

Regular Session, 2010

SENATE BILL NO. 352

BY SENATOR MARTINY

WORKERS' COMPENSATION. Provides for reciprocity with states who apply Louisiana Workers' Compensation Law to a complaint filed in that state by a professional athlete injured while employed by a Louisiana employer. (8/15/10)

1 AN ACT

2 To enact R.S. 23:1035.3, relative to reciprocity; to provide for reciprocity with states who  
3 apply Louisiana Workers' Compensation Law to a complaint filed in that state by a  
4 professional athlete injured in Louisiana; to provide for a process to implement  
5 reciprocity; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1035.3 is hereby enacted to read as follows:

8 **§1035.3. Workers' compensation reciprocity with respect to professional**  
9 **athletes**

10 **A. If a professional athlete who has been hired or is regularly employed**  
11 **in Louisiana receives a work related injury by accident arising out of and in the**  
12 **course of such employment outside of Louisiana, he, or his dependents in the**  
13 **case of his death, shall be entitled to compensation according to the laws of**  
14 **Louisiana.**

15 **B. The employer of a professional athlete who has been hired outside of**  
16 **Louisiana by an employer domiciled outside of this state shall be exempted from**  
17 **the provisions of this Chapter while such professional athlete is temporarily**

1        within Louisiana doing work for his employer, if such employer has furnished  
2        workers' compensation insurance coverage under the workers' compensation  
3        insurance or similar laws of a state other than Louisiana, so as to cover such  
4        professional athlete's employment while in this state; provided, that Subsection  
5        A of this Section is recognized in such other state and provided employers and  
6        professional athletes who are covered in this state are likewise exempted from  
7        the application of workers' compensation insurance of similar laws of such  
8        other state. The benefits under this Title, R.S. 23:1 et seq., or similar laws of  
9        such state, or other remedies under such act or such laws, shall be the exclusive  
10       remedy against such employer for any injury, whether resulting in death or not,  
11       received by a professional athlete while working for such employer in  
12       Louisiana.

13            C. A certificate from the duly authorized officer of the insurance  
14            commissioner or similar department of another state certifying that the  
15            employer of such other state is insured therein and has provided extraterritorial  
16            coverage insuring his professional athlete employees while working within this  
17            state shall be prima facie evidence that such employer carries such workers'  
18            compensation insurance.

---

The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Mary Dozier O'Brien.

---

#### DIGEST

Present law contains no provisions related to reciprocity in workers' compensation matters involving professional athletes in Louisiana.

Proposed law provides reciprocity to states who apply Louisiana Workers' Compensation Law when adjudicating a claim filed by a professional athlete injured while employed in Louisiana.

Proposed law provides for the filing of a certificate evidencing workers' compensation coverage for professional athletes working in Louisiana.

Effective August 15, 2010.

(Adds R.S. 23:1035.3)