

## AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE D. MILLER

Printer's No. 2014

1 Amend Bill, page 1, line 9, by inserting after "injuries"  
2 and for subrogation

3 Amend Bill, page 7, line 16, by striking out "Section" where  
4 it occurs the second time and inserting

5 Sections 319 and

6 Amend Bill, page 7, line 16, by striking out "is" and  
7 inserting

8 are

9 Amend Bill, page 7, by inserting between lines 16 and 17

10 Section 319. Where the compensable injury is caused in whole  
11 or in part by the act or omission of a third party, the employer  
12 shall be subrogated to the right of the employe, his personal  
13 representative, his estate or his dependents, against such third  
14 party to the extent of the compensation payable under this  
15 article by the employer; reasonable attorney's fees and other  
16 proper disbursements incurred in obtaining a recovery or in  
17 effecting a compromise settlement shall be prorated between the  
18 employer and employe, his personal representative, his estate or  
19 his dependents. The employer shall pay that proportion of the  
20 attorney's fees and other proper disbursements that the amount  
21 of compensation paid or payable at the time of recovery or  
22 settlement bears to the total recovery or settlement. Any  
23 recovery against such third person in excess of the compensation  
24 theretofore paid by the employer shall be paid forthwith to the  
25 employe, his personal representative, his estate or his  
26 dependents, and shall be treated as an advance payment by the  
27 employer on account of any future instalments of compensation.  
28 However, the employe, his personal representative, his estate or  
29 his dependents are entitled to not less than one-fifth of the  
30 net amount of a settlement or recovery remaining after the  
31 expenses of settlement or recovery have been deducted.

32 Where an employe has received payments for the disability or  
33 medical expense resulting from an injury in the course of his

1 employment paid by the employer or an insurance company on the  
2 basis that the injury and disability were not compensable under  
3 this act in the event of an agreement or award for that injury  
4 the employer or insurance company who made the payments shall be  
5 subrogated out of the agreement or award to the amount so paid,  
6 if the right to subrogation is agreed to by the parties or is  
7 established at the time of hearing before the referee or the  
8 board.