

## Session 111 - (1995-1996)

### H 3931 General Bill, By House Labor, Commerce and Industry

#### **Similar (H 3564)**

A Bill to amend Section 42-9-30, as amended, Code of Laws of South Carolina, 1976, relating to the amount of Workers' Compensation and period of disability for certain injuries, so as to provide for a presumption of total and permanent disability in cases where there is a fifty percent or more loss of use of the back, and provide that this presumption may be rebutted by a preponderance of the evidence; to amend the 1976 Code by adding Section 42-9-45 so as to provide that mental illness resulting from work-related stress is not an accidental injury arising out of and in the course of employment except under certain conditions, and provide for related matters; to amend Section 42-9-260, as amended, relating to notice to the Workers' Compensation Commission when payments of Workers' Compensation have begun and suspension or termination of payments, so as to delete certain language and provisions, provide that when an employee has been out of work due to a reported work-related injury or occupational disease for eight days, an employer may start temporary total disability payments immediately and may continue such payments for up to one hundred twenty days without waiver of any grounds for denial of a claim as may appear following a good faith investigation, provide for the termination or suspension of temporary disability compensation, and provide for related matters; to amend Section 42-1-40, relating to the definition of "average weekly wages" under the Workers' Compensation law, so as to delete certain language and provisions, and provide that "average weekly wage" must be calculated by taking the total wages paid for the last four quarters immediately preceding the quarter in which the injury occurred as reported on the Employment Security Commission's employer contribution reports divided by fifty-two or by the actual number of weeks for which wages were paid, whichever is less; to amend Section 42-9-360, relating to assignments of Workers' Compensation and exemptions from the claims of creditors and taxes, so as to add provisions to the Section including, among other things, the provision that it shall be unlawful for an authorized health care provider to actively pursue collection procedures against a Workers' Compensation claimant before the final adjudication of the claimant's claim; and to amend Section 42-19-10, as amended, relating to the Workers' Compensation law and employers' records and reports of injuries, so as to delete the current provisions of the Section, and provide, among other things, that every employer shall keep a record of all injuries received by his employees in the course of their employment on forms approved by the Workers' Compensation Commission and that certain injuries must be reported in writing to the Commission according to certain guidelines.

<b>04/05/95</b>	<b>House</b>	<b>Introduced, read first time, placed on calendar without reference HJ-10</b>
<b>04/19/95</b>	<b>House</b>	<b>Objection by Rep. Baxley, Delleney, Thomas, Beatty, Mason, Cato, A. Young, L. Whipper, Limehouse, Davenport, R. Smith, Cooper, Moody-Lawrence &amp; White HJ-21</b>
<b>05/09/95</b>	<b>House</b>	<b>Debate adjourned until Wednesday, May 10, 1995 HJ-199</b>
<b>05/11/95</b>	<b>House</b>	<b>Debate adjourned until Thursday, May 18, 1995 HJ-41</b>
<b>05/24/95</b>	<b>House</b>	<b>Debate adjourned until Wednesday, May 31, 1995 HJ-90</b>
<b>01/11/96</b>	<b>House</b>	<b>Retaining place on calendar recommitted to Committee on Labor, Commerce and Industry HJ-27</b>
<b>05/02/96</b>	<b>House</b>	<b>Recalled from Committee on Labor, Commerce and Industry HJ-31</b>
<b>05/07/96</b>	<b>House</b>	<b>Recommitted to Committee on Labor, Commerce and Industry HJ-34</b>