

Bill No.: HB0212

Effective: 7/1/2015

LSO No.: 15LSO-0556

Enrolled Act No.: HEA 96

Chapter No.: 184

Prime Sponsor: Larsen

Catch Title: Workers compensation-claim apportionment.

Subject: Provides for non-charge of some claims to employer's experience rate

Summary/Major Elements:

- The Workers' Compensation Act requires base rate premiums be adjusted to reflect an individual employer's claims experience.
- This act provides an employer's claims experience will not be charged with the expense of an injury if, upon the request of the employer, the Workers' Compensation Division determines an injury was primarily caused by a third party.
- The act also provides:
 - o The employer carries the burden of proving causation;
 - o The Division's determination shall not be admissible in any civil litigation regarding the injury; and
 - o If the employer's claims experience is not charged under this provision, the employer's claims experience will not be credited if the Division receives any subrogation recovery from the proceeds of a claim against the third party.

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