

2024 Regular Session

HOUSE BILL NO. 200

BY REPRESENTATIVE MELERINE

WORKERS COMPENSATION: Provides relative to past payments of workers' compensation premiums

1 AN ACT

2 To enact R.S. 23:1172.3, relative to workers' compensation; to prohibit the recovery of past
3 payments of workers' compensation premiums under certain circumstances; to
4 require notification; to provide exceptions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1172.3 is hereby enacted to read as follows:

7 §1172.3. Recovery of past payments of workers' compensation premiums prohibited

8 A. Notwithstanding any other provision of law to the contrary, no insurer
9 shall be allowed to recover a past payment of workers' compensation premiums from
10 an insured arising out of a claim for the misclassification of an employee, unless the
11 insurer provides written notice to the insured by certified mail or any other
12 reasonable commercial courier within ninety days of discovery of the
13 misclassification.

14 B. In the event that an insurer conducts an audit, which shall serve as notice
15 to the insured, and fails to notify the insured by the requirements set forth in
16 Subsection A of this Section, the insurer shall be prohibited from recovering any past
17 payment of workers' compensation premiums from the insured.

18 C. Notwithstanding any other provision of law to the contrary, no insurer
19 shall be allowed to recover any past payment of workers' compensation premiums
20 for the misclassification of an employee that occurred more than three years prior to

1 the insured being notified of the misclassification, unless it is determined by a court
2 of competent jurisdiction that the misclassification was the result of fraud by the
3 insured.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 200 Original

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Abstract: Prohibits an insurer from recovering past payments of workers' compensation premiums from an insured.

Proposed law prohibits an insurer from collecting past payments of workers' compensation premiums from an insured for a claim that arises out of the misclassification of an employee, unless, the insurer provides written notice to the insured by certified mail or by any other reasonable commercial courier within 90 days of discovery of the misclassification.

Proposed law prohibits an insurer from recovering past payments on premiums, if the insurer conducts an audit and fails to notify the insured by the aforementioned notification requirements. Proposed law clarifies that an audit by the insurer shall serve as notice to the insured.

Proposed law prohibits an insurer from collecting past payments on premiums that occurred three years prior to the insured being notified of the misclassification, unless it is determined by a court of competent jurisdiction that the misclassification was a result of fraud by the insured.

(Adds R.S. 23:1172.3)