor less than [twenty-two dollars and fifty cents] *twenty-five* dollars per week: Provided, That if at the time of injury the employe receives wages of [less than twenty-two dollars and fifty cents] *twenty-five* dollars per week, or less, then he shall receive [the full amount] *ninety per centum* of such wages per week as compensation, but in no event



less than [twelve dollars and fifty cents] *fifteen dollars* per week. *When an employe works during the healing period, his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of the accident as defined in section three hundred and nine.*

**When compensation begins.**

(d) [The period of total disability mentioned in clause (a), three hundred and fifty weeks mentioned in clause (b), and the specific periods (or aggregate specific periods as the case may be) mentioned in clause (c), shall begin to run seven days after disability begins, and shall run concurrently.] *Where, at the time of the accident, the employe receives other injuries, separate from these which result in permanent injuries enumerated in clause (c) of this section, the number of weeks for which compensation is specified for the permanent injuries shall begin at the end of the period of temporary total disability which results from the other separate injuries, but in that event the employe shall not receive compensation provided in clause (c) of this section for the specific healing period. In the event the employe suffers two or more permanent injuries of the above enumerated classes compensable under clause (c) of this section, he shall be compensated for the largest single healing period rather than the aggregate of the healing periods.*

**First seven days.**

(e) No compensation shall be allowed for the first seven days after disability begins, except as [hereinafter] provided in *this clause (e) and clause (f) of this section. If the period of disability lasts more than six weeks after the date of the accident, the employe shall also receive compensation for the first seven days of disability.*

**Surgical and medical services.**

(f) During the first [one hundred and twenty days] *six months* after disability begins, the employer shall furnish reasonable surgical and medical services, medicines, and supplies, as and when needed, unless the employe refuses to allow them to be furnished by the employer. The cost of such services, medicines, and supplies shall not exceed four hundred and fifty dollars. If the employer shall, upon application made to him, refuse to furnish such services, medicines, and supplies, the employe may procure same and shall receive from the employer the reasonable cost thereof within the above limitations. In addition to the above service, medicines and supplies, hospital treatment, services and supplies *and orthopedic appliances and prostheses* shall be furnished by the employer for the said period of [one hundred and twenty days] *six months. The board may order further medical, surgical and hospital services after the end of the six month period, if it is established that*

*further care will result in restoring the injured employe's earning power to a substantial degree. In each order the board shall specify the maximum period and the maximum cost of the treatment designed for the employe's rehabilitation.* The cost for such hospital treatment, service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals. If the employe shall refuse reasonable surgical, medical and hospital services, treatment, medicines and supplies, tendered to him by his employer, he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal. Whenever an employe shall have suffered the loss of a limb, part of a limb, or an eye, the employer shall furnish to the employe, in addition to the aforementioned surgical and medical services, medicines and supplies, an artificial limb or eye of a type and kind recommended by the doctor attending such employe in connection with such injury: Provided, That the provisions of this section shall apply in injuries where no loss of earning power occurs.

Refusal by employe.

(g) [Should the employe die as a result of the injury, the period during which compensation shall be payable to his dependents, under section three hundred and seven of this article, shall be reduced by the period during which compensation was paid to him in his lifetime under this section of this article. No reduction shall be made for the amount which may have been paid, or contracted to be paid, for medical and hospital services and medicines, nor for the expenses of the last sickness and burial.] Should the employe die from some other cause than the injury, the liability for compensation shall cease.

Death of employe.

Death from other cause.

[(h) Where claim is made for hernia, claimant must notify the employer or a representative of the employer within five calendar days after the occurrence of the accident.]

Hernia.

Section 306.1, Amended August 24, 1953 (P. L. 1379) and August 24, 1953 (P. L. 1382).

Section 306.1. If an employe, who has incurred (through accident or otherwise) permanent partial disability, through the loss, or loss of use of, one hand, one arm, one foot, one leg or one eye, incurs total disability through a subsequent injury, causing loss, or loss of use of, another hand, arm, foot, leg or eye, he shall be entitled to additional compensation as follows:

Permanent partial disability becoming total through subsequent injury.

After the cessation of payments by the employer for the period of weeks prescribed in Clause (c) of section 306, for the subsequent injury, additional compensation shall be paid during the continuance of total disability,

at the weekly compensation rate applicable for total disability [, for the remainder of the seven hundred week period provided in Clause (a) of section 306]. This additional compensation shall be paid by the Commonwealth only upon an award by a compensation referee or the board. All claims for such additional compensation shall be forever barred unless the employe shall have filed a petition therefor with the board within one year after the last payment made under Clause (c) hereof out of the general fund in the State Treasury. The sum of one hundred thousand dollars (\$100,000) is hereby appropriated to the Department of Labor and Industry for compensation payable, by the Commonwealth, under this section, for the biennium one thousand nine hundred and forty-five—one thousand nine hundred forty-seven.

*The sum of fifty thousand dollars (\$50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable, by the Commonwealth, under this section, for the biennium one thousand nine hundred fifty-five—one thousand nine hundred fifty-seven.*

The Department of Labor and Industry shall be charged with the conservation of the assets of said appropriation. In furtherance of this purpose, the Attorney General shall appoint a member of his staff to represent the Commonwealth in all proceedings brought to enforce claims against the Commonwealth. In its award the Workmen's Compensation Board of the Department of Labor and Industry shall specifically find the amount the injured employe shall be paid weekly, the number of weeks compensation which shall be paid by the employer, the date upon which payments out of the State appropriation shall begin, and if possible the length of time such payments shall continue; all payments to cease upon the death of claimant.

Any benefits received by any employe, or to which he may be entitled, by reason of such increased disability, from any State or Federal fund or agency to which said employe has not directly contributed, shall be regarded as a credit to any award made against the Commonwealth as aforesaid, excepting those benefits received by an employe by reason of service connected physical injuries, incurred during any war between the United States of America and any foreign country.

Section 307, Amended August 24, 1953 (P. L. 1382).

Compensation in case of death of employe.

Section 307. In case of death, compensation shall be computed on the following basis, and distributed to the following persons:

To child or children, if no widow nor widower.

1. If there be no widow nor widower entitled to compensation, compensation shall be paid to the guardian

of the child or children, or, if there be no guardian, to such other persons as may be designated by the board as hereinafter provided, as follows:

(a) If there be one child, thirty-two per centum of wages of deceased, but not in excess of [thirteen] *fifteen* dollars per week.

(b) If there be two children, forty-two per centum of wages of deceased, but not in excess of [seventeen dollars and fifty cents] *twenty dollars and twenty-five cents* per week.

(c) If there be three children, fifty-two per centum of wages of deceased, but not in excess of [twenty-two dollars] *twenty-five dollars and fifty cents* per week.

(d) If there be four children, sixty-two per centum of wages of deceased, but not in excess of [twenty-six] *thirty* dollars and fifty cents per week.

(e) If there be five children, sixty-four per centum of wages of deceased, but not in excess of [twenty-nine dollars and fifty cents] *thirty-four* dollars per week.

(f) If there be six or more children, sixty-six and two-thirds per centum of wages of deceased, but not in excess of [thirty-two] *thirty-seven* dollars and fifty cents per week.

2. To the widow or widower, if there be no children, fifty-one per centum of wages, but not in excess of [twenty dollars and fifty cents] *twenty-three dollars and seventy-five cents* per week.

To widow or widower, if no children.

3. To the widow or widower, if there be one child, sixty per centum of wages, but not in excess of [twenty-five dollars] *twenty-eight dollars and seventy-five cents* per week.

To widow or widower, if one child.

4. To the widow or widower, if there be two children, sixty-six and two-thirds per centum of wages, but not in excess of [twenty-nine dollars and fifty cents] *thirty-four* dollars per week.

To widow or widower, if two children.

4½. To the widow or widower, if there be three or more children, sixty-six and two-thirds per centum of wages, but not in excess of [thirty-two] *thirty-seven* dollars and fifty cents per week.

To widow or widower, if three children or more.

5. If there be neither widow, widower, nor children entitled to compensation, then to the father or mother, if dependent to any extent upon the employe at the time of the accident, thirty-two per centum of wages, but not in excess of [eleven dollars and fifty cents] *thirteen dollars and twenty-five cents* per week: Provided, however, That in the case of a minor child who has been contributing to his parents, the dependency of said parents shall be presumed: And provided further, That if the father or mother was totally dependent upon the deceased employe at the time of the accident, the com-

To father or mother, if no widow, widower or children.

Proviso.

Further proviso.

compensation payable to such father or mother shall be fifty-two per centum of wages, but not in excess of [nineteen] *twenty-two* dollars per week.

To brothers and sisters, if no widow, widower, children or dependent parents.

6. If there be neither widow, widower, children, nor dependent parent, entitled to compensation, then to the brothers and sisters, if actually dependent upon the decedent for support at the time of his death, twenty-two per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of thirty-two per centum, such compensation to be paid to their guardian, or if there be no guardian, to such other person as may be designated by the board, as hereinafter provided.

Burial expenses.

7. Whether or not there be dependents as aforesaid, the reasonable expense of burial, not exceeding four hundred and twenty-five dollars, which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses).

When compensation payable.

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, or sister is under the age of eighteen. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him and receiving from him a substantial portion of her support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. If members of decedent's household at the time of his death, the terms "child" and "children" shall include step-children, adopted children and children to whom he stood in loco parentis, and shall include posthumous children. Should any dependent of a deceased employe die or remarry, or should the widower become capable of self-support, the right of such dependent or widower to compensation under this section shall cease: Provided, however, That upon remarriage of any widow, the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her: Provided further, That if, upon investigation and hearing, it shall be ascertained that the widow or widower is living with a man or woman, as the case may be, in meretricious relationship and not married, or the widow living a life of prostitution, the board may order the termination of compensation payable to such widow or widower. If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled there-

"Child" and "children".

Right to compensation to cease in certain cases.

Proviso: Remarriage of widow.

Further proviso: Meretricious relationship.

under shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

The wages upon which death compensation shall be based shall not in any case be taken to exceed [forty-nine dollars] *fifty-six dollars and twenty-five cents* per week, nor be less than [twenty-nine] *thirty-seven* dollars and fifty cents per week.

Basis of death compensation.

This compensation shall be paid during three hundred and fifty weeks, and in the case of children entitled to compensation under this section, the compensation of each child, shall continue, after said period of three hundred and fifty weeks, until such child reaches the age of eighteen years, at the rate of twenty-four and one-half per centum of wages, but not in excess of [nine dollars and forty cents] *ten dollars and seventy-five cents* per week, if there is one child; thirty-four and one-half per centum of wages, but not in excess of [thirteen] *fifteen* dollars per week, if there are two children; forty-five and one-half per centum of wages, but not in excess of [seventeen dollars and fifty cents] *twenty dollars and twenty-five cents* per week, if there are three children; fifty-seven per centum of wages, but not in excess of [twenty-two dollars] *twenty-five dollars and fifty cents* per week, if there are four children; sixty-two per centum of wages, but not in excess of [twenty-three dollars and fifty cents] *twenty-seven dollars* per week, if there are five children; and sixty-six and two-thirds per centum of wages, but not in excess of [twenty-six] *thirty* dollars and fifty cents per week, if there are six children or more.

Period of compensation.

Rate of compensation.

The board may, if the best interest of a child or children shall so require, at any time order and direct the compensation payable to a child or children, or to a widow or widower on account of any child or children, to be paid to the guardian of such child or children, or, if there be no guardian, to such other person as the board as hereinafter provided may direct. If there be no guardian or committee of any minor, dependent, or insane employe, or dependent, on whose account compensation is payable, the amount payable on account of such minor, dependent, or insane employe, or dependent may be paid to any surviving parent, or to such other person as the board may order and direct, and the board may require any person, other than a guardian or committee, to whom it has directed compensation for a minor, dependent, or insane employe, or dependent to be paid, to render, as and when it shall so order, accounts of the receipts and disbursements of such person, and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person.

Payment to guardian of minors.

Payment to surviving parent if there be no guardian.

Board may require accounting and filing of bond.

Subsection (e) of Section 309, Amended May 14, 1949  
(P. L. 1369).

“Wages” con-  
strued as average  
weekly wages.

Section 309. Wherever in this article the term “wages” is used, it shall be construed to mean the average weekly wages of the employe, ascertained as follows:

\* \* \* \* \*

(e) In occupations which are exclusively seasonal and therefore cannot be carried on throughout the year, the average weekly wage shall be taken to be one-fiftieth of the total wages which the employe has earned from all occupations during the twelve calendar months immediately preceding the accident, unless it be shown that during such year, by reason of exceptional causes, such method of computation does not ascertain fairly the earnings of the employe, in which case the period for calculation shall be extended so far as to give a basis for the fair ascertainment of his average weekly earnings.

The terms “average weekly wage” and “total wages,” as used in this section, shall include board and lodging received from the employer, and when so received, the board shall be rated at [one dollar per day, and board together with lodging shall be rated at] two dollars per day if more than one meal is served, and one dollar per day if only one meal is served, and lodging shall be rated at one dollar and fifty cents per day. In employments in which employes customarily receive not less than one-third of their remuneration in tips or gratuities not paid by the employer, gratuities shall be added to the wages received at the rate of two dollars per day, but such terms shall not include [gratuities received from the employer or others, nor shall such terms include] amounts deducted by the employer under the contract of hiring for labor furnished or paid for by the employer and necessary for the performance of such contract by the employe, nor shall such terms include deductions from wages due the employer for rent and supplies necessary for the employe’s use in the performance of his labor.

Where the employe is working under concurrent contracts with two or more employers and the defendant employer has knowledge of such employment prior to the accident, his wages from all such employers shall be considered as if earned from the employer liable for compensation.

If under clauses (a), (b), (c), (d) and (e) of this section, the amount determined is less than if computed as follows, this computation shall apply, viz.: Divide the total wages earned by the employe during the last

two completed calendar quarters with the same employer by the number of days he worked for such employer during such period multiplied by five.

### Section 310.

Section 310. Alien widows, children [, widowers] and parents, [brothers and sisters] not residents of the United States, shall [not] be entitled to [any] compensation, *but only to the amount of fifty per centum of the compensation which would have been payable if they were residents of the United States: Provided, That compensation benefits are granted residents of the United States under the laws of the foreign country in which the widow, children or parents reside. Alien \*widowers, brothers and sisters who are not residents of the United States shall not be entitled to receive any compensation. In no event shall any nonresident alien widow or parent be entitled to compensation in the absence of proof that the alien widow or parent has actually been receiving a substantial portion of his or her support from the decedent. Where transmission of funds in payment of any such compensation is prohibited by any law of the Commonwealth or of the United States to residents of such foreign country, then no compensation shall accrue or be payable while such prohibition remains in effect and, unless such prohibition is removed within six years from the date of death, all obligation to pay compensation under this section shall be forever extinguished.*

Alien dependents  
not residents of  
the United States.

*In every instance where an award is made to alien widows, children or parents, not residents in the United States, the referee or the board shall, in the award, fix the amount of any fee allowed to any person for services in connection with presenting the claim, and it shall be a misdemeanor punishable by a fine of not more than five hundred dollars or imprisonment for not more than six months, or both, to accept any remuneration for the services other than that provided by the referee or board.*

### Section 311.

Section 311. Unless the employe or someone in his behalf, or some of the dependents or someone in their behalf, shall give notice thereof to the employer within [fourteen] *twenty-one* days after the accident, no compensation shall be due until such notice be given, and, unless such notice be given within [ninety] *one hundred and twenty* days after the occurrence of the [injury] *accident*, no compensation shall be allowed.

Notice to em-  
ployer, of injury.

\* "widows" in original.



## Section 312.

Form of notice  
of injury.

Section 312. The notice referred to in section three hundred and eleven [hereof shall be substantially in the following form:

To (name of employer).

You are hereby notified that an injury of the following character (.....) was suffered by (name of employe injured), who was in your employment at (place), while engaged as (kind of employment) on or about the (.....) day of (.....), Anno Domini (.....) and that compensation will be claimed therefor.

Date .....: Signed (.....).

But no variation from this form shall be material if the notice be sufficient to inform the employer that a certain employe, by name, received an injury, the character of which is described in ordinary language, in the course of his employment on or about a time specified and at or near a place specified.] *shall inform the employer that a certain employe received an injury, described in ordinary language, in the course of his employment on or about a specified time, at or near a place specified.*

## Section 313.

Notice of accident  
—how served.

Section 313. [The notices referred to in section three hundred and two and section three hundred and eleven hereof may be served personally upon the employer or upon the manager or superintendent in charge of the works or business in which the accident occurred, or by sending them through the registered mail to the employer at his or its last known residence or place of business, or, if the employer be a corporation, either foreign or domestic, then upon the president, vice-president, secretary, or treasurer thereof. Notice served upon any of said agents shall be notice to the employer.] *The notice referred to in sections three hundred and eleven and three hundred and twelve may be given to the immediate or other superior of the employe, to the employer, or any agent of the employer regularly employed at the place of employment of the injured employe.*

## Section 314.

Examination by  
physician.

Section 314. At any time after an injury the employe, if so requested by his employer, must submit himself for examination, at some reasonable time and place, to a physician or physicians legally authorized to practice under the laws of such place, who shall be selected and paid by the employer. If the employe shall refuse upon the request of the employer, to submit to

the examination by the physician or physicians selected by the employer, the board may, upon petition of the employer, order the employe to submit to an examination at a time and place set by it, and by the physician or physicians selected and paid by the employer, or by a physician or physicians designated by it and paid by the employer [and if the employe shall, without reasonable cause or excuse, disobey or disregard such order, he shall be deprived of his right to compensation under this article]. The board may at any time after such first examination, upon petition of the employer, order the employe to submit himself to such further examinations as it shall deem reasonable and necessary, at such times and places and by such physicians as it may designate; and in such case, the employer shall pay the fees and expenses of the examining physician or physicians, and the reasonable traveling expenses and loss of wages incurred by the employe in order to submit himself to such examination. The refusal or neglect, without reasonable cause or excuse, of the employe to submit to such examination ordered by the board, either before or after an agreement or award, shall deprive him of the right to compensation, under this article, during the continuance of such refusal or neglect, and the period of such neglect or refusal shall be deducted from the period during which compensation would otherwise be payable.

The employe shall be entitled to have a physician or physicians of his own selection, to be paid by him, participate in any examination requested by his employer or ordered by the board.

Section 315. Amended September 29, 1951  
(P. L. 1576).

Section 315. In cases of personal injury all claims for compensation shall be forever barred, unless, within [one year] *sixteen months* after the accident, the parties shall have agreed upon the compensation payable under this article; or unless within [one year] *sixteen months* after the accident, one of the parties shall have filed a petition as provided in article four hereof. In cases of death all claims for compensation shall be forever barred, unless, within [one year] *sixteen months* after the death, the parties shall have agreed upon the compensation under this article; or unless, within [one year] *sixteen months* after the death, one of the parties shall have filed a petition as provided in article four hereof. Where, however, payments of compensation have been made in any case, said limitations shall not take effect until the expiration of [one year] *sixteen months* from the time of the making of the most recent payment prior to date

Time limit for filing claims for compensation for personal injury.

When claims for compensation in cases of death must be filed; in varying cases.

of filing such petition: Provided, That any payment made under an established plan or policy of insurance for the payment of benefits on account of non-occupational illness or injury shall not be considered to be payment in lieu of workmen's compensation, and such payment shall not toll the running of the Statute of Limitations.

Section 316.

Commuted  
payments.

Section 316. The compensation contemplated by this article may at any time be commuted by the board, at its then value when discounted at five per centum interest, with annual rests, upon application of either party, with due notice to the other, if it appear that such commutation will be for the best interest of the employe or the dependents of the deceased employe, and that it will avoid undue expense or undue hardship to either party, or that such employe or dependent has removed or is about to remove from the United States, or that the employer has sold or otherwise disposed of the whole or the greater part of his business or assets: Provided, however, That unless the employer agrees to make such commutation, the board [shall] *may* require the employe or the dependents of the deceased employe to furnish proper indemnity safeguarding the employer's rights.

Indemnity for  
employer.

Section 319, Amended May 29, 1951 (P. L. 507).

Employer's right  
of subrogation.

Section 319. Where the compensable injury is caused in whole or in part by the act or omission of a third party, the employer shall be subrogated to the right of the employe, his personal representative, his estate or his dependents, against such third party to the extent of the compensation payable under this article by the employer; reasonable attorney's fees and other proper disbursements incurred in obtaining a recovery or in effecting a compromise settlement shall be prorated between the employer and employe, his personal representative, his estate or his dependents. Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe, his personal representative, his estate or his dependents, and shall be treated as an advance payment by the employer on account of any future instalments of compensation.

*Where an employe has received payments for the disability or medical expense resulting from an injury by accident in the course of his employment, paid by the employer or an insurance company on the basis that the injury and disability were not compensable under this*

*act, in the event of an agreement or award for that injury, the employer or insurance company who made the payments shall be subrogated out of the agreement or award to the amount so paid, if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board.*

Subsection (a) of Section 320, Amended August 24,  
1953 (P. L. 1379).

Section 320. (a) If the employe at the time of the accident is a minor, under the age of eighteen years, employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age, compensation, either in the case of injury or death of such employe, shall be one hundred and [ten] *fifty* per centum of the amount that would be payable to such minor if legally employed. The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation."

Illegal employ-  
ment of minor.

Injury or death.

Additional  
compensation.

Section 413. Amended September 29, 1951  
(P. L. 1576).

Section 413. The board, or a referee designated by the board, may, at any time, review and modify or set aside an original or supplemental agreement, upon petition filed by either party with the board or in the course of the proceedings under any petition pending before such board or referee, if it be proved that such agreement was [procured by the fraud, coercion, or other improper conduct of a party, or was founded upon a mistake of law or of fact: Provided, That, except in the case of eye injuries, an agreement can only be reviewed, modified, or set aside if a petition is filed with the board within one year after the date of the most recent payment of compensation made prior to the filing of such petition.] *in any material respect incorrect.*

Review and modi-  
fication of  
agreements.

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Modification of  
agreement or  
award upon  
change of disabili-  
ty or status.

The board, or referee designated by the board, may, at any time, modify, reinstate, suspend, or terminate an original or supplemental agreement or an award, upon petition filed by either party with such board, upon proof that the disability of an injured employe has increased, decreased, recurred, or has temporarily or finally ceased, or that the status of any dependent has changed. Such modification, reinstatement, suspension, or termination shall be made as of the date upon which it is shown that the disability of the injured employe has increased, decreased, recurred, or has temporarily or finally ceased, or upon which it is shown that the status

**Proviso.**

of any dependent has changed: Provided, That, [except in the case of eye injuries, an agreement or an award can only be reviewed, modified, or reinstated during the time such agreement or award has to run, if for a definite period; and] except in the case of eye injuries, no agreement or award shall be reviewed, or modified, or reinstated, unless a petition is filed with the board within [one year] *two years* after the date of the most recent payment of compensation made prior to the filing of such \*petition. And provided further, \*\*That any payment made under an established plan or policy of insurance for the payment of benefits on account of nonoccupational illness or injury shall not be considered to be payment in lieu of workmen's compensation, and such payment shall not toll the running of the Statute of Limitations: *And provided further, That where compensation has been suspended because the employe's earnings are equal to or in excess of his wages prior to the accident that payments under the agreement or award may be resumed at any time during the period for which compensation for partial disability is payable, unless it be shown that the loss in earnings does not result from the disability due to the injury.*

**Powers of board or referee.**

The board or referee to whom any such petition has been assigned may subpoena witnesses, hear evidence, make findings of fact, and award or disallow compensation, in the same manner and with the same effect and subject to the same right of appeal, as if such petition were an original claim petition.

**When petition a supersedeas.**

The filing of a petition to terminate or modify a compensation agreement or award as provided in this section shall operate as a supersedeas, and shall suspend the payment of compensation fixed in the agreement or by the award, in whole or to such extent as the facts alleged in the petition would, if proved, require.

## Section 416.

**Filing answers to petitions.**

Section 416. Within [ten] *twenty* days after a copy of any petition has been served upon an adverse party, he may file with the secretary of the board if the petition has been directed to be heard by the board, or with the referee if the petition has been assigned to a referee, an answer in the form prescribed by the board.

Every fact alleged in a *claim* petition not specifically denied by an answer so filed by an adverse party shall be deemed to be admitted by him. But the failure of any adverse party or of all of them to deny a fact so

\* "petitions," in original.

\*\* "than," in original.

alleged shall not preclude the board or referee before whom the petition is heard from requiring, of its or his own motion, proof of such fact.

#### Section 417.

Section 417. As soon as may be after the twelfth day after notice that a petition has been directed to be heard by the board has been served upon the adverse parties thereof, the board shall fix a time and place for hearing the petition. If a petition be assigned to a referee, he shall [twelve days after notice that such petition has been assigned to him, has been served upon the adverse parties] *as soon as practicable thereafter* fix a time and a place for hearing the petition. [Such hearing shall not be less than seven nor more than fourteen days after the mailing of notice thereof by the referee.] The secretary of the board, if the petition has been directed to be heard by the board or by one or more of its members, or the referee to whom the petition has been assigned, shall serve upon all parties in interest a notice of the time and place of hearing, and shall serve upon the petitioner a copy of any answer of any adverse party.

Hearing on  
petition.

Secretary of  
board to serve  
notice of time  
and place of  
hearing.

#### Section 418.

Section 418. The board if a petition is directed to be heard by it or by one or more of its members, or the referee to whom a petition is assigned for hearing, may subpoena witnesses, order the production of books and other writings, and hear evidence and shall make, in writing and as soon as may be after the conclusion of the hearing, such findings of fact, conclusions of law, and award or disallowance of compensation or other order, as the petition and answers and the evidence produced before it or him and the provisions of this act shall, in its or his judgment require. The findings of fact made by the board in any petition heard by it or by one or more of its members or upon a hearing de novo shall be final, except as hereinafter provided, and the findings of fact made by a referee to whom a petition has been assigned or any question of fact has been referred under the provisions of section four hundred and nineteen shall be final, unless an appeal is taken as provided in this act, or unless the board shall, under the provisions of [section] *sections* four hundred and twenty-five or *four hundred and twenty-six* of this article, grant a hearing de novo or a rehearing.

Disposition of  
petitions heard by  
the board or  
referee.

## Section 420, Amended August 24, 1953 (P. L. 1379).

Board or referee may make investigations or appoint physicians or surgeons to make physical examinations.

Section 420. The board or a referee, if it or he deem it necessary, may, of its or his own motion, either before, during, or after any hearing, make an investigation of the facts set forth in the petition or answer. The board or referee with the consent of the board, may appoint one or more impartial physicians or surgeons to examine the injuries of the plaintiff and report thereon, or he may employ the services of such other experts as shall appear necessary to ascertain the facts. The report of any physician, surgeon, or expert appointed by the board or by a referee shall be filed with the board or referee, as the case may be, and shall be a part of the record and open to inspection as such.

Compensation for physicians.

The board shall fix the compensation of such physicians, surgeons, and experts, which, when so fixed, shall be paid out of the sum appropriated to the Department of Labor and Industry.

Appropriation to Department of Labor and Industry for compensation payable by the Commonwealth for the biennium 1953-55.

1955-57.

The sum of fifty thousand dollars (\$50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under this section for the biennium one thousand nine hundred fifty-three—one thousand nine hundred fifty-five.

*The sum of fifty thousand dollars (\$50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable by the Commonwealth under the provisions of this section for the biennium one thousand nine hundred fifty-five—one thousand nine hundred fifty-seven.*

## Section 422.

Board or referee not bound by technical rules of evidence.

Section 422. Neither the board nor any of its members nor any referee shall be bound by the technical rules of evidence in conducting any hearing or investigation, but all findings of fact shall be based only upon sufficient, competent evidence to justify same.

Testimony or deposition may be taken within or outside the Commonwealth.

If any party or witness resides outside of the Commonwealth, or through illness or other cause is unable to testify before the board or a referee, his or her testimony or deposition may be taken, within or without this Commonwealth, in such manner and in such form as the board may, by special order or general rule, prescribe.

Hospital records.

The records kept by a hospital of the medical or surgical treatment given to an employe in such hospital shall be admissible as evidence of the medical and surgical matters stated therein, but shall not be conclusive proof of such matters.

*Where any claim for compensation at issue before a referee involves five weeks or less of disability, either the employe or the employer may submit a certificate by any qualified physician as to the history, examination, treatment, diagnosis and cause of the condition, and the statements shall be admissible as evidence of medical and surgical matters therein stated, but such statements and certificates shall not be admissible in any subsequent proceedings.*

*Where an employer shall have furnished surgical and medical services or hospitalization in accordance with the provisions of subsection (f) of section 306, or where the employe has himself procured them, the employer or employe shall, upon request, in any pending proceeding, be furnished with, or have made available, a true and complete record of the medical and surgical services and hospital treatment, including X rays, laboratory tests, and all other medical and surgical data in the possession or under the control of the party requested to furnish or make available such data.*

Section 426, Amended May 27, 1943 (P. L. 691).

Section 426. The board, upon petition of any party and upon cause shown, at any time before the court of common pleas of any county of this Commonwealth other than Allegheny County, and in Allegheny County before the county court of Allegheny County, to which an appeal has been taken under the provisions of section four hundred and twenty-seven of this article shall have taken final action thereon, may grant a rehearing of any petition upon which the board has made an award or disallowance of compensation or other order or ruling, or upon which the board has sustained or reversed any action of a referee; but such rehearing shall not be granted more than [one year] *eighteen months* after the board has made such award, disallowance, or other order or ruling, or has sustained or reversed any action of the referee. If the board shall grant a rehearing of any petition from the board's action on which an appeal has been taken to and is pending in, the court of common pleas, or in the county court of Allegheny County, as the case may be, under the provisions of section four hundred and twenty-seven of this article, the board shall file in such court a certified copy of its order granting such rehearing, and it shall thereupon be the duty of such court to cause the record of the case to be remitted to the board: Provided, however, That nothing contained in this section shall limit or restrict the right of the board, or a referee designated

Rehearing.

Limitation.

Rehearing by board, of pending appeals to court of common pleas.

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by the board, to review, modify, set aside, reinstate, suspend, or terminate, an original or supplemental agreement, or an award in accordance with the provisions of section four hundred thirteen of this article.

Section 434.

Final receipt may be set aside.

Section 434. A final receipt, given by an employe or dependent entitled to compensation under a compensation agreement or award, shall be prima facie evidence of the termination of the employer's liability to pay compensation under such agreement or award: Provided, however, That the board, or a referee designated by the board, may, at any time within two years from the date to which [payment is made as evidenced by such final receipt] *payments have been made*, set aside a final receipt, upon petition filed with the board, if it be conclusively proved that [such receipt was procured by fraud, coercion, or other improper conduct of a party, or is founded upon mistake of law or of fact] *all disability due to the accident in fact had not terminated*.

Section 501.

Claim for legal services.

Section 501. No claim or agreement for legal services or disbursements in support of any demand made or suit brought under the provisions of article two of this act shall be an enforceable lien against the amount to be paid as damages, or be valid or binding in any respect, unless the same be approved in writing by the judge presiding at the trial, or, in case of settlement without trial, by a judge of the common pleas court of the county in which the accident occurred.

Approval of court.

No claim or agreement for legal services or disbursements in support of any claim for compensation, or in preparing any agreement for compensation, under article three of this act, shall be an enforceable lien against the amount to be paid as compensation, or be valid or binding in any other respect, unless the same be approved by the board. Any such claim or agreement shall be filed with the department, which shall, as soon as may be, notify the person by whom the same was filed of the board's approval or disapproval thereof, as the case may be.

Claim or agreement for legal services to be passed upon by the board.

Lien.

After the approval as herein required, if the employer be notified in writing of such claim or agreement for legal services and disbursements, the same shall be a lien against any amount thereafter to be paid as damages or compensation: Provided, however, That where the employe's compensation is payable by the employer in periodical instalments, the board shall fix, at the time of approval the proportion of each instalment to be paid

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on account of legal services and disbursements, and the board may upon application made to it commute the sum awarded for legal services and disbursements.

Section 2. This act shall take effect in thirty days.

Effective date.

APPROVED—The 28th day of February, A. D. 1956.

GEORGE M. LEADER

No. 357

AN ACT

Authorizing photostating, photographing, microphotographing, microfilming or other mechanical processing of court records on file ten years or more; making such copies and copies thereof admissible in evidence; and providing for the disposition, destruction or transfer of custody of certain originals.

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

Section 1. The court having jurisdiction over original papers forming the record in the office of any prothonotary, clerk of court, clerk of the orphans' court, or register of wills, may, from time to time, direct that all of such papers, or any part of them, that have been on file for a period of ten years or more, may be reproduced by any photostatic, photographic, microphotographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy, microcopy or reproduction of the original, in accordance with standards not less than those approved for permanent records by the National Bureau of Standards. The court order may direct that the originals thereof, except original papers which determine ownership or establish title to real property, be disposed of or destroyed, and the reproductions substituted therefor as public records.

Courts authorized to have reproduced certain old records and to dispose or destroy same, except those records establishing title to real estate.

Section 2. The photostatic, photographic, microphotographic or microfilmed copy of any court record destroyed or disposed of as herein authorized, or a certified copy thereof, shall be admissible in evidence in any court or proceeding, and shall have the same force and effect as though the original court record had been produced and proved. It shall be the duty of the custodian of the records to prepare enlarged, typed or photographic copies of the records whenever their production in court is required.

Authorized reproduced records admissible in evidence.

Section 3. No prothonotary, clerk of any court, register of wills or other officer of any court shall be held liable on his official bond, or in the way of damages for loss, or in any other manner, civil or criminal, because of the destruction of records as herein authorized.

Proper officer destroying records as authorized not liable in any manner.