



State or Federal Issues Contacts: Please refer to the list of State Relations Executives at the end of this report.

LEGISLATIVE ACTIVITY—LEGISLATIVE SESSION UPDATES

This report contains descriptions and/or excerpts of relevant bills that passed the first chamber, passed the second chamber, or were enacted during the specific periods. In addition, a recap of significant legislative and judicial activity impacting the workers compensation system will be included in the first report published each month. This report is issued on a weekly basis throughout the legislative season, and it provides updates on the content of these bills if and when they progress through the legislative process. This report includes bills from states where NCCI provides ratemaking services (see state list under Contact Information) and the US Congress.

BILLS ENACTED

There were no relevant workers compensation-related bills enacted within the one-week period ending January 13, 2017.

BILLS PASSING SECOND CHAMBER

The following workers compensation-related bill passed the second chamber within the one-week period ending January 13, 2017.

Illinois

SB 2901 was:

- Passed by the first chamber on April 21, 2016
- Amended and passed by the second chamber on January 9, 2017

SB 2901 amends numerous sections of the Illinois Insurance Code and Workers' Compensation Act, in part, to:

- Provide that a rate is excessive if:
 - It is likely to produce a profit that is unreasonably high for the insurance provided
 - Expenses are unreasonably high in relation to the services rendered
 This is instead of providing that a rate in a competitive market is not excessive and a rate in a noncompetitive market is excessive if:
 - It is likely to produce a long-run profit that is unreasonably high for the insurance provided
 - Expenses are unreasonably high in relation to the services rendered
- Provide for prefiling (rather than filing) of rates with the Director of Insurance (Director) and make other changes regarding rate filings and disapproval of rate filings
- Provide that, if an insurer has no legally effective rates as a result of the Director's disapproval of rates or other act, the Director must, at the request of the insurer, specify interim rates for the insurer that are high enough to protect the interests of all parties and may order that a specified portion of the premiums be placed in an escrow account approved by the Director. When new rates become legally effective, the Director must order the escrowed funds or any overcharge in the interim rates to be distributed appropriately, except refunds to policyholders that are de minimis will not be required
- Provide for a review of workers compensation premium rates by the Director and for a refund of excessive premium
- Repeal provisions regarding presumptions that a competitive market exists, determining whether a competitive market exists, and disapproval of rates under specified circumstances
- Provide that accidental injuries sustained while traveling to or from work do not arise out of, and in the course of, employment
- Define "in the course of employment" and "arising out of the employment"
- Provide that, in determining whether an employee is required to travel away from their employer's premises in order to perform their job, certain factors may be considered. Factors include whether:
 - The employer had knowledge that the employee may be required to travel to perform the job
 - The employer furnished any mode of transportation to or from the employee
 - The employee received, or the employer paid or agreed to pay, any remuneration or reimbursement for costs or expenses

of any form of travel

- Permit an employer to file with the Illinois Workers' Compensation Commission (Commission) a workers compensation safety program or a workers compensation return-to-work program implemented by the employer
- Provide that the Commission may certify any such safety program as a bona fide safety program after reviewing the program for certain minimum requirements and that upon receipt of a certification notice from the Commission, the Director must immediately direct in writing the employer's workers compensation insurer to recalculate the workers compensation premium rates so that those rates incorporate and take into account the certified program
- Provide that, in a provision concerning compensation for the period of temporary total incapacity for work resulting from an accidental injury, (1) injuries to the shoulder will be considered injuries to part of the arm and (2) injuries to the hip shall be considered injuries to part of the leg

In addition, the bill contains provisions concerning:

- Repetitive and cumulative injuries
- Permanent partial disability determinations
- Electronic claims
- Additional compensation awards in cases where there has been an unreasonable or vexatious delay of authorization of medical treatment
- New penalties for violations involving fraudulent statements with regard to entitlement to workers compensation benefits, counterfeit certificates of insurance, and other fraudulent acts
- Investigations of insurance noncompliance and fraud
- Annual reports by the Commission concerning the state of self-insurance for workers compensation in Illinois
- The creation of a Workers' Compensation Premium Rates Task Force

Note: The 99th Illinois General Assembly adjourned on January 10, 2017, without the first chamber (Senate) voting to concur with the amendments made to **SB 2901** by the second chamber (House). The version of **SB 2901** passed by the first chamber did not contain any workers compensation-related language; therefore, it was not included in any previous version of NCCI's **Legislative Activity Report**.

BILLS PASSING FIRST CHAMBER

There were no relevant workers compensation-related bills that passed the first chamber within the one-week period ending January 13, 2017.

Contact Information

If you have any questions about the legislation or proposals mentioned, please contact the appropriate NCCI state relations executive (listed below) or a representative of your local insurance trade association.

State	State Relations Executive	Phone Number
CT, ME, NH, RI, VT	Laura Backus Hall	802-454-1800
FL, IA	Chris Bailey	850-322-4047
AL, GA, KY, LA, MS	Laura Bryan	225-618-8168
AK, AZ, CO, NM, UT	Maggie Karpuk	818-707-8374
DC, MD, VA, WV	David Benedict	804-380-3005
HI	Carolyn Pearl	808-524-6239
IN, NC, SC, TN	Amy Quinn	803-356-0851
AR, IL, KS, TX	Terri Robinson	501-333-2835
ID, MT, NV, OR	Jessica Epley	503-892-8919
MO, NE, OK, SD	Carla Townsend	314-843-4001
Federal Issues	Tim Tucker	202-403-8526

This report is informational and is not intended to provide an interpretation of state and federal legislation.