

dence satisfactory to the department, or (2) upon any fuel brought into this Commonwealth in the fuel supply tanks or other fueling receptacles or devices of an aircraft or aircraft engine, or (3) upon any fuel used or sold or delivered to the Commonwealth of Pennsylvania and its political subdivisions for official use when such sales and deliveries are supported by documentary evidence satisfactory to the department.

The Pennsylvania Aeronautics Commission is authorized to make allocations of taxes collected under this act to airports in proportion to the average of their allocations received from the Pennsylvania Aeronautics Commission during the period for which they have received such allocations not to exceed five (5) years or, in the case of airports having no such allocation experience, in equal proportion with other airports based upon comparative collections under this tax.

Effective date:

Section 2. This act shall take effect January 1, 1960.

APPROVED—The 28th day of December, A. D. 1959.

DAVID L. LAWRENCE

No. 747

AN ACT

Amending the act of June 2, 1915 (P. L. 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," changing compensation payable in certain instances, adding to the list of injuries for which compensation is payable, changing procedures, clarifying certain terminology, modifying the periods of limitations, and making an appropriation.

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

Section 1. Clauses (a), (b) and (c) of section 306, act of June 2, 1915 (P. L. 736), known as "The Pennsylvania Workmen's Compensation Act," reenacted and amended June 21, 1939 (P. L. 520) and amended February 28, 1956 (P. L. 1120), are amended to read:

Section 306. The following schedule of compensation is hereby established:

(a) For total disability, sixty-six and two-thirds per centum of the wages of the injured employe as defined in section three hundred and nine beginning after the seventh day of total disability, and payable for the duration of total disability, but the compensation shall not be

The Pennsylvania Workmen's Compensation Act.

Clauses (a), (b) and (c), section 306, act of June 2, 1915, P. L. 736, reenacted and amended June 21, 1939, P. L. 520 and amended February 28, 1956, P. L. 1120, further amended.

Schedule of compensation.

Total disability.

more than [thirty-seven dollars and fifty cents] *forty-two dollars and fifty cents* per week nor less than twenty-five dollars per week. If at the time of injury, the employe receives wages of twenty-five dollars per week or less, then he shall receive ninety per centum of the wages per week as compensation, but in no event less than [fifteen dollars] *seventeen dollars and fifty cents* per week. Nothing in this clause shall require payment of compensation after disability shall cease.

(b) For disability partial in character (except the particular cases mentioned in clause (c) sixty-six and two-thirds per centum of the difference between the wages of the injured employe, as defined in section three hundred and nine, and the earning power of the employe thereafter; but such compensation shall not be more than [twenty-seven dollars and fifty cents] *thirty-two dollars and fifty cents* per week. This compensation shall be paid during the period of such partial disability, except as provided in clause (e) of this section, but for not more than three hundred and fifty weeks. Should total disability be followed by partial disability, the period of three hundred and fifty weeks shall not be reduced by the number of weeks during which compensation was paid for total disability. The term "earning power," as used in this section, shall in no case be less than the weekly amount which the employe receives after the accident, and in those cases in which the employe works fewer than five days per week for reasons not connected with or arising out of the disability resulting from the injury shall not be less than five times his actual daily wage as fixed by the day, hour, or by the output of the employe, and in no instance shall an employe receiving compensation under this section receive more in compensation and wages combined than a fellow employe in employment similar to that in which the injured employe was engaged at the time of the accident.

Partial
disability.

(c) For all disability resulting from permanent injuries of the following classes, the compensation shall be exclusively as follows:

Permanent partial
disability.

(1) For the loss of a hand, sixty-six and two-thirds per centum of wages during one hundred and seventy-five weeks.

(2) For the loss of a forearm, sixty-six and two-thirds per centum of wages during one hundred and ninety-five weeks.

(3) For the loss of an arm, sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks.

(4) For the loss of a foot, sixty-six and two-thirds per centum of wages during one hundred and fifty weeks.

(5) For the loss of a lower leg, sixty-six and two-thirds per centum of wages during one hundred and eighty weeks.

(6) For the loss of a leg, sixty-six and two-thirds per centum of wages during two hundred and fifteen weeks.

(7) For the loss of an eye, sixty-six and two-thirds per centum of wages during one hundred and fifty weeks.

(8) For the complete loss of hearing, in both ears, sixty-six and two-thirds per centum of wages during one hundred and eighty weeks.

(9) For the loss of a thumb, sixty-six and two-thirds per centum of wages during sixty weeks.

(10) For the loss of a first finger, commonly called index finger, sixty-six and two-thirds per centum of wages during thirty-five weeks.

(11) For the loss of a second finger, sixty-six and two-thirds per centum of wages during thirty weeks.

(12) For the loss of a third finger, sixty-six and two-thirds per centum of wages during twenty weeks.

(13) For the loss of a fourth finger, commonly called little finger, sixty-six and two-thirds per centum of wages during fifteen weeks.

(14) The loss of the first phalange of the thumb shall be considered the loss of the thumb. The loss of a substantial part of the first phalange of the thumb shall be considered the loss of one-half of the thumb.

(15) The loss of any substantial part of the first phalange of a finger, or an amputation immediately below the first phalange for the purpose of providing an optimum surgical result, shall be considered loss of one-half of the finger. Any greater loss shall be considered the loss of the entire finger.

(16) The loss of one-half of the thumb, or a finger, shall be compensated at the same rate as for the loss of a thumb or finger but for one half of the period provided for the loss of a thumb or finger.

For the loss of, or permanent loss of the use of, any two or more such members, not constituting total disability, sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each.

(17) For the loss of a great toe, sixty-six and two-thirds per centum of wages during forty weeks.

(18) For the loss of any other toe, sixty-six and two-thirds per centum of wages during sixteen weeks.

(19) The loss of the first phalange of the great toe, or of any toe, shall be considered equivalent to the loss of one-half of such great toe, or other toe, and shall be compensated at the same rate as for the loss of a great toe, or other toe, but for one-half of the period provided for the loss of a great toe or other toe.

(20) The loss of more than one phalange of a great toe, or any toe, shall be considered equivalent to the loss of the entire great toe or other toe.

(21) For the loss of, or permanent loss of the use of any two or more such members, not constituting total disability, sixty-six and two-thirds per centum of wages during the aggregate of the periods specified for each.

(22) For serious and permanent disfigurement of the head, neck or face, of such a character as to produce an unsightly appearance, and such as is not usually incident to the employment, sixty-six and two-thirds per centum of wages not to exceed one hundred and fifty weeks.

(23) Unless the board shall otherwise determine, the loss of both hands or both arms or both feet or both legs or both eyes shall constitute total disability, to be compensated according to the provisions of clause (a).

(24) Amputation at the wrist shall be considered as the equivalent of the loss of a hand, and amputation at the ankle shall be considered as the equivalent of the loss of a foot. Amputation between the wrist and the elbow shall be considered as the loss of a forearm, and amputation between the ankle and the knee shall be considered as the loss of a lower leg. Amputation at or above the elbow shall be considered as the loss of an arm and amputation at or above the knee shall be considered as the loss of a leg. Permanent loss of the use of a hand, arm, foot, leg, eye, finger, or thumb, great toe or other toe, shall be considered as the equivalent of the loss of such hand, arm, foot, leg, eye, finger, or thumb, great toe or other toe.

(25) In addition to the payments hereinbefore provided for permanent injuries of the classes specified, any period of disability necessary and required as a healing period shall be compensated in accordance with the provisions of this subsection. The healing period shall end (I) when the claimant returns to employment without impairment in earnings, or (II) on the last day of the period specified in the following table, whichever is the earlier:

For the loss of a hand, twenty weeks.

For the loss of a forearm, twenty weeks.

For the loss of an arm, twenty weeks.

For the loss of a foot, twenty-five weeks.

For the loss of the lower leg, twenty-five weeks.

For the loss of a leg, twenty-five weeks.

For the loss of an eye, ten weeks.

For the loss of hearing, ten weeks.

For the loss of a thumb or any part thereof, ten weeks.

For the loss of any other finger or any part thereof, six weeks.

For the loss of a great toe or any part thereof, twelve weeks.

For the loss of any other toe or any part thereof, six weeks.

This compensation shall not be more than [thirty-seven dollars and fifty cents] *forty-two dollars and fifty cents* per week nor less than twenty-five dollars per week: Provided, That if at the time of injury the employe receives wages of twenty-five dollars per week or less then he shall receive ninety per centum of such wages per week as compensation, but in no event less than [fifteen dollars] *seventeen dollars and fifty cents* per week. When an employe works during the healing period, his wages and earning power shall be as defined in this act and he shall not receive more in wages and compensation combined than his wages at the time of the accident as defined in section three hundred and nine.

*Where any such permanent injury or injuries shall require an amputation at any time after the end of the healing period hereinbefore provided, the employe shall be entitled to receive compensation for the second healing period, and in the case of a second injury or amputation to the same limb prior to the expiration of the first healing period a new *healing period shall commence for the period hereinbefore provided, and no further compensation shall be payable for the first healing period.*

* * * * *

Clause (f),
section 306,
sections 306.1
and 307 of the
act, amended
February 28,
1956, P. L. 1120,
further amended.

Section **2. Clause (f) of section 306, sections 306.1 and 307 of the act, amended February 28, 1956 (P. L. 1120), are amended to read:

Section 306. The following schedule of compensation is hereby established:

* * * * *

Schedule of
compensation.

Employer to
furnish medical
services.

(f) During the first six months after disability begins, the employer shall furnish reasonable surgical and medical services, *services rendered by duly licensed practitioners of the healing arts*, medicines, and supplies, as and when needed, unless the employe refuses to allow them to be furnished by the employer. The cost of such services, medicines, and supplies shall not exceed four hundred and fifty dollars. If the employer shall, upon application made to him, refuse to furnish such services, medicines, and supplies, the employe may procure same and shall receive from the employer the reasonable cost thereof within the above limitations. In addition to the above service, medicines and supplies, hospital treatment, services and supplies and orthopedic appliances and prostheses shall be furnished by the employer for the said period of six months. The board may order further medical, surgical and hospital services after the end of the six month period, if it is established that further care will result in restoring the injured employe's earn-

* "healing" in original.
** "3" in original.

ing power to a substantial degree. In each order the board shall specify the maximum period and the maximum cost of the treatment designed for the employe's rehabilitation. The cost for such hospital treatment, service and supplies shall not in any case exceed the prevailing charge in the hospital for like services to other individuals. If the employe shall refuse reasonable [surgical, medical] *services rendered by duly licensed practitioners of the healing arts* and hospital services, treatment, medicines and supplies, tendered to him by his employer, he shall forfeit all rights to compensation for any injury or any increase in his incapacity shown to have resulted from such refusal. Whenever an employe shall have suffered the loss of a limb, part of a limb, or an eye, the employer shall furnish to the employe, in addition to the aforementioned surgical and medical services, *services rendered by duly licensed practitioners of the healing arts*, medicines and supplies, an artificial limb or eye of a type and kind recommended by the doctor attending such employe in connection with such injury: Provided, That the provisions of this section shall apply in injuries where no loss of earning power occurs.

* * * * *

Section 306.1. If an employe, who has incurred (through accident or otherwise) permanent partial disability, through the loss, or loss of use of, one hand, one arm, one foot, one leg or one eye, incurs total disability through a subsequent injury, causing loss, or loss of use of, another hand, arm, foot, leg or eye, he shall be entitled to additional compensation as follows:

Permanent partial disability entitled to additional compensation.

After the cessation of payments by the employer for the period of weeks prescribed in Clause (c) of section 306, for the subsequent injury, additional compensation shall be paid during the continuance of total disability, at the weekly compensation rate applicable for total disability. This additional compensation shall be paid by the Commonwealth only upon an award by a compensation referee or the board. All claims for such additional compensation shall be forever barred unless the employe shall have filed a petition therefor with the board within one year after the last payment made under Clause (c) hereof out of the general fund in the State Treasury.

The sum of [one hundred thousand dollars (\$100,000)] *seventy-five thousand dollars (\$75,000)* is hereby appropriated to the Department of Labor and Industry for compensation payable, by the Commonwealth, under this section, for the biennium [one thousand nine hundred and forty-five—one thousand nine hundred forty-seven.

Appropriation.

The sum of fifty thousand dollars (\$50,000) is hereby appropriated to the Department of Labor and Industry for compensation payable, by the Commonwealth, under

this section, for the biennium one thousand nine hundred fifty-five—one thousand nine hundred fifty-seven] *one thousand nine hundred and fifty-nine—one thousand nine hundred sixty-one.*

Specific amounts to be fixed in the award by the board.

The Department of Labor and Industry shall be charged with the conservation of the assets of said appropriation. In furtherance of this purpose, the Attorney General shall appoint a member of his staff to represent the Commonwealth in all proceedings brought to enforce claims against the Commonwealth. In its award the Workmen's Compensation Board of the Department of Labor and Industry shall specifically find the amount the injured employe shall be paid weekly, the number of weeks compensation which shall be paid by the employer, the date upon which payments out of the State appropriation shall begin, and if possible the length of time such payments shall continue; all payments to cease upon the death of claimant.

Any benefits received by any employe, or to which he may be entitled, by reason of such increased disability, from any State or Federal fund or agency to which said employe has not directly contributed, shall be regarded as a credit to any award made against the Commonwealth as aforesaid, excepting those benefits received by an employe by reason of service connected physical injuries, incurred during any war between the United States of America and any foreign country.

Computation of compensation in death cases.

Section 307. In case of death, compensation shall be computed on the following basis, and distributed to the following persons:

1. If there be no widow nor widower entitled to compensation, compensation shall be paid to the guardian of the child or children, or, if there be no guardian, to such other persons as may be designated by the board as hereinafter provided, as follows:

(a) If there be one child, thirty-two per centum of wages of deceased, but not in excess of [fifteen] *seventeen* dollars per week.

(b) If there be two children, forty-two per centum of wages of deceased, but not in excess of [twenty dollars and twenty-five cents] *twenty-three dollars* per week.

(c) If there be three children, fifty-two per centum of wages of deceased, but not in excess of [twenty-five dollars and fifty cents] *twenty-nine dollars* per week.

(d) If there be four children, sixty-two per centum of wages of deceased, but not in excess of [thirty dollars and fifty cents] *thirty-four dollars and fifty cents* per week.

(e) If there be five children, sixty-four per centum of wages of deceased, but not in excess of [thirty-four dollars] *thirty-eight dollars and fifty cents* per week.

(f) If there be six or more children, sixty-six and two-thirds per centum of wages of deceased, but not in excess of [thirty-seven dollars and fifty cents] *forty-two dollars and fifty cents* per week.

2. To the widow or widower, if there be no children, fifty-one per centum of wages, but not in excess of [twenty-three dollars and seventy-five cents] *twenty-seven dollars* per week.

3. To the widow or widower, if there be one child, sixty per centum of wages, but not in excess of [twenty-eight dollars and seventy-five cents] *thirty-two dollars and fifty cents* per week.

4. To the widow or widower, if there be two children, sixty-six and two-thirds per centum of wages, but not in excess of [thirty-four dollars] *thirty-eight dollars and fifty cents* per week.

4½. To the widow or widower, if there be three or more children, sixty-six and two-thirds per centum of wages, but not in excess of [thirty-seven dollars and fifty cents] *forty-two dollars and fifty cents* per week.

5. If there be neither widow, widower, nor children entitled to compensation, then to the father or mother, if dependent to any extent upon the employe at the time of the accident, thirty-two per centum of wages, but not in excess of [thirteen dollars and twenty-five cents] *fifteen dollars* per week: Provided, however, That in the case of a minor child who has been contributing to his parents, the dependency of said parents shall be presumed: And provided further, That if the father or mother was totally dependent upon the deceased employe at the time of the accident, the compensation payable to such father or mother shall be fifty-two per centum of wages, but not in excess of [twenty-two dollars] *twenty-five dollars* per week.

6. If there be neither widow, widower, children, nor dependent parent, entitled to compensation, then to the brothers and sisters, if actually dependent upon the decedent for support at the time of his death, twenty-two per centum of wages for one brother or sister, and five per centum additional for each additional brother or sister, with a maximum of thirty-two per centum, such compensation to be paid to their guardian, or if there be no guardian, to such other person as may be designated by the board, as hereinafter provided.

7. Whether or not there be dependents as aforesaid, the reasonable expense of burial, not exceeding [four hundred and twenty-five dollars] *five hundred dollars*, which shall be paid by the employer or insurer directly to the undertaker (without deduction of any amounts theretofore paid for compensation or for medical expenses).

Compensation shall be payable under this section to or on account of any child, brother, or sister, only if and while such child, brother, or sister is under the age of eighteen. No compensation shall be payable under this section to a widow, unless she was living with her deceased husband at the time of his death, or was then actually dependent upon him and receiving from him a substantial portion of her support. No compensation shall be payable under this section to a widower, unless he be incapable of self-support at the time of his wife's death and be at such time dependent upon her for support. If members of decedent's household at the time of his death, the terms "child" and "children" shall include step-children, adopted children and children to whom he stood in loco parentis, and shall include posthumous children. Should any dependent of a deceased employe die or remarry, or should the widower become capable of self-support, the right of such dependent or widower to compensation under this section shall cease: Provided, however, That upon remarriage of any widow, the compensation of such widow shall continue as hereinbefore provided for one-third of the period during which compensation then remains payable to her: Provided further, That if, upon investigation and hearing, it shall be ascertained that the widow or widower is living with a man or woman, as the case may be, in meretricious relationship and not married, or the widow living a life of prostitution, the board may order the termination of compensation payable to such widow or widower. If the compensation payable under this section to any person shall, for any cause, cease, the compensation to the remaining persons entitled thereunder shall thereafter be the same as would have been payable to them had they been the only persons entitled to compensation at the time of the death of the deceased.

Death compensation based on wages.

The wages upon which death compensation shall be based shall not in any case be taken to exceed [fifty-six dollars and twenty-five cents] *sixty-three dollars and seventy-five cents* per week, nor be less than [thirty-seven dollars and fifty cents] *forty-two dollars and fifty cents* per week.

Length of time for which compensation payable.

This compensation shall be paid during three hundred and fifty weeks, and in the case of children entitled to compensation under this section, the compensation of each child, shall continue, after said period of three hundred and fifty weeks, until such child reaches the age of eighteen years, at the rate of twenty-four and one-half per centum of wages, but not in excess of [ten dollars and seventy-five cents] *twelve dollars and twenty-five cents* per week, if there is one child, thirty-four and one-half per centum of wages, but not in excess of [fifteen dollars] *seventeen dollars* per week, if there are two children;

forty-five and one-half per centum of wages, but not in excess of [twenty dollars and twenty-five cents] *twenty-three dollars* per week, if there are three children; fifty-seven per centum of wages, but not in excess of [twenty-five dollars and fifty cents] *twenty-nine dollars* per week, if there are four children; sixty-two per centum of wages, but not in excess of [twenty-seven dollars] *thirty dollars and fifty cents* per week, if there are five children; and sixty-six and two-thirds per centum of wages, but not in excess of [thirty dollars and fifty cents] *thirty-four dollars and fifty cents* per week, if there are six children or more.

The board may, if the best interest of a child or children shall so require, at any time order and direct the compensation payable to a child or children, or to a widow or widower on account of any child or children, to be paid to the guardian of such child or children, or, if there be no guardian, to such other person as the board as hereinafter provided may direct. If there be no guardian or committee of any minor, dependent, or insane employe, or dependent, on whose account compensation is payable, the amount payable on account of such minor, dependent, or insane employe, or dependent may be paid to any surviving parent, or to such other person as the board may order and direct, and the board may require any person, other than a guardian or committee, to whom it has directed compensation for a minor, dependent, or insane employe, or dependent to be paid, to render, as and when it shall so order, accounts of the receipts and disbursements of such person, and to file with it a satisfactory bond in a sum sufficient to secure the proper application of the moneys received by such person.

Section 3. Section 318 of the act, reenacted and amended June 21, 1939 (P. L. 520), is amended to read:

Section 318. The right of compensation granted by this article of this act shall have the same preference (without limit of amount) against the assets of an employer, liable for such compensation, as is now or may hereafter be allowed by law for a claim for unpaid wages for labor: Provided, however, That no claim for compensation shall have priority over any judgment, mortgage, or conveyance of land recorded prior to the filing of the petition, award, or agreement as to compensation in the office of the prothonotary of the county in which the land is situated. Claims for payments due under this article of this act *and compensation payments made by virtue thereof* shall not be assignable, and (except as provided in *section three hundred and nineteen of article three and section five hundred and one of article five* hereof) shall be exempt from all claims of creditors, and

Section 318
of the act,
reenacted and
amended June
21, 1939, P. L.
520, further
amended.

Preference
to be accorded
compensation.

from levy, execution, or attachment, which exemption may not be waived.

Section 319 of the act, amended February 28, 1956, P. L. 1120, further amended.

Section 4. Section 319 of the act, amended February 28, 1956 (P. L. 1120), is amended to read :

Subrogation rights.

Section 319. Where the compensable injury is caused in whole or in part by the act or omission of a third party, the employer shall be subrogated to the right of the employe, his personal representative, his estate or his dependents, against such third party to the extent of the compensation payable under this article by the employer; reasonable attorney's fees and other proper disbursements incurred in obtaining a recovery or in effecting a compromise settlement shall be prorated between the employer and employe, his personal representative, his estate or his dependents. *The employer shall pay that proportion of the attorney's fees and other proper disbursements that the amount of compensation paid or payable at the time of recovery or settlement bears to the total recovery or settlement.* Any recovery against such third person in excess of the compensation theretofore paid by the employer shall be paid forthwith to the employe, his personal representative, his estate or his dependents, and shall be treated as an advance payment by the employer on account of any future installments of compensation.

Where an employe has received payments for the disability or medical expense resulting from an injury by accident in the course of his employment, paid by the employer, [or] an insurance company, *hospital, medical, osteopathic or dental service corporation, employe or fraternal, welfare or benefit association*, on the basis that the injury and disability were not compensable under this act, in the event of an agreement or award for that injury, the employer, [or] insurance company, [who] *hospital, medical, osteopathic or dental service corporation, employe or fraternal, welfare or benefit association, which made [the] any payments*, shall be subrogated out of the agreement or award to the amount so paid *without deduction for attorney's fees or otherwise*, if the right to subrogation is agreed to by the parties or is established at the time of hearing before the referee or the board.

Section 410 of the act, amended January 2, 1952, P. L. 1803, further amended.

Section 5. Section 410 of the act, amended January 2, 1952 (P. L. 1803), is amended to read :

Presentation of claim for compensation to the board.

Section 410. If, after any accident, the employer and the employe or his dependent, concerned in any accident, shall fail to agree upon the facts thereof and the compensation due under this act, the employe or his dependents may present a claim for compensation to the board.

Whenever any claim for compensation is presented to the board and is finally adjudicated in favor of the claimant, the amounts of compensation actually due at the time the first payment is made after such adjudication shall bear interest at the rate of six per centum per annum from the day such claim is presented, and such interest shall be payable to the same persons as the compensation is payable.

Interest.

In case any claimant shall die before the final adjudication of his claim, the amount of compensation due such claimant to the date of death shall be paid to the dependents entitled to compensation, or, if there be no dependents, then to the estate of the decedent.

Award upon death of claimant.

Whenever any claim for compensation is presented to the board or a referee and the injury and accident are not denied, and the only issue involved is the liability as between the defendant or the carrier or two or more *defendants or carriers*, the referee or the board shall forthwith order payments to be immediately made by the defendants or the carriers in said case. After the referee or the board render a final decision, the payments made by the defendant or carrier not liable in the case shall be awarded or assessed against the defendant or carrier liable in the case, as costs in the proceedings, in favor of the defendant or carrier not liable in the case.

Section 6. The first and second paragraphs of section 428 of the act, amended May 18, 1945 (P. L. 671), are amended to read :

First and second paragraphs, section 428 of the act, amended May 18, 1945, P. L. 671, further amended.

Section 428. Whenever the employer, who has accepted and complied with the provisions of section three hundred five, shall be in default in compensation payments for thirty days or more, the employe or dependents entitled to compensation thereunder may file a certified copy of the agreement and the order of the board approving the same or of the award or order with the prothonotary of the court of common pleas of any county, and the prothonotary shall enter the entire balance payable under the agreement, award or order to be payable to the employe or his dependents, as a judgment against the employer or other party liable under such agreement or award. *Where the compensation so payable is for a total and permanent disability, the judgment shall be in the amount of thirty thousand dollars less such amount as the employer shall have actually paid pursuant to such agreement or award.* Such judgment shall be a lien against property of the employer or other party liable under such agreement or award and execution may issue thereon forthwith.

Default by employer.

Wherever, after an accident, any employe or his dependents shall have entered into a compensation agree-

Enforcement of compensation agreement.

ment with an employer, who has not accepted or complied with the provisions of section three hundred five, or shall file a claim petition with the board against such employer, he may file a certified copy thereof with the prothonotary of the court of common pleas of any county. The prothonotary shall enter the amount stipulated in any such agreement or claimed in any such petition as judgment against the employer, *and where the amount so stipulated or claimed is for total and permanent disability, such judgment shall be in the sum of thirty thousand dollars.* If the agreement be approved by the department, or compensation awarded as claimed in the petition, the amount of compensation stipulated in the agreement or claimed in the petition shall be a lien, as of the date when the agreement or petition was filed with the prothonotary. Pending the approval of the agreement or the award of compensation, no other lien which may be attached to the employer's property during such time shall gain priority over the lien of such agreement or award; but no execution shall issue on any compensation judgment before the approval of the agreement or the award of compensation on the said petition.

* * * * *

Effective date.

Section 7. This act shall take effect January 30, 1960.

APPROVED—The 28th day of December, A. D. 1959, in the sum of \$15,000. I withhold my approval from the remainder of said appropriation because it will not be necessary in this biennial period.

DAVID L. LAWRENCE

No. 748

AN ACT

Amending the act of March 6, 1956 (P. L. 1228), entitled, as amended, "An act to provide revenue for purposes of public education by imposing a tax on the sale, use, storage, rental or consumption of certain personal property and certain services; providing for licenses, reports and payment of tax, interest and penalties, assessments, collections, liens, reviews and appeals; conferring powers and imposing duties upon the Department of Revenue, public officers, manufacturers, wholesalers, retailers, corporations, partnerships, associations and individuals and making an appropriation," defining or re-defining certain words, terms and phrases; clarifying the scope of the exemption for vessels; imposing a tax upon the occupancy of hotel rooms; prescribing the procedure for the raising of certain taxpayer defenses; providing for notice of liens; imposing the burden of proof on the department in certain proceedings; and providing for the application of general laws in the administration and enforcement of this act.