

AMENDMENTS TO HOUSE BILL NO. 18

Sponsor: REPRESENTATIVE NEUMAN

Printer's No. 2014

1 Amend Bill, page 1, line 8, by inserting after "for"

2 failure to comply and for

3 Amend Bill, page 1, lines 17 through 20, by striking out all

4 of said lines and inserting

5 Section 1. Sections 305(b) and 306(f.1)(6)(ii) of the act of
6 June 2, 1915 (P.L.736, No.338), known as the Workers'

7 Compensation Act, are amended, paragraph (3)(vi) is amended by
8 adding a subclause and paragraph (6) is amended by adding a
9 subparagraph to read:

10 Section 305. * * *

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

36 (2) A self-insured employer who fails to comply with the
37 provisions of this section for every such failure, shall, upon

1 conviction in the court of common pleas, be liable for a penalty
2 in the amount of twenty-five per centum per day for the first
3 ten days of the violation and ten per centum per day thereafter
4 of the amount of compensation due and owed to the injured
5 employee. Payment of the penalty shall be made directly to the
6 injured worker or the employee's dependents.

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

13 (4) An employer's failure to carry workers' compensation
14 insurance is a crime that entitles an injured employe to receive
15 crime victim's compensation under the act of November 24, 1998
16 (P.L.882, No.111), known as the "Crime Victims Act."

17 * * *