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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2207 Session of  
2018

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INTRODUCED BY EVANKOVICH, MILLARD, WATSON, GROVE, MCGINNIS,  
RADER, IRVIN, BERNSTINE, SIMMONS, COX AND NELSON,  
APRIL 2, 2018

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REFERRED TO COMMITTEE ON LABOR AND INDUSTRY, APRIL 2, 2018

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AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An  
2 act defining the liability of an employer to pay damages for  
3 injuries received by an employe in the course of employment;  
4 establishing an elective schedule of compensation; providing  
5 procedure for the determination of liability and compensation  
6 thereunder; and prescribing penalties," in liability and  
7 compensation, further defining "injury" and "personal  
8 injury"; providing for diseases with long latency periods  
9 between occupational exposure and manifestation of the  
10 disease; and further providing for liability.

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

13 Section 1. Section 301(c)(1) of the act of June 2, 1915  
14 (P.L.736, No.338), known as the Workers' Compensation Act, is  
15 amended and the section is amended by adding a subsection to  
16 read:

17 Section 301. \* \* \*

18 (c) (1) The terms "injury" and "personal injury," as used  
19 in this act, shall be construed to mean an injury to an employe,  
20 regardless of his previous physical condition, except as  
21 provided under [subsection] subsections (f) and (g), arising in

1 the course of his employment and related thereto, and such  
2 disease or infection as naturally results from the injury or is  
3 aggravated, reactivated or accelerated by the injury; and  
4 wherever death is mentioned as a cause for compensation under  
5 this act, it shall mean only death resulting from such injury  
6 and its resultant effects, and occurring within three hundred  
7 weeks after the injury. The term "injury arising in the course  
8 of his employment," as used in this article, shall not include  
9 an injury caused by an act of a third person intended to injure  
10 the employe because of reasons personal to him, and not directed  
11 against him as an employe or because of his employment; nor  
12 shall it include injuries sustained while the employe is  
13 operating a motor vehicle provided by the employer if the  
14 employe is not otherwise in the course of employment at the time  
15 of injury; but shall include all other injuries sustained while  
16 the employe is actually engaged in the furtherance of the  
17 business or affairs of the employer, whether upon the employer's  
18 premises or elsewhere, and shall include all injuries caused by  
19 the condition of the premises or by the operation of the  
20 employer's business or affairs thereon, sustained by the  
21 employe, who, though not so engaged, is injured upon the  
22 premises occupied by or under the control of the employer, or  
23 upon which the employer's business or affairs are being carried  
24 on, the employe's presence thereon being required by the nature  
25 of his employment.

26 \* \* \*

27 (g) (1) Notwithstanding the limitation under subsection (c)  
28 (2) with respect to disability or death resulting from an  
29 occupational disease having to occur within three hundred weeks  
30 after the last date of employment in an occupation or industry

1 to which a claimant was exposed to the hazards of disease,  
2 claims filed for any disease for which the time period between  
3 exposure to the hazard of disease in the workplace and  
4 manifestation of disease is greater than three hundred weeks  
5 must be filed within three hundred weeks of the date on which a  
6 claimant is diagnosed with the disease or the disease is  
7 detectable. It shall be a claimant's burden to prove that the  
8 disease for which compensation is sought has a latency period of  
9 more than three hundred weeks.

10 (2) This subsection shall not apply to claims filed under  
11 section 108(r).

12 Section 2. Section 303 of the act is amended by adding a  
13 clause to read:

14 Section 303. \* \* \*

15 (c) This act provides the exclusive remedy for any injury or  
16 disease that may arise out of hazardous occupational exposure,  
17 whether the disease is compensable as an occupational disease or  
18 not.

19 Section 3. The date of loss for claims filed pursuant to  
20 section 301(g) of the act shall be the last date of injurious  
21 occupational exposure to the hazard.

22 Section 4. The provisions of this act shall be applied  
23 retroactively to the date on which the last injurious exposure  
24 occurred. As a result, any claim filed on or after the effective  
25 date of this section may be based on hazardous occupational  
26 exposure that occurred prior to the effective date of this  
27 section.

28 Section 5. This act shall take effect immediately.