2018 Regular Session

HOUSE BILL NO. 828

## BY REPRESENTATIVE BAGLEY

## WORKERS COMPENSATION: Provides for the electronic notice of certain workers' compensation information

1	AN ACT
2	To amend and reenact R.S. 23:1302(A) and to enact R.S. 23:1302(C), relative to workers'
3	compensation; to provide with respect to notice posting requirements; to require the
4	development of electronic posting procedures by rule; and to provide for related
5	matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 23:1302(A) is hereby amended and reenacted and R.S. 23:1302(C)
8	is hereby enacted to read as follows:
9	§1302. Employer's duty to advise employees as to necessity of notice
10	A. The employer shall have printed and keep posted at some convenient and
11	conspicuous point in his place of business or send to his employees electronically,
12	a notice reading substantially as follows:
13	"In case of accidental injury or death, an injured employee or any person
14	claiming to be entitled to compensation either as a claimant or as a representative of
15	a person claiming to be entitled to compensation must give notice to (name and
16	address of employer) within thirty days. If notice is not given to the above party
17	within thirty days, no payments will be made under the law for such injury or death.
18	In addition, any fraudulent action by the employer, employee, or any other person

1	for the purpose of obtaining or defeating any benefit or payment of worker's
2	compensation shall subject such person to criminal as well as civil penalties."
3	* * *
4	C. The director shall promulgate rules in accordance with the Administrative
5	Procedure Act to develop criteria by which an employer may deliver the required
6	notice by electronic means as provided in Subsection A of this Section and otherwise
7	as necessary for the implementation of the provisions of this Section.
8	Section 2. (A) The director shall promulgate all rules necessary for the
9	implementation of the provisions of this Act by January 1, 2019.
10	(B) No employer shall send the electronic notice provided for by R.S. 23:1302(A)
1	as enacted by Section 1 of this Act until the director has promulgated the rules necessary for
12	implementation of this Act.

## 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)]

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Abstract: Allows a required workers' compensation law notice to be sent electronically and requires the promulgation of rules to develop criteria for the electronic notification to employees.

<u>Present law</u> requires every employer to print and have on the business premises a notice advising employees of workers' compensation laws and the time periods involved in reporting a work-related injury or death.

<u>Proposed law</u> extends <u>present law</u> to allow that the required notice can be sent to employees electronically.

<u>Proposed law</u> requires the director to promulgate rules necessary for an employer to send the required notice electronically.

Proposed law requires the director to promulgate the necessary rules by Jan. 1, 2019.

(Amends R.S. 23:1302(A); Adds R.S. 23:1302(C))