

Purdon's Pennsylvania Statutes and Consolidated Statutes
Title 77 P.S. Workers' Compensation (Refs & Annos)
Chapter 5. Liability and Compensation (Refs & Annos)
Subrogation of Employer

Pennsylvania

77 P.S. § 671

§ 671. Subrogation of employer to rights of employee against third persons; subrogation of employer or insurer to amount paid prior to award

Currentness

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 article¹ 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 instalments of compensation.

Where an employe has received payments for the disability or medical expense resulting from an injury in the course of his employment paid by the employer or an insurance company 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 made the payments shall be subrogated out of the agreement or award to the amount so paid, 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.

Credits

1915, June 2, P.L. 736, art. III, § 319. Reenacted and amended 1937, June 4, P.L. 1552, § 1. Reenacted 1939, June 21, P.L. 520, § 1. Amended 1945, May 18, P.L. 671, § 1; 1951, May 29, P.L. 507, § 1; 1956, Feb. 28, P.L. (1955) 1120, § 1; 1959, Dec. 28, P.L. 2034, § 4, effective Jan. 30, 1960; 1961, Sept. 30, P.L. 1762, § 2; 1972, March 29, P.L. 159, No. 61, § 20, eff. May 1, 1972.

Notes of Decisions (380)

Footnotes

¹ 77 P.S. § 411 et seq.

77 P.S. § 671, PA ST 77 P.S. § 671

Current through Regular Session Act 2013-72