

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 34

AN ACT

To repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 287.957 and 287.975, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as
3 sections 287.957, 287.975, and 287.980, to read as follows:

4 287.957. The experience rating plan shall contain
5 reasonable eligibility standards, provide adequate incentives for
6 loss prevention, and shall provide for sufficient premium
7 differentials so as to encourage safety. The uniform experience
8 rating plan shall be the exclusive means of providing prospective
9 premium adjustment based upon measurement of the loss-producing
10 characteristics of an individual insured. An insurer may submit
11 a rating plan or plans providing for retrospective premium
12 adjustments based upon an insured's past experience. Such system
13 shall provide for retrospective adjustment of an experience
14 modification and premiums paid pursuant to such experience

1 modification where a prior reserved claim produced an experience
2 modification that varied by greater than fifty percent from the
3 experience modification that would have been established based on
4 the settlement amount of that claim. The rating plan shall
5 prohibit an adjustment to the experience modification of an
6 employer if the total medical cost does not exceed [one thousand
7 dollars] twenty percent of the current split point of primary and
8 excess losses under the uniform experience rating plan and the
9 employer pays all of the total medical costs and there is no lost
10 time from the employment, other than the first three days or less
11 of disability under subsection 1 of section 287.160, and no claim
12 is filed. An employer opting to utilize this provision maintains
13 an obligation to report the injury under subsection 1 of section
14 287.380.

15 287.975. 1. The advisory organization shall file with the
16 director every pure premium rate, every manual of rating rules,
17 every rating schedule and every change or amendment, or
18 modification of any of the foregoing, proposed for use in this
19 state no more than thirty days after it is distributed to
20 members, subscribers or others.

21 2. The advisory organization which makes a uniform
22 classification system for use in setting rates in this state
23 shall collect data for two years after January 1, 1994, on the
24 payroll differential between employers within the construction
25 group of code classifications, including, but not limited to,
26 payroll costs of the employer and number of hours worked by all
27 employees of the employer engaged in construction work. Such
28 data shall be transferred to the department of insurance,

1 financial institutions and professional registration in a form
2 prescribed by the director of the department of insurance,
3 financial institutions and professional registration, and the
4 department shall compile the data and develop a formula to
5 equalize premium rates for employers within the construction
6 group of code classifications based on such payroll differential
7 within three years after the data is submitted by the advisory
8 organization.

9 3. The formula to equalize premium rates for employers
10 within the construction group of code classifications established
11 under subsection 2 of this section shall be the formula in effect
12 on January 1, 1999. This subsection shall become effective on
13 January 1, 2014.

14 4. For purposes of calculating the premium credit under the
15 Missouri contracting classification premium adjustment program,
16 an employer within the construction group of code classifications
17 may submit to the advisory organization the required payroll
18 record information for the first, second, third, or fourth
19 calendar quarter of the year prior to the workers' compensation
20 policy beginning or renewal date, provided that the employer
21 clearly indicates for which quarter the payroll information is
22 being submitted.

23 287.980. 1. The division shall develop and maintain a
24 workers' compensation claims database, accessible to potential
25 employers through the division's website, containing all claims
26 filed for compensation under this chapter. Claims records shall
27 be retrievable only by an employer who during a pre-hire period
28 provides a potential employee's name and social security number

1 and shall, upon retrieval, identify the date of any claim made by
2 such potential employee and whether the claim is open or closed.

3 2. The records in the workers' compensation claims database
4 shall not be considered reports or records for the purposes of
5 the record retention requirements under section 287.650.

6 3. The provisions of this section shall be fully
7 implemented by July 1, 2014. The division shall implement the
8 provisions of this section in a manner allowing the division to
9 maintain a record of all claims records received through the
10 division's website, including the identity of the potential
11 employee and of the potential employer. Such record shall be
12 maintained by the division.

13 4. Any person who fraudulently accesses the database
14 described in subsection 1 of this section shall be guilty of a
15 class A misdemeanor.

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23 Mike Cunningham

Lyndall Fraker