

Senate Bill 446

By: Senators Balfour of the 9th, Harbison of the 15th and Hill of the 32nd

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 workers' compensation Subsequent Injury Trust Fund, so as to ensure that for
3 purposes of assessments to fund the Subsequent Injury Trust Fund total workers'
4 compensation claims shall not include claims related to losses arising from certain
5 catastrophic events that cannot give rise to a Subsequent Injury Trust Fund liability; to
6 provide for an effective date and applicability; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 9 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to the
11 workers' compensation Subsequent Injury Trust Fund, is amended in Code Section 34-9-358,
12 relating to payment of assessments to the fund, by adding a new subsection (g) to read as
13 follows:

14 "(g) For purposes of this Code section, total workers' compensation claims shall not
15 include claims related to losses arising from a single loss event and attributable to a single
16 employer if:

17 (1) Such event is assigned a Catastrophe Code by the National Council on Compensation
18 Insurance;

19 (2) Such losses exceed the total losses attributable to such employer that were included
20 in the net amount reported by the insurer or self-insured employer in its report filed for
21 the preceding calendar year; and

22 (3) Such losses cannot give rise to any liability of the Subsequent Injury Trust Fund."

23 **SECTION 2.**

24 Said article is further amended in Code Section 34-9-359, relating to reports and assessments,
25 by revising subsection (a) as follows:

26 "(a) As soon as practicable after January 1 but not later than January 31 of each calendar
27 year, the administrator shall forward to each insurer and self-insured employer a
28 questionnaire asking for the total amount of compensation, medical benefits, and
29 rehabilitation benefits paid by each insurer and self-insured employer during the preceding
30 calendar year, excluding amounts attributable to claims described in subsection (g) of Code
31 Section 34-9-358. This report is to be completed and returned to the administrator no later
32 than March 1 of the same calendar year in which the request for this information is
33 submitted. Failure to submit the report to the administrator of the fund by March 1 shall
34 result in an automatic penalty of \$50.00 per day for each day the report is delinquent or 10
35 percent of the assessment, whichever is greater. This penalty will be added to the
36 assessment."

37 **SECTION 3.**

38 This Act shall become effective on January 1, 2010, and shall apply to all reports received
39 on or after that date.

40 **SECTION 4.**

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