

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE SNYDER

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1 Amend Bill, page 1, line 7, by inserting after "penalties,"
2 in damages by action at law, further providing for actions and
3 defenses;

4 Amend Bill, page 1, line 8, by inserting after "providing"
5 for liability and

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

8 Section 1. Sections 201 and 303 of the act of June 2, 1915
9 (P.L.736, No.338), known as the Workers' Compensation Act, are
10 amended to read:

11 Section 201. [That in] If an employe suffers an injury which
12 results from the employer's reckless, wilful or wanton disregard
13 for the safety of the employe or from the employer's intentional
14 misconduct, the employe, his legal representative, husband or
15 wife, parents, dependents, next of kin or anyone otherwise
16 entitled to damages shall have a cause of action against the
17 employer. If an employe suffers an injury which results from the
18 failure to maintain the proper duty of care by a physician
19 conducting an independent medical examination, the employe, his
20 legal representative, husband or wife, parents, dependents, next
21 of kin or anyone otherwise entitled to damages shall have a
22 cause of action against the employer. In any action brought to
23 recover damages for personal injury to an employe in the course
24 of his employment, or for death resulting from such injury, it
25 shall not be a defense---

26 (a) That the injury was caused in whole or in part by the
27 negligence of a fellow employe; or

28 (b) That the employe had assumed the risk of the injury; or

29 (c) That the injury was caused in any degree by the
30 negligence of such employe, unless it be established that the
31 injury was caused by such employe's intoxication or by his
32 reckless indifference to danger. The burden of proving such
33 intoxication or reckless indifference to danger shall be upon
34 the defendant, and the question shall be one of fact to be
35 determined by the jury.

1 Section 303. (a) [The] Except as set forth in section 201,
2 the liability of an employer under this act shall be exclusive
3 and in place of any and all other liability to such employes,
4 his legal representative, husband or wife, parents, dependents,
5 next of kin or anyone otherwise entitled to damages in any
6 action at law or otherwise on account of any injury or death as
7 defined in section 301 (c) (1) and (2) or occupational disease as
8 defined in section 108.

9 (b) In the event injury or death to an employe is caused by
10 a third party, then such employe, his legal representative,
11 husband or wife, parents, dependents, next of kin, and anyone
12 otherwise entitled to receive damages by reason thereof, may
13 bring their action at law against such third party, but the
14 employer, his insurance carrier, their servants and agents,
15 employes, representatives acting on their behalf or at their
16 request shall not be liable to a third party for damages,
17 contribution, or indemnity in any action at law, or otherwise,
18 unless liability for such damages, contributions or indemnity
19 shall be expressly provided for in a written contract entered
20 into by the party alleged to be liable prior to the date of the
21 occurrence which gave rise to the action.

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