

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE MATZIE

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1 Amend Bill, page 1, line 8, by inserting after "for"
2 insuring compensation and for

3 Amend Bill, page 1, lines 17 through 20, by striking out all
4 of said lines and inserting

5 Section 1. Section 305(b) of the act of June 2, 1915
6 (P.L.736, No.338), known as the Workers' Compensation Act, is
7 amended to read:

8 Section 305. * * *

9 (b) The following apply:

10 (1) Any employer who fails to comply with the provisions of
11 this section for every such failure, shall, upon conviction in
12 the court of common pleas, be guilty of a misdemeanor of the
13 third degree. If the failure to comply with this section is
14 found by the court to be intentional, the employer shall be
15 guilty of a felony of the third degree. Every day's violation
16 shall constitute a separate offense. A judge of the court of
17 common pleas [may, in addition to imposing fines and
18 imprisonment, include restitution in his order] shall impose
19 fines and order restitution, and may impose a term of
20 imprisonment: Provided, That there is an injured employe who has
21 obtained an award of compensation. The amount of restitution
22 shall not be limited [to that specified in the award of
23 compensation.] in any manner and shall include all demonstrable
24 financial harm incurred by the injured employe. It shall be the
25 duty of the department to enforce the provisions of this
26 section; and it shall investigate all violations that are
27 brought to its notice and shall institute prosecutions for
28 violations thereof. All fines recovered under the provisions of
29 this section shall be paid to the department, and by it paid
30 into the State Treasury and appropriated to the Office of
31 Attorney General if the prosecutor is the Attorney General and
32 paid to the operating fund of the county in which the district
33 attorney is elected if the prosecutor is a district attorney.

34 (2) A self-insured employer that fails to comply with the
35 provisions of this section shall, for every such failure, upon
36 conviction by a court of common pleas, be liable for a penalty
37 in the amount of twenty-five per centum per day for the first

1 ten days of the violation, and ten per centum per day for each
2 day after the tenth day, of the amount of compensation due and
3 owed to the injured worker. Payment shall be paid directly to
4 the injured worker or his or her dependents.

5 (3) If an employe is injured in the scope of his employment
6 and the employer has not provided workers' compensation coverage
7 under this section, the employe may elect to proceed under this
8 act and accept its compensation schedules and secure relief
9 outside this act in an action at law for economic or punitive
10 damages against the employer.

11 (4) The failure to carry workers' compensation is a crime
12 which entitles an employe to receive compensation under Chapter
13 7 of the act of November 24, 1998 (P.L.882, No.111), known as
14 the "Crime Victims Act."

15 * * *

16 Section 1.1. Section 306(f.1)(6)(ii) of the act is amended,
17 paragraph (3)(vi) is amended by adding a subclause and paragraph
18 (6) is amended by adding a subparagraph to read: