

Regular Session, 2010  
HOUSE BILL NO. 873  
BY REPRESENTATIVE PATRICIA SMITH

# ACT No. 288

1 AN ACT

2 To amend and reenact R.S. 23:1170(A), 1171.1(C)(1), 1172(A), 1172.1(C), and 1172.2(D),  
3 relative to workers' compensation coverage; to require an increase in penalties for  
4 employers who fail to secure coverage; to provide for all fines collected to be  
5 deposited in the Workers' Compensation Administrative Fund; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1170(A), 1171.1(C)(1), 1172(A), 1172.1(C), and 1172.2(D) are  
9 hereby amended and reenacted to read as follows:

10 §1170. Penalty for failure to secure workers' compensation insurance; assessment  
11 and collection

12 A. In addition to any other penalty prescribed by law, any employer who  
13 fails to secure compensation required by R.S. 23:1168 shall be liable for a civil  
14 penalty, to be assessed by the ~~secretary of labor~~ executive director or his designee,  
15 of not more than two hundred fifty dollars per employee for a first offense, and liable  
16 for a civil penalty of not more than five hundred dollars per employee for a second  
17 or subsequent offense. ~~However~~ ; however, the maximum civil penalty for a first  
18 offense shall not exceed ten thousand dollars for all related series of violations. All  
19 civil penalties collected shall be deposited in the Office of Workers' Compensation  
20 Administrative Fund established in R.S. 23:1291.1(E).

21 \* \* \*

1           §1171.1. Discontinuance of business; injunction; procedure

2   \*       \*       \*

3                        C.(1) If at such hearing, it is determined that the employer is in violation of  
4                        his obligation under R.S. 23:1168, the workers' compensation judge may fine the  
5                        employer ~~up to ten thousand dollars~~ in the manner provided pursuant to R.S.  
6                        23:1170(A) and shall order the employer to secure workers' compensation insurance  
7                        and file evidence of coverage within ninety days of the order. Should the employer  
8                        fail to file such evidence, the workers' compensation judge shall issue a cease and  
9                        desist order prohibiting the employer from continuing its business operations until  
10                      such time as the employer complies with R.S. 23:1168, and all fines issued are paid  
11                      in full.

12   \*       \*       \*

13           §1172. Criminal penalties

14                      A. Any employer who willfully fails to provide security for compensation  
15                      required by R.S. 23:1168 shall be subject to a fine of ~~not more than ten thousand~~  
16                      ~~dollars~~ up to two hundred fifty dollars per day that the employer willfully failed to  
17                      provide security for compensation or imprisonment with or without hard labor for  
18                      not more than one year, or both such fine and imprisonment. All fines collected shall  
19                      be deposited in the Office of Workers' Compensation Administrative Fund  
20                      established in R.S. 23:1291.1(E).

21   \*       \*       \*

22           §1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties;  
23                      civil immunity

24   \*       \*       \*

25                      C. Whoever violates any provision of this Section shall be imprisoned, with  
26                      or without hard labor, for not less than one year nor more than ten years, or fined ~~not~~  
27                      ~~more than ten thousand dollars~~ up to two hundred fifty dollars per day that the  
28                      employer willfully failed to provide security for compensation, or both. All fines

1           collected shall be deposited in the Office of Workers' Compensation Administrative  
2           Fund established in R.S. 23:1291.1(E).

3   \*           \*           \*

4           §1172.2. Unlawful practices

5   \*           \*           \*

6                           D. Whoever violates any provision of this Section shall be imprisoned, with  
7           or without hard labor, for not less than one year nor more than ten years, or fined ~~not~~  
8           ~~more than ten thousand dollars~~ up to two hundred fifty dollars per day that such  
9           person's violation of any provision of this Section resulted in failure to properly  
10           provide security for compensation, or both. All fines collected shall be deposited in  
11           the Office of Workers' Compensation Administrative Fund established in R.S.  
12           23:1291.1(E).

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

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

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