

2026 Regular Session

HOUSE BILL NO. 605

BY REPRESENTATIVE BEAULLIEU

WORKERS COMPENSATION: Provides relative to experience modifiers and subrogation in workers' compensation cases

1 AN ACT

2 To enact R.S. 23:1105, relative to workers' compensation; to provide for rights against third
3 persons in workers' compensation cases; to provide for employers' experience
4 modifiers; to provide for the calculation of an employer's experience modifier; to
5 provide for amortized payments; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1105 is hereby enacted to read as follows:

8 §1105. Employer experience modifiers; accidents caused by third parties

9 A. If an insurer is due reimbursement from a third party for compensation
10 and medical benefits paid as a result of an accident and the insurer has acted, as
11 provided for in this Subpart, to recover the reimbursement from the third party,
12 notwithstanding any other provision to the contrary, the insurer shall not factor the
13 accident into the calculation of the employer's experience modifier until the parties
14 reach an agreement or a final judgment is rendered. At such time, the insurer may
15 recalculate the employer's experience modifier based on the allocation of fault and
16 the reimbursement finally obtained, retroactive to the date of the accident.

17 B. Any additional premium owed as a result of the adjusted experience
18 modifier shall be amortized over a period of two calendar years, unless otherwise
19 agreed by the parties.

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 605 Engrossed

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Beaulieu

Abstract: Provides relative to experience modifiers and subrogation in workers' compensation cases.

Proposed law provides that if an insurer is due reimbursement from a third party for compensation and medical benefits paid as a result of an accident and the insurer has acted, as provided for in present law (R.S. 23:1101 et seq.), to recover the reimbursement from the third party, the insurer shall not factor the accident into the calculation of the employer's experience modifier until the parties reach an agreement or a final judgment is rendered.

Proposed law provides that after an agreement is met or final judgment is rendered, the insurer may recalculate the employer's experience modifier based on the allocation of fault and the reimbursement finally obtained, retroactive to the date of the accident.

Proposed law requires any additional premium owed as a result of the adjusted experience modifier to be amortized over a period of two calendar years, unless otherwise agreed by the parties.

(Adds R.S. 23:1105)