

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 894 Session of
2025

INTRODUCED BY KEEFER, JUNE 24, 2025

REFERRED TO LABOR AND INDUSTRY, JUNE 24, 2025

AN ACT

1 Amending the act of June 2, 1915 (P.L.736, No.338), entitled "An
2 act defining the liability of an employer to pay damages for
3 injuries received by an employe in the course of employment;
4 establishing an elective schedule of compensation; providing
5 procedure for the determination of liability and compensation
6 thereunder; and prescribing penalties," in liability and
7 compensation, providing for registration of status as
8 independent contractor.

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

11 Section 1. The act of June 2, 1915 (P.L.736, No.338), known
12 as the Workers' Compensation Act, is amended by adding a section
13 to read:

14 Section 304.3. (a) Notwithstanding any other provision of
15 this act, a person may file a registration with the department
16 regarding the status of an individual who is classified for
17 Federal income tax purposes as an independent contractor of the
18 person.

19 (b) A registration under this section shall include the
20 following:

21 (1) A written waiver by the individual of all benefits under

1 this act from the person.

2 (2) An affidavit by the individual specifying that the
3 individual understands and agrees that the individual:

4 (i) is not an employee of the person;

5 (ii) is not entitled to benefits under this act from the
6 person;

7 (iii) may purchase workers' compensation insurance under
8 this act or other disability insurance at the individual's own
9 expense; and

10 (iv) is not entitled to benefits from the Uninsured
11 Employers Guaranty Fund if the individual is injured while
12 performing services for the person.

13 (c) The waiver and affidavit under subsection (b) shall be
14 made upon forms prescribed by the department.

15 (d) (1) A person who registers an individual as an
16 independent contractor under this section:

17 (i) shall not be liable to the individual for benefits under
18 this act; and

19 (ii) shall not be required to provide insurance coverage or
20 self-insure under this act regarding the individual.

21 (2) An individual registered as an independent contractor
22 under this section shall not be eligible for benefits from the
23 Uninsured Employers Guaranty Fund if the person is injured while
24 performing services as an independent contractor pursuant to the
25 registration.

26 (e) A registration identifying an individual as an
27 independent contractor shall be valid for each future year,
28 except that the individual may request that the registration be
29 revoked at any time. The following apply:

30 (1) The request for revocation shall be on a form prescribed

1 by the department.

2 (2) The individual shall file the request for revocation
3 with the department and concurrently provide notice by certified
4 mail of the filing of the request with the person who filed the
5 registration.

6 (3) The department shall confirm receipt of the request for
7 revocation with the individual and the person within five days
8 of the receipt of the request.

9 (4) The revocation shall be effective ten days after the
10 receipt of the request by the department.

11 (f) A person shall not do any of the following to persuade
12 an individual to complete the waiver and affidavit under
13 subsection (b) or refrain from filing a request for revocation
14 under subsection (e):

15 (1) Knowingly provide an incentive to the individual,
16 pecuniary or otherwise.

17 (2) Knowingly provide materially false information to the
18 individual.

19 (3) Knowingly withhold information from the individual in
20 order to deceive the individual.

21 (g) A person violating subsection (f) shall be subject to
22 the penalties for an intentional violation of section 305.

23 (h) As used in this section:

24 (1) "Independent contractor" includes an individual who
25 performs services for a person for valuable consideration but
26 who is not classified as an employee of the person for Federal
27 income tax purposes.

28 (2) "Person" includes a corporation, partnership, limited
29 liability company, business trust, other association, government
30 entity other than the Commonwealth, estate, trust, foundation or

1 individual.

2 Section 2. The addition of section 304.3 of the act shall
3 not be construed to alter, repeal or supersede any provision of
4 the act of October 13, 2010 (P.L.506, No.72), known as the
5 Construction Workplace Misclassification Act.

6 Section 3. This act shall take effect in 180 days.