

No. 19

AN ACT

To further amend section three hundred five of the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," by increasing certain fees.

The Pennsylvania Workmen's Compensation Act.

Section 305, act of June 2, 1915, P. L. 736, as last reenacted and amended by act of June 21, 1939, P. L. 520, further amended.

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

Section 1. Section three hundred five of the act, approved the second day of June, one thousand nine hundred fifteen (Pamphlet Laws 736), entitled, as amended, "An act defining the liability of an employer to pay damages for injuries received by an employe in the course of employment; establishing an elective schedule of compensation; providing procedure for the determination of liability and compensation thereunder; and prescribing penalties," as last reenacted and amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 520), is hereby further amended to read as follows:

Employer to insure.

Section 305. Every employer liable under this act to pay compensation shall insure the payment of compensation in the State Workmen's Insurance Fund, or in any insurance company, or mutual association or company, authorized to insure such liability in this Commonwealth, unless such employer shall be exempted by the department from such insurance. An employer desiring to be exempt from insuring the whole or any part of his liability for compensation shall make application to the department, showing his financial ability to pay such compensation, whereupon the department, if satisfied of the applicant's financial ability, shall, upon the payment of a fee of [twenty-five dollars (\$25.00)] *fifty dollars (\$50.00)*, issue to the applicant a permit authorizing such exemption. From a refusal of the department to issue such permit, an appeal shall lie to the court of common pleas of Dauphin County. In any such appeal the only question shall be whether the department abused its discretion in refusing such permit. The department shall establish a period of twelve (12) calendar months, to begin and end at such times as the department shall prescribe, which shall be known as the annual exemption period. Unless previously revoked, all permits issued under this section shall expire and terminate on the last day of the annual exemption period for which they were issued. Permits issued under this

Self insurance.

Fee.

Permit.

Appeal from refusal.

Annual exemption period.

Expiration of permit.

Renewal.

act shall be renewed upon the filing of an application, and the payment of a renewal fee of [twenty-five dollars (\$25.00)] *fifty dollars (\$50.00)*. The department may, from time to time, require further statements of the financial ability of such employer, and, if at any time such employer appear no longer able to pay compensation, shall revoke its permit granting exemption, in which case the employer shall immediately subscribe to the State Workmen's Insurance Fund, or insure his liability in any insurance company or mutual association or company, as aforesaid.

Revocation.
Effect.

If any employer fails to comply with the provisions of this section, such employer shall be guilty of a misdemeanor, and, upon conviction thereof for every such failure, shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), and costs of prosecution, or imprisonment for a period of not more than six months, or both, at the discretion of the court. Every day's violation shall constitute a separate offense. It shall be the duty of the department to enforce the provisions of this section; and it shall investigate all violations that are brought to its notice and shall institute prosecutions for violations thereof. All fines recovered under the provisions of this section shall be paid by the clerk of the court to the department, and by it paid into the State Treasury.

Failure of
employer to
comply.
Penalty.

Enforcement.

Disposition of
fines.

In any proceeding against an employer under this section, a certificate of non-insurance issued by the official Workmen's Compensation Rating and Inspection Bureau and a certificate of the department showing that the defendant has not been exempted from obtaining insurance under this section, shall be prima facie evidence of the facts therein stated.

Evidence.

APPROVED—The 22nd day of May, A. D. 1953.

JOHN S. FINE

No. 20

AN ACT

To amend section five of the act, approved the second day of May, one thousand nine hundred twenty-nine (Pamphlet Laws 1513), entitled "An act regulating the construction, equipment, maintenance, operation and inspection of boilers; granting certain authority to and imposing certain duties upon the Department of Labor and Industry; providing penalties for violations of this act; and repealing all acts or parts of acts inconsistent with this act," by increasing certain fees.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows: Boilers.