

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE SUBSTITUTE FOR

# SENATE BILL NO. 34

97TH GENERAL ASSEMBLY  
2013

0037S.04T

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## AN ACT

To repeal sections 287.957 and 287.975, RSMo, and to enact in lieu thereof three new sections relating to workers' compensation.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 287.957 and 287.975, RSMo, are repealed and three  
2 new sections enacted in lieu thereof, to be known as sections 287.957, 287.975,  
3 and 287.980, to read as follows:

287.957. The experience rating plan shall contain reasonable eligibility  
2 standards, provide adequate incentives for loss prevention, and shall provide for  
3 sufficient premium differentials so as to encourage safety. The uniform  
4 experience rating plan shall be the exclusive means of providing prospective  
5 premium adjustment based upon measurement of the loss-producing  
6 characteristics of an individual insured. An insurer may submit a rating plan or  
7 plans providing for retrospective premium adjustments based upon an insured's  
8 past experience. Such system shall provide for retrospective adjustment of an  
9 experience modification and premiums paid pursuant to such experience  
10 modification where a prior reserved claim produced an experience modification  
11 that varied by greater than fifty percent from the experience modification that  
12 would have been established based on the settlement amount of that claim. The  
13 rating plan shall prohibit an adjustment to the experience modification of an  
14 employer if the total medical cost does not exceed [one thousand dollars] **twenty**  
15 **percent of the current split point of primary and excess losses under**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 **the uniform experience rating plan** and the employer pays all of the total  
17 medical costs and there is no lost time from the employment, other than the first  
18 three days or less of disability under subsection 1 of section 287.160, and no claim  
19 is filed. An employer opting to utilize this provision maintains an obligation to  
20 report the injury under subsection 1 of section 287.380.

287.975. 1. The advisory organization shall file with the director every  
2 pure premium rate, every manual of rating rules, every rating schedule and every  
3 change or amendment, or modification of any of the foregoing, proposed for use  
4 in this state no more than thirty days after it is distributed to members,  
5 subscribers or others.

6 2. The advisory organization which makes a uniform classification system  
7 for use in setting rates in this state shall collect data for two years after January  
8 1, 1994, on the payroll differential between employers within the construction  
9 group of code classifications, including, but not limited to, payroll costs of the  
10 employer and number of hours worked by all employees of the employer engaged  
11 in construction work. Such data shall be transferred to the department of  
12 insurance, financial institutions and professional registration in a form prescribed  
13 by the director of the department of insurance, financial institutions and  
14 professional registration, and the department shall compile the data and develop  
15 a formula to equalize premium rates for employers within the construction group  
16 of code classifications based on such payroll differential within three years after  
17 the data is submitted by the advisory organization.

18 **3. The formula to equalize premium rates for employers within**  
19 **the construction group of code classifications established under**  
20 **subsection 2 of this section shall be the formula in effect on January 1,**  
21 **1999. This subsection shall become effective on January 1, 2014.**

22 **4. For purposes of calculating the premium credit under the**  
23 **Missouri contracting classification premium adjustment program, an**  
24 **employer within the construction group of code classifications may**  
25 **submit to the advisory organization the required payroll record**  
26 **information for the first, second, third, or fourth calendar quarter of**  
27 **the year prior to the workers' compensation policy beginning or**  
28 **renewal date, provided that the employer clearly indicates for which**  
29 **quarter the payroll information is being submitted.**

287.980. 1. The division shall develop and maintain a workers'  
2 compensation claims database, accessible to potential employers

3 through the division's website, containing all claims filed for  
4 compensation under this chapter. Claims records shall be retrievable  
5 only by an employer who during a pre-hire period provides a potential  
6 employee's name and social security number and shall, upon retrieval,  
7 identify the date of any claim made by such potential employee and  
8 whether the claim is open or closed.

9       2. The records in the workers' compensation claims database  
10 shall not be considered reports or records for the purposes of the  
11 record retention requirements under section 287.650.

12       3. The provisions of this section shall be fully implemented by  
13 July 1, 2014. The division shall implement the provisions of this section  
14 in a manner allowing the division to maintain a record of all claims  
15 records received through the division's website, including the identity  
16 of the potential employee and of the potential employer. Such record  
17 shall be maintained by the division.

18       4. Any person who fraudulently accesses the database described  
19 in subsection 1 of this section shall be guilty of a class A misdemeanor.

Bill ✓

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