

## AN ACT

To amend article three of the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "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; and providing procedure for the determination of liability and compensation thereunder," by adding section three hundred and twenty thereto, providing double compensation for injuries to minors, under eighteen years of age, injured while employed illegally, and for death resulting from such injuries; defining "additional compensation"; making certain provisions regarding its payment and administration; defining the possession of an employment certificate as conclusive evidence to the employer of his right to employ a minor for whose employment it is issued, and the possession of an age certificate, duly issued, as conclusive evidence to the employer of the age of the minor for whom it is issued; And establishing inferences from the action of the parties herein relative to the provisions of article three of the act to which this act is an amendment.

Workmen's Compensation.

Article III, act of June 2, 1919 (P. L. 730), amended.

Section 1. Be it enacted, &c., That article three of the act, approved the second day of June, one thousand nine hundred and fifteen (Pamphlet Laws, seven hundred thirty-six), entitled "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; and providing procedure for the determination of liability and compensation thereunder," is hereby amended by adding thereto a new section, which reads as follows:

Illegal employment of minor.

Injury or death.

"Additional compensation."

Liability of employer.

Certain future payments.

*Section 320. (a) If the employe at the time of the accident is a minor, under the age of eighteen years, employed or permitted to work in violation of any provision of the laws of this Commonwealth relating to minors of such age, compensation, either in the case of injury or death of such employe, shall be double the amount that would be payable to such minor if legally employed. The amount by which such compensation shall exceed that provided for in case of legal employment may be referred to as "additional compensation."*

*(b) The employer and not the insurance carrier shall be liable for the additional compensation. Any provision in an insurance policy undertaking to relieve an employer from such liability shall be void.*

*(c) Where death or the nature of the injury renders the amount of future payments certain, the total amount of the additional compensation, subject to discount as in the case of commutation, shall be immediately due and payable. It shall be deposited, subject to the approval of the Board, in any savings bank, trust company, or life insurance company in good standing and authorized to do business in this state.*

Where the amount of the future payments of compensation is uncertain, the Board shall, upon the approval of the agreement or the entry of an award, determine as nearly as may be the total amount of payments to be made, and the additional compensation so calculated shall, immediately upon such determination, become due and payable by the employer. The amount may be redetermined by the Board and any increase shall then become due and payable, and any excess, which shall be shown to have been paid, shall be returned to the person paying the same. Upon determination of the amount due, it shall be deposited as above provided. Payments of compensation out of deposits of other compensation are made: Provided, however, That the Board may, in its discretion and upon inquiry as in cases of commutation, accelerate such payments.

Uncertain future payments.

Amount may be redetermined.

Proviso.

Acceleration of payments.

Exemption.

(d) The provisions of the foregoing paragraph (c) shall not apply to employers who are exempted by the Bureau from the necessity of carrying insurance.

(e) Possession of an employment certificate, duly issued and transmitted to the employer in accordance with the provisions of the child labor law and receipt thereof duly acknowledged by him, shall be conclusive evidence to such employer of his legal right to employ the minor for whose employment such certificate has been issued.

Employment certificate as evidence.

(f) The possession of an age certificate, duly issued and transmitted to the employer by the school authorities of the school district in which a minor resides, shall be conclusive evidence to the employer of the minor's age as certified therein.

Age certificate.

(g) If neither party has elected not to be bound by the provisions of article three of the act to which this act is an amendment, in the manner prescribed by section three hundred and two of said act, they shall be held to have agreed to be bound by the provisions of this act and to have waived any other right or remedy at law or in equity for the recovery of damages for injuries occurring under the circumstances herein described.

When bound by act.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Repeal.

Section 3. This act shall take effect the first day of July, one thousand nine hundred and thirty-one.

Effective date.

APPROVED—The 14th day of April, A. D. 1931.

GIFFORD PINCHOT