
DIGEST

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HB 200 Engrossed

2024 Regular Session

Melerine

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 a payroll 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.

Proposed law prohibits an insurer from recovering any past payment of workers' compensation premiums from the insured if the National Council on Compensation Insurance conducts an audit and reclassifies an employee. Proposed law also allows the insurer to adjust the current premium to reflect the reclassification.

Proposed law provides that proposed law does not apply to self-insurance funds.

Proposed law provides that proposed law only applies for the duration of a policy.

(Adds R.S. 23:1172.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Labor and Industrial Relations to the original bill:

1. Clarify that the audit provided for in proposed law is a payroll audit.
2. Provide for workers' compensation premiums when the National Council on Compensation Insurance conducts an audit.
3. Provide that proposed law does not apply to self-insurance funds.
4. Provide that proposed law only applies for the duration of a policy.
5. Make a technical change.