

(a) *To enforce, administer and carry out the provisions of the act, approved the second of July, one thousand nine hundred thirty-five (Pamphlet Laws 589), entitled "An act to safeguard human health and life by providing for the issuance of permits to, and regulation of persons and entities selling milk and milk products; conferring powers, and imposing duties on the Secretary of Health, the Advisory Health Board; and otherwise providing for the administration of the act; and imposing penalties."*

(b) *To perform all duties and exercise all powers vested by such law or any other law in the Department of Health, the Secretary of Health or the Advisory Health Board and relating to the protection of the purity and sanitation of milk for human consumption*

Transfer of powers and duties from Department of Health to Department of Agriculture.

Section 2. All powers and duties of the Department of Health, the Secretary of Health and the Advisory Health Board relating to the protection of the purity and sanitation of milk for human consumption are hereby transferred to and hereafter shall be exercised by the Department of Agriculture and the Secretary of Agriculture.

Saving clause.

Section 3. This act shall not affect any rules, regulations, orders or permits issued, action taken, or contract made by the Department of Health, Secretary of Health or Advisory Health Board prior to the effective date of this act. Nor shall this act affect any pending action, civil or criminal, brought by or against the Department of Health or its officers, but such action may be prosecuted or defended by the Secretary of Agriculture as if originally brought by or against him.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

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No. 79

AN ACT

To further amend the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws." by further regulating workmen's compensation and occupational disease insurance rates, and changing the provision relating to such insurance as to policy requirements, suits for premiums and annual reports.

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

Section 1. Section 651 of the act, approved the seventeenth day of May, one thousand nine hundred twenty-one (Pamphlet Laws 682), entitled "An act relating to insurance; amending, revising, and consolidating the law providing for the incorporation of insurance companies, and the regulation, supervision, and protection of home and foreign insurance companies, Lloyds associations, reciprocal and inter-insurance exchanges, and fire insurance rating bureaus, and the regulation and supervision of insurance carried by such companies, associations, and exchanges, including insurance carried by the State Workmen's Insurance Fund; providing penalties; and repealing existing laws," is hereby amended to read as follows:

Section 651. Policy Provisions.—Every policy of insurance against liability under "The Workmen's Compensation Act of nineteen hundred and fifteen," and acts amendatory thereof or supplementary thereto, or under "The Pennsylvania Occupational Disease Act of nineteen hundred and thirty-nine," and acts amendatory thereof or supplementary thereto, shall contain the agreement of the insurer to pay all compensation and provide all medical, surgical, and hospital attendance for which the insured employer may become liable under [the act] *such acts* during the term of such insurance, and the further agreement that, as between the insurer and any claimant under [the act] *such acts*, notice to the employer or the employer's knowledge of an accident or injury or disability caused by occupational disease constituting the basis of a claim under [the act] *such acts* shall be notice to and knowledge of the insurer. Such agreements shall be construed to be a direct promise to the injured employe or to the dependents of a deceased employe having a claim under [the act] *such acts*, and shall be enforceable by action brought in the name of such injured employe or in the name of such dependents. Such obligation shall not be affected by any default of the insured, after [the] *an accident or after disability caused by occupational disease*, in the payment of premiums or in the giving of any notices required by such policy or otherwise.

Section 2. Section 652 of the act, as amended by the act, approved the twenty-fourth day of May, one thousand nine hundred thirty-three (Pamphlet Laws 983), is hereby further amended to read as follows:

Section 652. Suits for Premiums.—No suit shall be maintained for the collection of premiums upon any policy of insurance under "The Workmen's Compensation Act of nineteen hundred and fifteen," [or] *and acts amendatory thereof or supplementary thereto, or under*

"The Insurance Company Law of 1921."

Section 651, act of May 17, 1921. P. L. 682, amended.

Section 652, said act, as amended by act of May 24, 1933, P. L. 983, further amended.

*“The Pennsylvania Occupational Disease Act of nineteen hundred and thirty-nine,” and acts amendatory thereof or supplementary thereto,* which violates any of the provisions of this act. All premiums and interest charges on account of policies insuring employes against liability under this chapter, which may be due to the State [insurance fund] *Workmen’s Insurance Fund*, or any stock corporation or mutual association authorized to transact the business of insurance in this State, and all judgments recovered by the State [insurance fund] *Workmen’s Insurance Fund*, or any such insurance corporation or association, against any employer on actions brought under any such policy, shall be deemed preferred claims in all insolvency or bankruptcy proceedings, trustee proceedings for administration of estates, and receiverships, involving the employer liable therefor, or the property of such employer; provided, however, that claims for wages shall receive prior preference in all such proceedings.

Section 653, said act, amended.

Section 3. Section 653 of this act is hereby amended to read as follows:

Section 653. Prohibited Policy Provisions.—No policy of insurance against liability under *“The Workmen’s Compensation Act of nineteen hundred and fifteen,”* [or] *and acts amendatory thereof or supplementary thereto, or under “The Pennsylvania Occupational Disease Act of nineteen hundred and thirty-nine,” and acts amendatory thereof or supplementary thereto,* shall contain any limitation of the liability of the insurer to an amount less than that for which the insured employer may become liable under [the act] *such acts* during the term of such insurance. No such policy or contract of insurance, nor any agreement to deliver such insurance, shall be issued except upon a form approved by the Insurance Commissioner as complying with all the terms and provisions of this act. But a policy may be issued to a self insurer, qualified under section three hundred five of article three of *“The Workmen’s Compensation Act of nineteen hundred and fifteen,”* [or] *and acts amendatory thereof or supplementary thereto, or under section three hundred five of article three of “The Pennsylvania Occupational Disease Act of nineteen hundred and thirty-nine,” and acts amendatory thereof or supplementary thereto,* providing for the payment of any stated loss in excess of ten thousand dollars falling upon such self insurer, under the terms of the said [act] *acts,* by reason of any single accident or by reason of any single occurrence resulting in disability from occupational disease.

Section 654, said act, as amended by act of July 31, 1941, P. L. 607, further amended.

Section 4. Section 654 of the act, as amended by the act, approved the thirty-first day of July, one thousand nine hundred forty-one (Pamphlet Laws 607), is hereby further amended to read as follows:

Section 654. Classification of Risks; Underwriting Rules; Premium Rates; and Schedule and Merit Rating Plans.—The classification of risks, underwriting rules, premium rates, and schedule or merit rating plans for insurance of employers and employes under “The Workmen’s Compensation Act of nineteen hundred and fifteen,” and acts amendatory thereof *or supplementary thereto, and for insurance under “The Pennsylvania Occupational Disease Act of nineteen hundred and thirty-nine,” and acts amendatory thereof or supplementary thereto, and for insurance with respect to the Commonwealth of Pennsylvania as to liability under “The United States Longshoremen’s and Harbor Workers’ Compensation Act” of one thousand nine hundred twenty-seven, and acts amendatory thereof or supplementary thereto, written as a part of a workmen’s compensation and employers’ liability policy*, shall be proposed annually by one or more rating bureaus, said rating bureau or bureaus to be situate within the Commonwealth of Pennsylvania, subject to supervision and to examination by the Insurance Commissioner and approved by the Insurance Commissioner as adequately equipped to compile rates on an equitable and impartial basis. Such schedule or merit rating plans shall be applied only by the approved rating bureau or bureaus, and, in the preparation of schedules, no employer shall be discriminated against or penalized because of physical impairment of any employe or because of the number of dependents of any employe.

The classification of risks, underwriting rules, premium rates and schedule [of] *or* merit [or] rating plans for insurance of employers and employes under [“The Workmen’s Compensation Act of nineteen hundred and fifteen,” and acts amendatory thereof] *such acts*, shall be filed with, and shall be subject to review by the Insurance Commissioner, and the Insurance Commissioner shall by order modify, amend or approve the same. Any person, corporate or otherwise, aggrieved by such order, classification, rule, rate or schedule issued by the Insurance Commissioner may obtain a review thereof before the Insurance Commissioner, and if still aggrieved by such reviewed order, classification, rule, rate or schedule may obtain a further review thereof in the Common Pleas Court of Dauphin County of the Commonwealth of Pennsylvania by filing in the said court a written petition praying that the order, classification, rule, rate or schedule issued by the Insurance Commissioner be modified, amended or set aside in whole or in part. The judgment and decree of said court modifying or enforcing or setting aside in whole or in part any such action of the Insurance Commissioner shall be final, subject to review by the Superior Court of the Commonwealth of

Pennsylvania upon certiorari or certificate, as in such cases made or provided. The commencement of proceedings under this section shall not, unless specifically ordered by the court, operate as a stay of the Insurance Commissioner's order.

No risk classification, underwriting rule, premium rate, or schedule or merit rating plan shall take effect without the consent of the Insurance Commissioner, and he may withdraw his approval whenever, in his judgment, the same is inadequate or discriminates unfairly between risks of essentially the same hazard.

Neither the State Workmen's Insurance Fund, nor any insurance corporation, mutual association, or company, shall issue, renew, or carry any policy or contract of insurance against *such* liability under ["The Workmen's Compensation Act of one thousand nine hundred and fifteen," and acts amendatory thereof] *such acts*, except in accordance with the classifications, underwriting rules, premium rates, and [schedules] *schedule* or merit rating *plans*, proposed by the rating bureau *or bureaus* aforesaid for the risk insured and as modified, amended or approved by the Insurance Commissioner for such insurer.

*Notwithstanding any other provisions of this section, upon the written consent of the insured stating his reasons therefor, filed with and approved by the Insurance Commissioner, a rate in excess of that determined in accordance with the other provisions of this section may be used on any specific risk.*

A complete copy of every policy or a true copy of the substantive provisions of any policy or contract of insurance against *such* liability under ["The Workmen's Compensation Act of one thousand nine hundred and fifteen," or acts amendatory thereof] *such acts*, and a true copy of every endorsement upon any such policy and of every agreement pertaining thereto, shall be filed with the rating bureau *or bureaus* aforesaid within a reasonable time after the effective date of any such policy, endorsement, contract, or agreement.

Section 655, said act, amended.

\*Section 5. Section 655 of the act is hereby amended to read as follows:

Section 655. Annual Report of Premiums and Loss Experience; Penalties.—The State Workmen's Insurance Fund, and every insurance company and every employer's mutual liability association which insures employers [or] *and* employes under "The Workmen's Compensation Act of one thousand nine hundred and fifteen," [or] *and* acts amendatory thereof *or supplementary thereto, or under "The Pennsylvania Occupational Disease Act of nineteen hundred and thirty-nine," and acts amendatory thereof or supplementary thereto,*

\* "Section 5" omitted in original.

or with respect to Pennsylvania under the "United States Longshoremen's and Harbor Workers' Compensation Act" of one thousand nine hundred twenty-seven, and acts amendatory thereof or supplementary thereto, when such liability is insured as a part of a workmen's compensation and employers' liability policy, shall annually, on or before the thirtieth day of June, file with the Insurance Commissioner a sworn report of its premium and loss experience, in such detail and form as may be prescribed by the Insurance Commissioner. Any insurance carrier which neglects to make and file such statement in the form or within the time herein provided shall forfeit one hundred dollars for each day during which such neglect continues, and, upon notice by the Insurance Commissioner, its authority to do business shall cease while such default continues.

The Insurance Commissioner shall have the power to suspend or revoke the license of any insurance company which violates any of the provisions of subdivision (d) of this article.

Section 6. The provisions of this act shall become effective immediately upon final enactment. Act effective immediately.

APPROVED—The 2nd day of July, A. D. 1953.

JOHN S. FINE

No. 80

AN ACT

To amend the act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2532), entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth; and to provide for the administration thereof," by extending the provisions of the act to insurance carriers authorized to write insurance under the Pennsylvania Occupational Disease Act.

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

Section 1. Sections 2, 3, 5 and 8 of the act, approved the first day of July, one thousand nine hundred thirty-seven (Pamphlet Laws 2532), entitled "An act to establish funds to provide security for the payment of benefits in event of the insolvency of an insurance carrier authorized to write workmen's compensation insurance in this Commonwealth; and to provide for the administration thereof," are hereby amended to read as follows:

Section 2. As hereafter used in this act, unless the context or subject matter otherwise require—

"Workmen's Compensation Security Fund Act."

Sections 2, 3, 5 and 8, act of July 1, 1937, P. L. 2532, amended.

Definitions.