

SENATE BILL NO. 20

BY SENATORS RISER AND HEWITT

1 AN ACT

2 To amend and reenact R.S. 23:1170(A), 1172(A), 1172.1(C), 1172.2(D), 1178(D),  
3 1291.1(C)(1) and (E), 1310.3(E), and 1310.13, relative to the Office of Workers'  
4 Compensation Administrative Fund in the state treasury; to provide for the  
5 dedication, use, investment, and appropriation of monies in the Office of Workers'  
6 Compensation Administrative Fund; to provide for an effective date; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 23:1170(A), 1172(A), 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1)  
10 and (E), 1310.3(E), and 1310.13 are hereby amended and reenacted to read as follows:

11 §1170. Penalty for failure to secure workers' compensation insurance; assessment  
12 and collection

13 A. In addition to any other penalty prescribed by law, any employer who fails  
14 to secure compensation required by R.S. 23:1168 shall be liable for a civil penalty,  
15 to be assessed by the workers' compensation judge, of not more than two hundred  
16 fifty dollars per employee for a first offense, and liable for a civil penalty of not more  
17 than five hundred dollars per employee for a second or subsequent offense; however,  
18 the maximum civil penalty for a first offense shall not exceed ten thousand dollars

1 for all related series of violations. All civil penalties collected shall be deposited in  
2 the Office of Workers' Compensation Administrative ~~Account~~ **Fund** established in  
3 R.S. 23:1291.1(E).

4 \* \* \*

5 §1172. Criminal penalties

6 A. Any employer who willfully fails to provide security for compensation  
7 required by R.S. 23:1168 shall be subject to a fine of up to two hundred fifty dollars  
8 per day that the employer willfully failed to provide security for compensation or  
9 imprisonment with or without hard labor for not more than one year, or both such  
10 fine and imprisonment. All fines collected shall be deposited in the Office of  
11 Workers' Compensation Administrative ~~Account~~ **Fund** established in R.S.  
12 23:1291.1(E).

13 \* \* \*

14 §1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties;  
15 civil immunity

16 \* \* \*

17 C. Whoever violates any provision of this Section shall be imprisoned, with  
18 or without hard labor, for not less than one year nor more than ten years, or fined up  
19 to two hundred fifty dollars per day that the employer willfully failed to provide  
20 security for compensation, or both. All fines collected shall be deposited in the  
21 Office of Workers' Compensation Administrative ~~Account~~ **Fund** established in R.S.  
22 23:1291.1(E).

23 \* \* \*

24 §1172.2. Unlawful practices

25 \* \* \*

26 D. Whoever violates any provision of this Section shall be imprisoned, with  
27 or without hard labor, for not less than one year nor more than ten years, or fined up  
28 to two hundred fifty dollars per day that such person's violation of any provision of  
29 this Section resulted in failure to properly provide security for compensation, or  
30 both. All fines collected shall be deposited in the Office of Workers' Compensation

1 Administrative ~~Account~~ **Fund** established in R.S. 23:1291.1(E).

2 \* \* \*

3 §1178. Cost containment meeting; incentive discount

4 \* \* \*

5 D. Any eligible employer who has been given notice of a cost containment  
6 meeting, and fails to attend shall be fined an amount ~~equaling~~ **equaling** two percent  
7 of the Louisiana workers' compensation premium for the succeeding policy year. The  
8 fine shall be payable to the executive director of the commission and shall be  
9 remitted to the state treasurer for deposit in the Office of Workers' Compensation  
10 Administrative ~~Account~~ **Fund**.

11 \* \* \*

12 §1291.1. Annual reports; assessment; collection

13 \* \* \*

14 C.(1) The director of the office of workers' compensation administration shall  
15 provide by regulation for the collection of the amounts assessed against each insurer  
16 and employer. Collection of funds under the provisions of this Subsection shall be  
17 accomplished by the office of workers' compensation administration, the amount  
18 collected to be determined by the director. Such amounts shall be paid into the Office  
19 of Workers' Compensation Administrative ~~Account~~ **Fund** within thirty days from the  
20 date that notice is served upon such insurer or employer.

21 \* \* \*

22 E. There is hereby created and established in the state treasury a special  
23 ~~agency account~~ **fund**, which shall be designated as the "Office of ~~Worker's~~  
24 **Workers'** Compensation Administrative ~~Account~~ **Fund**". The ~~account~~ **fund** shall be  
25 maintained as a separate account in the treasury for the sole purpose of funding the  
26 administrative expenses of the office of ~~worker's~~ **workers'** compensation  
27 administration of the Louisiana Workforce Commission as set forth in R.S. 23:1291  
28 et seq. Funds shall be withdrawn therefrom only pursuant to legislative appropriation  
29 and shall be subject to budgetary control as provided by law. All remaining and  
30 unencumbered balances at the end of any fiscal year shall remain to the credit of the



1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
3 effective on the day following such approval.

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PRESIDENT OF THE SENATE

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_