

SECOND REGULAR SESSION

SENATE BILL NO. 1164

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 20, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4684S.011

AN ACT

To repeal sections 287.020, 287.200, 287.220, 287.230, 287.430, and 287.715, RSMo, and to enact in lieu thereof six new sections relating to workers' compensation, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 287.020, 287.200, 287.220, 287.230, 287.430, and 287.715, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 287.020, 287.200, 287.220, 287.230, 287.430, and 287.715, to read as follows:

287.020. 1. The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of corporations. **Except as otherwise provided in this chapter**, any reference to any employee who has been injured shall, when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter. The word "employee" shall not include an individual who is the owner, as defined in subsection 43 of section 301.010, RSMo, and operator of a motor vehicle which is leased or contracted with a driver to a for-hire motor carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the Missouri department of transportation or by the United States Department of Transportation, or any of

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 its subagencies.

18 2. The word "accident" as used in this chapter shall mean an unexpected
19 traumatic event or unusual strain identifiable by time and place of occurrence
20 and producing at the time objective symptoms of an injury caused by a specific
21 event during a single work shift. An injury is not compensable because work was
22 a triggering or precipitating factor.

23 3. (1) In this chapter the term "injury" is hereby defined to be an injury
24 which has arisen out of and in the course of employment. An injury by accident
25 is compensable only if the accident was the prevailing factor in causing both the
26 resulting medical condition and disability. "The prevailing factor" is defined to
27 be the primary factor, in relation to any other factor, causing both the resulting
28 medical condition and disability.

29 (2) An injury shall be deemed to arise out of and in the course of the
30 employment only if:

31 (a) It is reasonably apparent, upon consideration of all the circumstances,
32 that the accident is the prevailing factor in causing the injury; and

33 (b) It does not come from a hazard or risk unrelated to the employment
34 to which workers would have been equally exposed outside of and unrelated to the
35 employment in normal nonemployment life.

36 (3) An injury resulting directly or indirectly from idiopathic causes is not
37 compensable.

38 (4) A cardiovascular, pulmonary, respiratory, or other disease, or
39 cerebrovascular accident or myocardial infarction suffered by a worker is an
40 injury only if the accident is the prevailing factor in causing the resulting medical
41 condition.

42 (5) The terms "injury" and "personal injuries" shall mean violence to the
43 physical structure of the body and to the personal property which is used to make
44 up the physical structure of the body, such as artificial dentures, artificial limbs,
45 glass eyes, eyeglasses, and other prostheses which are placed in or on the body
46 to replace the physical structure and such disease or infection as naturally results
47 therefrom. These terms shall in no case except as specifically provided in this
48 chapter be construed to include occupational disease in any form, nor shall they
49 be construed to include any contagious or infectious disease contracted during the
50 course of the employment, nor shall they include death due to natural causes
51 occurring while the worker is at work.

52 4. "Death" when mentioned as a basis for the right to compensation means

53 only death resulting from such violence and its resultant effects occurring within
54 three hundred weeks after the accident; except that in cases of occupational
55 disease, the limitation of three hundred weeks shall not be applicable.

56 5. Injuries sustained in company-owned or subsidized automobiles in
57 accidents that occur while traveling from the employee's home to the employer's
58 principal place of business or from the employer's principal place of business to
59 the employee's home are not compensable. The extension of premises doctrine is
60 abrogated to the extent it extends liability for accidents that occur on property
61 not owned or controlled by the employer even if the accident occurs on customary,
62 approved, permitted, usual or accepted routes used by the employee to get to and
63 from their place of employment.

64 6. The term "total disability" as used in this chapter shall mean inability
65 to return to any employment and not merely mean inability to return to the
66 employment in which the employee was engaged at the time of the accident.

67 7. As used in this chapter and all acts amendatory thereof, the term
68 "commission" shall hereafter be construed as meaning and referring exclusively
69 to the labor and industrial relations commission of Missouri, and the term
70 "director" shall hereafter be construed as meaning the director of the department
71 of insurance of the state of Missouri or such agency of government as shall
72 exercise the powers and duties now conferred and imposed upon the department
73 of insurance of the state of Missouri.

74 8. The term "division" as used in this chapter means the division of
75 workers' compensation of the department of labor and industrial relations of the
76 state of Missouri.

77 9. For the purposes of this chapter, the term "minor" means a person who
78 has not attained the age of eighteen years; except that, for the purpose of
79 computing the compensation provided for in this chapter, the provisions of section
80 287.250 shall control.

81 10. In applying the provisions of this chapter, it is the intent of the
82 legislature to reject and abrogate earlier case law interpretations on the meaning
83 of or definition of "accident", "occupational disease", "arising out of", and "in the
84 course of the employment" to include, but not be limited to, holdings in: Bennett
85 v. Columbia Health Care and Rehabilitation, 80 S.W.3d 524 (Mo.App. W.D. 2002);
86 Kasl v. Bristol Care, Inc., 984 S.W.2d 852 (Mo.banc 1999); and Drewes v. TWA,
87 984 S.W.2d 512 (Mo.banc 1999) and all cases citing, interpreting, applying, or
88 following those cases.

287.200. 1. Compensation for permanent total disability shall be paid
2 during the continuance of such disability for the lifetime of the employee at the
3 weekly rate of compensation in effect under [this] subsection **2 of this section**
4 on the date of the injury for which compensation is being made[. The amount of
5 such compensation shall be computed as follows] , **with the following**
6 **exceptions:**

7 (1) **Benefits payable under this section shall terminate when the**
8 **employee is eligible to receive full Social Security retirement benefits**
9 **under the Social Security Act or other retirement benefits in lieu of**
10 **Social Security retirement benefits. If an employee began receiving**
11 **Social Security retirement or other benefits in lieu of Social Security**
12 **retirement benefits before the occurrence of the compensable injury,**
13 **the employee may receive permanent total disability benefits for up to**
14 **two years after the date of occurrence of the injury by accident or**
15 **occupational disease during which time the benefits would be offset by**
16 **an amount equal to fifty percent of the employee's weekly Social**
17 **Security retirement benefit or other benefits in lieu of Social Security**
18 **retirement benefits;**

19 (2) **Permanent total disability benefits that have accrued, paid**
20 **or unpaid, through the date of the injured employee's death are the**
21 **only permanent total disability benefits that are to be paid in**
22 **accordance with section 287.230. Permanent total disability of an**
23 **injured employee terminates on the date of the injured employee's**
24 **death in accordance with section 287.230, and does not survive to the**
25 **injured employee's dependents, estate or other persons to whom**
26 **compensation might otherwise be payable;**

27 (3) **The word "employee" as used in this section shall not include**
28 **the injured worker's dependents, estate or other persons to whom**
29 **compensation may be payable as provided in subsection 1 of section**
30 **287.020;**

31 (4) **All claims for permanent total disability shall be determined**
32 **in accordance with the facts. When an injured employee receives an**
33 **award for permanent total disability and the employee at any time**
34 **thereafter is able to compete for employment in the open labor market**
35 **or returns to work, the life payment mentioned in subsection 1 of this**
36 **section shall terminate. The commission shall retain jurisdiction in**
37 **the case during the lifetime of any injured employee who has received**

38 **an award of permanent total disability.**

39 **2. The amount of such compensation shall be computed as**
40 **follows:**

41 (1) For all injuries occurring on or after September 28, 1983, but before
42 September 28, 1986, the weekly compensation shall be an amount equal to
43 sixty-six and two-thirds percent of the injured employee's average weekly
44 earnings during the year immediately preceding the injury, as of the date of the
45 injury; provided that the weekly compensation paid under this subdivision shall
46 not exceed an amount equal to seventy percent of the state average weekly wage,
47 as such wage is determined by the division of employment security, as of the July
48 first immediately preceding the date of injury;

49 (2) For all injuries occurring on or after September 28, 1986, but before
50 August 28, 1990, the weekly compensation shall be an amount equal to sixty-six
51 and two-thirds percent of the injured employee's average weekly earnings during
52 the year immediately preceding the injury, as of the date of the injury; provided
53 that the weekly compensation paid under this subdivision shall not exceed an
54 amount equal to seventy-five percent of the state average weekly wage, as such
55 wage is determined by the division of employment security, as of the July first
56 immediately preceding the date of injury;

57 (3) For all injuries occurring on or after August 28, 1990, but before
58 August 28, 1991, the weekly compensation shall be an amount equal to sixty-six
59 and two-thirds percent of the injured employee's average weekly earnings as of
60 the date of the injury; provided that the weekly compensation paid under this
61 subdivision shall not exceed an amount equal to one hundred percent of the state
62 average weekly wage;

63 (4) For all injuries occurring on or after August 28, 1991, the weekly
64 compensation shall be an amount equal to sixty-six and two-thirds percent of the
65 injured employee's average weekly earnings as of the date of the injury; provided
66 that the weekly compensation paid under this subdivision shall not exceed an
67 amount equal to one hundred five percent of the state average weekly wage;

68 (5) For all injuries occurring on or after September 28, 1981, the weekly
69 compensation shall in no event be less than forty dollars per week.

70 [2. All claims for permanent total disability shall be determined in
71 accordance with the facts. When an injured employee receives an award for
72 permanent total disability but by the use of glasses, prosthetic appliances, or
73 physical rehabilitation the employee is restored to his regular work or its

74 equivalent, the life payment mentioned in subsection 1 of this section shall be
75 suspended during the time in which the employee is restored to his regular work
76 or its equivalent. The employer and the division shall keep the file open in the
77 case during the lifetime of any injured employee who has received an award of
78 permanent total disability. In any case where the life payment is suspended
79 under this subsection, the commission may at reasonable times review the case
80 and either the employee or the employer may request an informal conference with
81 the commission relative to the resumption of the employee's weekly life payment
82 in the case.]

287.220. 1. All cases of permanent disability where there has been
2 previous disability shall be compensated as herein provided. Compensation shall
3 be computed on the basis of the average earnings at the time of the last injury.
4 If any employee who has a preexisting permanent partial disability whether from
5 compensable injury or otherwise, of such seriousness as to constitute a hindrance
6 or obstacle to employment or to obtaining reemployment if the employee becomes
7 unemployed, and the preexisting permanent partial disability, if a body as a
8 whole injury, equals a minimum of fifty weeks of compensation or, if a major
9 extremity injury only, equals a minimum of fifteen percent permanent partial
10 disability, according to the medical standards that are used in determining such
11 compensation, receives a subsequent compensable injury resulting in additional
12 permanent partial disability so that the degree or percentage of disability, in an
13 amount equal to a minimum of fifty weeks compensation, if a body as a whole
14 injury or, if a major extremity injury only, equals a minimum of fifteen percent
15 permanent partial disability, caused by the combined disabilities is substantially
16 greater than that which would have resulted from the last injury, considered
17 alone and of itself, and if the employee is entitled to receive compensation on the
18 basis of the combined disabilities, the employer at the time of the last injury shall
19 be liable only for the degree or percentage of disability which would have resulted
20 from the last injury had there been no preexisting disability. **Prior disabilities,**
21 **whether from compensable injury or otherwise, which have previously**
22 **been utilized or combined in calculating an earlier award or settlement**
23 **of a second injury fund permanent partial disability claim are not to be**
24 **utilized or combined in any later claim for permanent partial disability**
25 **against the second injury fund. Such prior disabilities may be utilized**
26 **or combined in a claim against the second injury fund for permanent**
27 **total disability. No compensation for permanent partial disability from**

28 **the second injury fund shall be payable if there is jurisdiction in**
29 **another state due to the employee's injury by accident or occupational**
30 **disease.** After the compensation liability of the employer for the last injury,
31 considered alone, has been determined by an administrative law judge or the
32 commission, the degree or percentage of employee's disability that is attributable
33 to all injuries or conditions existing at the time the last injury was sustained
34 shall then be determined by that administrative law judge or by the commission
35 and the degree or percentage of disability which existed prior to the last injury
36 plus the disability resulting from the last injury, if any, considered alone, shall
37 be deducted from the combined disability, and compensation for the balance, if
38 any, shall be paid out of a special fund known as the second injury fund,
39 hereinafter provided for. If the previous disability or disabilities, whether from
40 compensable injury or otherwise, and the last injury together result in total and
41 permanent disability, the minimum standards under this subsection for a body
42 as a whole injury or a major extremity injury shall not apply and the employer
43 at the time of the last injury shall be liable only for the disability resulting from
44 the last injury considered alone and of itself; except that if the compensation for
45 which the employer at the time of the last injury is liable is less than the
46 compensation provided in this chapter for permanent total disability, then in
47 addition to the compensation for which the employer is liable and after the
48 completion of payment of the compensation by the employer, the employee shall
49 be paid the remainder of the compensation that would be due for permanent total
50 disability under section 287.200 out of a special fund known as the "Second Injury
51 Fund" hereby created exclusively for the purposes as in this section provided and
52 for special weekly benefits in rehabilitation cases as provided in section
53 287.141. Maintenance of the second injury fund shall be as provided by section
54 287.710. The state treasurer shall be the custodian of the second injury fund
55 which shall be deposited the same as are state funds and any interest accruing
56 thereon shall be added thereto. The fund shall be subject to audit the same as
57 state funds and accounts and shall be protected by the general bond given by the
58 state treasurer. Upon the requisition of the director of the division of workers'
59 compensation, warrants on the state treasurer for the payment of all amounts
60 payable for compensation and benefits out of the second injury fund shall be
61 issued.

62 2. In all cases in which a recovery against the second injury fund is
63 sought for permanent partial disability, permanent total disability, or death, the

64 state treasurer as custodian thereof shall be named as a party, and shall be
65 entitled to defend against the claim. The state treasurer, with the advice and
66 consent of the attorney general of Missouri, may enter into compromise
67 settlements as contemplated by section 287.390, or agreed statements of fact that
68 would affect the second injury fund. All awards for permanent partial disability,
69 permanent total disability, or death affecting the second injury fund shall be
70 subject to the provisions of this chapter governing review and appeal. For all
71 claims filed against the second injury fund on or after July 1, 1994, the attorney
72 general shall use assistant attorneys general except in circumstances where an
73 actual or potential conflict of interest exists, to provide legal services as may be
74 required in all claims made for recovery against the fund. Any legal expenses
75 incurred by the attorney general's office in the handling of such claims, including,
76 but not limited to, medical examination fees, expert witness fees, court reporter
77 expenses, travel costs, and related legal expenses shall be paid by the
78 fund. Effective July 1, 1993, the payment of such legal expenses shall be
79 contingent upon annual appropriations made by the general assembly, from the
80 fund, to the attorney general's office for this specific purpose.

81 3. If more than one injury in the same employment causes concurrent
82 temporary disabilities, compensation shall be payable only for the longest and
83 largest paying disability.

84 4. If more than one injury in the same employment causes concurrent and
85 consecutive permanent partial disability, compensation payments for each
86 subsequent disability shall not begin until the end of the compensation period of
87 the prior disability.

88 5. If an employer fails to insure or self-insure as required in section
89 287.280, funds from the second injury fund may be withdrawn to cover the fair,
90 reasonable, and necessary expenses to cure and relieve the effects of the injury
91 or disability of an injured employee in the employ of an uninsured employer, or
92 in the case of death of an employee in the employ of an uninsured employer,
93 funds from the second injury fund may be withdrawn to cover fair, reasonable,
94 and necessary expenses in the manner required in sections 287.240 and 287.241;
95 **except that no such funds shall be withdrawn if there is jurisdiction in**
96 **another state due to the employee's injury by accident or occupational**
97 **disease.** In defense of claims arising under this subsection, the treasurer of the
98 state of Missouri, as custodian of the second injury fund, shall have the same
99 defenses to such claims as would the uninsured employer. Any funds received by

100 the employee or the employee's dependents, through civil or other action, must
101 go towards reimbursement of the second injury fund, for all payments made to the
102 employee, the employee's dependents, or paid on the employee's behalf, from the
103 second injury fund pursuant to this subsection. The office of the attorney general
104 of the state of Missouri shall bring suit in the circuit court of the county in which
105 the accident occurred against any employer not covered by this chapter as
106 required in section 287.280.

107 6. Every three years the second injury fund shall have an actuarial study
108 made to determine the solvency of the fund, appropriate funding level of the fund,
109 and forecasted expenditures from the fund. The first actuarial study shall be
110 completed prior to July 1, 1988. The expenses of such actuarial studies shall be
111 paid out of the fund for the support of the division of workers' compensation.

112 7. The director of the division of workers' compensation shall maintain the
113 financial data and records concerning the fund for the support of the division of
114 workers' compensation and the second injury fund. The division shall also
115 compile and report data on claims made pursuant to subsection 9 of this
116 section. The attorney general shall provide all necessary information to the
117 division for this purpose.

118 8. All claims for fees and expenses filed against the second injury fund
119 and all records pertaining thereto shall be open to the public.

120 9. Any employee who at the time a compensable work-related injury is
121 sustained is employed by more than one employer, the employer for whom the
122 employee was working when the injury was sustained shall be responsible for
123 wage loss benefits applicable only to the earnings in that employer's employment
124 and the injured employee shall be entitled to file a claim against the second
125 injury fund for any additional wage loss benefits attributed to loss of earnings
126 from the employment or employments where the injury did not occur, up to the
127 maximum weekly benefit less those benefits paid by the employer in whose
128 employment the employee sustained the injury. The employee shall be entitled
129 to a total benefit based on the total average weekly wage of such employee
130 computed according to subsection 8 of section 287.250. The employee shall not
131 be entitled to a greater rate of compensation than allowed by law on the date of
132 the injury. The employer for whom the employee was working where the injury
133 was sustained shall be responsible for all medical costs incurred in regard to that
134 injury.

287.230. 1. The death of the injured employee shall not affect the liability

2 of the employer to furnish compensation as in this chapter provided, so far as the
3 liability has accrued and become payable at the time of the death, and any
4 accrued and unpaid compensation due the employee shall be paid to his
5 dependents without administration, or if there are no dependents, to his personal
6 representative or other persons entitled thereto, but the death shall be deemed
7 to be the termination of the disability.

8 2. Where an employee is entitled to compensation under this chapter,
9 **exclusive of compensation as provided for in section 287.200**, for an
10 injury received and death ensues for any cause not resulting from the injury for
11 which [he] **the employee** was entitled to compensation, [payments of the unpaid
12 accrued compensation shall be paid, but] payments of the unpaid unaccrued
13 [balance] **compensation under section 287.190 and no other**
14 **compensation** for the injury shall [cease and all liability therefor shall
15 terminate unless there are] **be paid to the** surviving dependents at the time of
16 death.

17 **3. In applying the provisions of this chapter, it is the intent of**
18 **the legislature to reject and abrogate the holding in *Schoemehl v.***
19 ***Treasurer of the State of Missouri*, 217 S.W.3d 900 (Mo. 2007), and all**
20 **cases interpreting, applying, or following this case.**

 287.430. Except for a claim for recovery filed against the second injury
2 fund, no proceedings for compensation under this chapter shall be maintained
3 unless a claim therefor is filed with the division within two years after the date
4 of injury or death, or the last payment made under this chapter on account of the
5 injury or death, except that if the report of the injury or the death is not filed by
6 the employer as required by section 287.380, the claim for compensation may be
7 filed within three years after the date of injury, death, or last payment made
8 under this chapter on account of the injury or death. The filing of any form,
9 report, receipt, or agreement, other than a claim for compensation, shall not toll
10 the running of the periods of limitation provided in this section. The filing of the
11 report of injury or death three years or more after the date of injury, death, or
12 last payment made under this chapter on account of the injury or death, shall not
13 toll the running of the periods of limitation provided in this section, nor shall
14 such filing reactivate or revive the period of time in which a claim may be filed.
15 A claim **for compensation** against the second injury fund shall be filed within
16 two years after the date [of the injury or within one year after a claim] **the**
17 **original claim for compensation** is filed against an employer [or insurer]

18 pursuant to this chapter[, whichever is later]. **Any claim for medical fees or**
19 **expenses made under subsections 3, 4, and 13 of section 287.140 shall**
20 **be filed with the division of worker's compensation within two years of**
21 **the last date of the medical treatment or service.** In all other respects the
22 limitations shall be governed by the law of civil actions other than for the
23 recovery of real property, but the appointment of a conservator shall be deemed
24 the termination of the legal disability from minority or disability as defined in
25 chapter 475, RSMo. The statute of limitations contained in this section is one of
26 extinction and not of repose.

287.715. 1. For the purpose of providing for revenue for the second injury
2 fund, every authorized self-insurer, and every workers' compensation policyholder
3 insured pursuant to the provisions of this chapter, shall be liable for payment of
4 an annual surcharge in accordance with the provisions of this section. The
5 annual surcharge imposed under this section shall apply to all workers'
6 compensation insurance policies and self-insurance coverages which are written
7 or renewed on or after April 26, 1988, including the state of Missouri, including
8 any of its departments, divisions, agencies, commissions, and boards or any
9 political subdivisions of the state who self-insure or hold themselves out to be any
10 part self-insured. Notwithstanding any law to the contrary, the surcharge
11 imposed pursuant to this section shall not apply to any reinsurance or
12 retrocessional transaction.

13 2. Beginning October 31, 2005, and each year thereafter, the director of
14 the division of workers' compensation shall estimate the amount of benefits
15 payable from the second injury fund during the following calendar year and shall
16 calculate the total amount of the annual surcharge to be imposed during the
17 following calendar year upon all workers' compensation policyholders and
18 authorized self-insurers. The amount of the annual surcharge percentage to be
19 imposed upon each policyholder and self-insured for the following calendar year
20 commencing with the calendar year beginning on January 1, 2006, shall be set at
21 and calculated against a percentage, not to exceed three percent, of the
22 policyholder's or self-insured's workers' compensation net deposits, net premiums,
23 or net assessments for the previous policy year, rounded up to the nearest
24 one-half of a percentage point, that shall generate, as nearly as possible, one
25 hundred ten percent of the moneys to be paid from the second injury fund in the
26 following calendar year, less any moneys contained in the fund at the end of the
27 previous calendar year. All policyholders and self-insurers shall be notified by

28 the division of workers' compensation within ten calendar days of the
29 determination of the surcharge percent to be imposed for, and paid in, the
30 following calendar year. The net premium equivalent for individual self-insured
31 employers and any group of political subdivisions of this state qualified to
32 self-insure their liability pursuant to this chapter as authorized by section
33 537.620, RSMo, shall be based on average rate classifications calculated by the
34 department of insurance as taken from premium rates filed by the twenty
35 insurance companies providing the greatest volume of workers' compensation
36 insurance coverage in this state. For employers qualified to self-insure their
37 liability pursuant to this chapter, the rates filed by such group of employers in
38 accordance with subsection 2 of section 287.280 shall be the net premium
39 equivalent. The director may advance funds from the workers' compensation fund
40 to the second injury fund if surcharge collections prove to be insufficient. [Any
41 funds advanced from the workers' compensation fund to the second injury fund
42 must be reimbursed by the second injury fund no later than December thirty-first
43 of the year following the advance.] The surcharge shall be collected from
44 policyholders by each insurer at the same time and in the same manner that the
45 premium is collected, but no insurer or its agent shall be entitled to any portion
46 of the surcharge as a fee or commission for its collection. The surcharge is not
47 subject to any taxes, licenses or fees.

48 3. All surcharge amounts imposed by this section shall be deposited to the
49 credit of the second injury fund.

50 4. Such surcharge amounts shall be paid quarterly by insurers and
51 self-insurers, and insurers shall pay the amounts not later than the thirtieth day
52 of the month following the end of the quarter in which the amount is received
53 from policyholders. If the director of the division of workers' compensation fails
54 to calculate the surcharge by the thirty-first day of October of any year for the
55 following year, any increase in the surcharge ultimately set by the director shall
56 not be effective for any calendar quarter beginning less than sixty days from the
57 date the director makes such determination.

58 5. If a policyholder or self-insured fails to make payment of the surcharge
59 or an insurer fails to make timely transfer to the division of surcharges actually
60 collected from policyholders, as required by this section, a penalty of one-half of
61 one percent of the surcharge unpaid, or untransferred, shall be assessed against
62 the liable policyholder, self-insured or insurer. Penalties assessed under this
63 subsection shall be collected in a civil action by a summary proceeding brought

64 by the director of the division of workers' compensation.

Section B. Because of the need to clarify workers' compensation laws and
2 preserve the solvency of the workers' compensation system, section A of this act
3 is deemed necessary for the immediate preservation of the public health, welfare,
4 peace and safety, and is hereby declared to be an emergency act within the
5 meaning of the constitution, and section A of this act shall be in full force and
6 effect upon its passage and approval.

✓

Unofficial

Bill

Copy