

the average pupil. The quotient thus obtained will be the "average daily membership for pupils in speech correction classes."

APPROVED—The 21st day of August, A. D. 1953.

JOHN S. FINE

No. 393

AN ACT

To further amend the act, approved the second day of June, 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," by making editorial corrections; increasing compensation payable to minors in certain cases; and making an appropriation to pay physicians and surgeons appointed by board or referee to make examinations.

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

Section 1. Clause (a) of section 306 of the act, approved the second day of June, 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," as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 520), and as last amended by the act, approved the second day of January, one thousand nine hundred fifty-two (Pamphlet Laws 1803), is hereby further amended to read as follows:

Section 306. The following schedule of compensation is hereby established for injuries resulting in 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 dollars per week nor less than twenty dollars 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 dollars per week, then

The Pennsylvania Workmen's Compensation Act.

Clause (a) of section 306, act of June 2, 1915, P. L. 736, as last reenacted and amended by act of June 21, 1939, P. L. 520, and as last amended by act of January 2, 1952, P. L. 1803, further amended.

Schedule of compensation.

Total disability.

he shall receive the full amount of such wages per week as compensation, but in no event less than ten 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 [five] *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.

Section 306.1, said act, as added by act of May 29, 1945, P. L. 1186, and as amended by act of June 21, 1947, P. L. 873, further amended.

Permanent partial disability becoming total through subsequent injury.

Section 2. Section 306.1 of said act, as added by the act, approved the twenty-ninth day of May, one thousand nine hundred forty-five (Pamphlet Laws 1186), and as amended by the act, approved the twenty-first day of June, one thousand nine hundred forty-seven (Pamphlet Laws 873), is hereby further amended to read as follows:

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:

After the cessation of payments by the employer for the period of weeks prescribed in Clause (c) [hereof] 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 [five] *seven* hundred week period provided in Clause (a) [hereof] 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 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 3. Subsection (a) of section 320 and section 420 of said act, as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 520), are hereby further amended to read as follows:

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 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."

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.

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 [for the maintenance of the department, and shall be taxed as part of the costs of the proceedings, to be repaid to such department by either

Subsection (a) of section 320 and section 420, said act, as last reenacted and amended by act of June 21, 1939, P. L. 520, further amended.

Illegal employment of minor.

Injury or death.

Additional compensation.

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

Employment of other experts.

Reports to be filed.

Compensation of physicians, surgeons and experts.

party, or both, as the board may direct. If any sum so taxed shall not be paid by the party directed to repay, the same may be collected as costs are now collectible].

Appropriation.

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.

APPROVED—The 24th day of August, A. D. 1953.

JOHN S. FINE

No. 394

AN ACT

To further amend the act, approved the second day of June, 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," by further regulating payment of compensation and changing notice requirements in *certain cases.

The Pennsylvania Workmen's Compensation Act.

Clauses (a) and (b), the last paragraph of clause (c), and clauses (d), (f) and (h) of section 306, act of June 2, 1915, P. L. 736, clauses (a), (c) and (d) of which were last amended by act of January 2, 1952, P. L. 1803, clauses (b) and (f) of which were last amended by act of May 14, 1949, P. L. 1369, and clause (h) of which was last amended by act of May 18, 1945, P. L. 671, further amended.

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

Section 1. Clauses (a) and (b), the last paragraph of clause (c), and clauses (d), (f) and (h) of section 306 of the act, approved the second day of June, 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," clauses (a), (c) and (d) of which were last amended by the act, approved the second day of January, one thousand nine hundred fifty-two (Pamphlet Laws 1803), clauses (b) and (f) of which were last amended by the act, approved the fourteenth day of May, one thousand nine hundred forty-nine (Pamphlet Laws 1369), and clause (h) of which was last amended by the act, approved the eighteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 671), are hereby further amended to read as follows:

Schedule of compensation.

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

* "herein" in original.