



Legislative Activity Report

National Council on Compensation Insurance

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Regulatory Services

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State 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 have passed the first chamber, passed the second chamber, or have been 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 bills that were enacted within the one-week period ending February 6, 2015.

BILLS PASSING SECOND CHAMBER

There were no relevant bills that passed the second chamber within the one-week period ending February 6, 2015.

BILLS PASSING FIRST CHAMBER

The following bills passed the first chamber within the one-week period ending February 6, 2015.

Montana

HB 299 amends *sections 39-71-316. Filing true claim—obtaining benefits through deception or other fraudulent means.* and *39-71-606. Insurer to accept or deny claim within 30 days of receipt—notice of benefits and entitlements to claimants—notice of denial—notice of reopening—notice to employer.* of the Montana Code Annotated 2014, in part, as follows:

§ 39-71-316. Filing true claim—obtaining benefits through deception or other fraudulent means.

...

(2) (a) A person who obtains or assists in obtaining benefits to which the person is not entitled or who obtains or assists another person in obtaining benefits to which the other person is not entitled under this chapter ~~is guilty of theft and~~ may be prosecuted for theft under 45-6-301.

...

(3) (b) The department shall:

(i) use the money collected pursuant to subsection (3)(a) to administer and enforce the provisions of this section and promote fraud prevention efforts; and

...

§ 39-71-606. Insurer to accept or deny claim within 30 days of receipt—notice of fraudulent-reporting penalties, benefits, and entitlements to claimants—notice of denial—notice of reopening—notice to employer.

(1) Each insurer under any plan for the payment of workers' compensation benefits shall, within 30 days of receipt of a claim for compensation signed by the claimant or the claimant's representative, either accept or deny the claim and, if denied, shall inform the claimant, the employer, and the department in writing, including by electronic notification to the employer or the department, of the denial.

(2) The department shall make available to insurers for distribution to claimants sufficient copies of a document describing penalties for fraudulent-reporting as well as current benefits and entitlements available under Title 39, chapter 71. Upon receipt of a claim, each insurer shall promptly notify the claimant in writing of potential prosecution for theft for fraudulent reporting and of potential benefits and entitlements available by providing the claimant a copy of the document prepared by the department.

...

Utah

SB 63 amends numerous sections of the Utah Code Annotated related to the Workers Compensation Fund. Highlights of the bill's provisions include, but are not limited to:

- Modifying the definition of “workers compensation products and services” to also mean “services related to improved employment practices, procedures, and data security”
- Addressing the powers of the fund and its subsidiaries
- Changing the method by which board members are selected
- Removing references to the Governor’s Office of Economic Development
- Addressing compensation of board members

Virginia

HB 1806/SB 745 amends *section 65.2-101. Definitions and General Provisions* of the Code of Virginia as follows:

§ 65.2-101. Definitions

As used in this title:

...

“Employee” means:

...

2. “Employee” shall not mean:

...

o. An owner-operator of a motor vehicle that is leased with or to a common or contract carrier in the trucking industry if (i) the owner-operator performs services for the carrier pursuant to a contract that provides that the owner-operator is an independent contractor and shall not be treated as an employee for purposes of the Federal Insurance Contributions Act, 26 U.S.C. Section 3101 et seq., Social Security Act of 1935, P.L. 74-271, federal unemployment tax laws, and federal income tax laws and (ii) each of the following factors is present:

(1) The owner-operator is responsible for the maintenance of the vehicle;

(2) The owner-operator bears the principal burden of the vehicle’s operating costs;

(3) The owner-operator is the driver;

(4) The owner-operator’s compensation is based on factors related to the work performed and not on the basis of hours or time expended; and

(5) The owner-operator determines the method and means of performing the service.

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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	Cathy Booth	205-655-2699
AZ, CO, NM, NV, UT	Maggie Karpuk	818-707-8374
DC, MD, VA, WV	David Benedict	804-380-3005
AK, HI	Carolyn Pearl	808-524-6239
IN, NC, SC, TN	Amy Quinn	803-356-0851
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ID, MT, OR	Mike Taylor	503-892-1858
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This report is informational and is not intended to provide an interpretation of state and federal legislation.