

2024 Regular Session

HOUSE BILL NO. 200

BY REPRESENTATIVE MELERINE

1 AN ACT

2 To enact R.S. 23:1172.3, relative to workers' compensation; to prohibit the recovery of past  
3 payments of workers' compensation premiums under certain circumstances; to  
4 require notification; to provide exceptions; to provide for applicability; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1172.3 is hereby enacted to read as follows:

8 §1172.3. Recovery of past payments of workers' compensation premiums prohibited

9 A. Notwithstanding any other provision of law to the contrary, no insurer  
10 shall be allowed to recover a past due payment of workers' compensation premiums  
11 from an insured arising out of a claim for the misclassification of an employee,  
12 unless the insurer provides written notice to the insured by certified mail,  
13 commercial courier, or via electronic transmission, within ninety days of the  
14 completion of the payroll audit. reasonable commercial courier within ninety days  
15 of discovery of the misclassification.

16 B. In the event that an insurer conducts a payroll audit, which shall serve as  
17 notice to the insured in accordance with Subsection A of this Section the insurer shall  
18 be prohibited from collecting additional workers' compensation premiums from the  
19 insured.

20 C. Notwithstanding any other provision of law to the contrary, no insurer  
21 shall be allowed to modify or complete a payroll audit more than three years after the  
22 end of the policy period. This Subsection shall not apply to the following:

23 (1) A misrepresentation or omission of relevant information during a prior  
24 audit.

- 1                   (2) A noncompliant payroll audit.
- 2                   (3) A payroll audit disputed by an insured.
- 3                   (4) Any modification or review related to a fraud investigation.
- 4                   (5) Reclassification due to a determination by a court of competent
- 5                   jurisdiction.
- 6                   D. Nothing in this Section shall preclude or require an insurer from returning
- 7                   premiums to the insured if the insurer receives relevant information after the audit
- 8                   is completed.
- 9                   E. The provisions of this Section shall not apply to self-insurance funds.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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