**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑73‑492 SO AS TO PROVIDE A WORKERS’ COMPENSATION EXPERIENCE RATING PLAN USED IN THIS STATE MUST CALCULATE THE RATE OF AN INDIVIDUAL EMPLOYER BASED ON ALL PAYROLL HISTORY DATA AND LOSS HISTORY DATA PROVIDED BY THE INDIVIDUAL EMPLOYER AND MAY NOT EXCLUDE THIS DATA BECAUSE IT FAILS TO FALL WITHIN A SPECIFIED TIME PERIOD.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 5, Chapter 73, Title 38 of the 1976 Code is amended by adding:

“Section 38‑73‑492. In addition to the other provisions of this chapter, a calculation of the workers’ compensation experience modification rating of an individual employer in this State must include all payroll history data and loss history data made available by that individual employer to the nonpartisan rating bureau or other entity making the calculation, and may exclude none of this data for failing to fall within a specified time period. This section includes, but is not limited to, an experience modification rate that fails to account for a third party reimbursement, including a third party reimbursement made from the Second Injury Fund.”

SECTION 2. This act takes effect upon approval by the Governor.

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