

House Bill 1186

By: Representatives Coan of the 101st, Reese of the 98th, Hamilton of the 23rd, Horne of the 71st, Cox of the 102nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated,
2 relating to the Subsequent Injury Trust Fund, so as to change certain provisions relating to
3 payment of assessments to the fund by insurers and self-insurers; to repeal conflicting laws;
4 and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the
8 Subsequent Injury Trust Fund, is amended by revising Code Section 34-9-358, relating to
9 payment of assessments to the fund by insurers and self-insurers, in its entirety as follows:
10 "34-9-358.

11 (a) Each insurer and self-insurer under this chapter shall, under regulations prescribed by
12 the board of trustees, make payments to the fund in an amount equal to:

13 (1) That portion of 175 percent of the total disbursement made from the fund during the
14 preceding calendar year less the amount of the net assets in the fund as of December 31
15 of the preceding calendar year which the total workers' compensation claims paid by the
16 insurer or self-insurer bears to the total workers' compensation claims paid by all insurers
17 and self-insurers during the preceding calendar year; or

18 (2) That portion of such greater amount than that derived in paragraph (1) of this
19 subsection as may be deemed necessary by the board by trustees to maintain the ability
20 of the fund to meet its obligations under this chapter, pursuant to regulations prescribed
21 by the board of trustees.

22 (b) The administrator is authorized to reduce or suspend assessments for the fund when
23 a completed actuarial survey shows further assessments are not needed.

24 (c) An employer who has ceased to be a self-insurer prior to the end of the calendar year
25 shall be liable to the fund for the assessment of the calendar year. Such employer who has
26 ceased to be a self-insurer shall continue to be liable to the fund for assessments in

1 subsequent calendar years so long as payments are made on any workers' compensation
2 claims made while in self-insured status.
3 (d) The initial assessment of each insurer or self-insurer for the purpose of generating
4 revenue to begin operation of the fund shall be in the amount of one-half of 1 percent of
5 the workers' compensation premiums collected by the insurer for the preceding calendar
6 years from an employer who is subject to this chapter or the equivalent of such in the case
7 of a self-insurer."

8 **SECTION 2.**

9 All laws and parts of laws in conflict with this Act are repealed.