**South Carolina General Assembly**

120th Session, 2013-2014

**A95, R104, H3632**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, White, Sandifer, J.R. Smith, Bannister and Lucas

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Introduced in the House on February 27, 2013

Introduced in the Senate on April 25, 2013

Last Amended on June 4, 2013

Passed by the General Assembly on June 6, 2013

Governor's Action: June 13, 2013, Signed

Summary: Workers' Compensation Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/27/2013 House Introduced and read first time ([House Journal‑page 5](file:///h:\HJ%20Archive\2013\02-27-13.docx))

2/27/2013 House Referred to Committee on **Ways and Means** ([House Journal‑page 5](file:///h:\HJ%20Archive\2013\02-27-13.docx))

2/28/2013 House Member(s) request name added as sponsor: White, Sandifer, J.R.Smith, Bannister, Lucas

4/8/2013 Scrivener's error corrected

4/18/2013 House Committee report: Favorable **Ways and Means** ([House Journal‑page 17](file:///h:\HJ%20Archive\2013\04-18-13.docx))

4/24/2013 House Requests for debate‑Rep(s). Gilliard, Govan, Bales, Sabb ([House Journal‑page 101](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/24/2013 House Read second time ([House Journal‑page 101](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/24/2013 House Roll call Yeas‑106 Nays‑0 ([House Journal‑page 102](file:///h:\HJ%20Archive\2013\04-24-13.docx))

4/25/2013 House Read third time and sent to Senate ([House Journal‑page 32](file:///h:\HJ%20Archive\2013\04-25-13.docx))

4/25/2013 Senate Introduced and read first time ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2013\04-25-13.docx))

4/25/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///h:\SJ%20Archive\2013\04-25-13.docx))

4/26/2013 Scrivener's error corrected

4/30/2013 Senate Referred to Subcommittee: Gregory (ch), McElveen, Turner

5/29/2013 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 24](file:///h:\SJ%20Archive\2013\05-29-13.docx))

6/4/2013 Senate Amended ([Senate Journal‑page 88](file:///h:\SJ%20Archive\2013\06-04-13.docx))

6/4/2013 Senate Read second time ([Senate Journal‑page 88](file:///h:\SJ%20Archive\2013\06-04-13.docx))

6/4/2013 Senate Roll call Ayes‑31 Nays‑0 ([Senate Journal‑page 88](file:///h:\SJ%20Archive\2013\06-04-13.docx))

6/5/2013 Scrivener's error corrected

6/5/2013 Senate Read third time and returned to House with amendments

6/6/2013 House Concurred in Senate amendment and enrolled ([House Journal‑page 34](file:///h:\HJ%20Archive\2013\06-06-13.docx))

6/6/2013 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 35](file:///h:\HJ%20Archive\2013\06-06-13.docx))

6/11/2013 Ratified R 104

6/13/2013 Signed By Governor

6/21/2013 Effective date See Act for Effective Date

6/24/2013 Act No. 95

**VERSIONS OF THIS BILL**

[2/27/2013](file:///p:\pprever\2013-14\3632_20130227.docx)

[4/8/2013](file:///p:\pprever\2013-14\3632_20130408.docx)

[4/18/2013](file:///p:\pprever\2013-14\3632_20130418.docx)

[4/26/2013](file:///p:\pprever\2013-14\3632_20130426.docx)

[5/29/2013](file:///p:\pprever\2013-14\3632_20130529.docx)

[6/4/2013](file:///p:\pprever\2013-14\3632_20130604.docx)

[6/5/2013](file:///p:\pprever\2013-14\3632_20130605.docx)

(A95, R104, H3632)

**AN ACT TO AMEND SECTION 42‑5‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MAINTENANCE TAX IMPOSED BY THE WORKERS’ COMPENSATION COMMISSION ON SELF INSURERS, SO AS TO PROVIDE THAT THE COMMISSION SHALL RETAIN A PORTION OF THE ANNUAL MAINTENANCE TAX REVENUE TO PAY THE SALARIES AND EXPENSES OF THE COMMISSION, TO PROVIDE THAT THE COMMISSION SHALL RETAIN ONE‑HALF OF THE INTEREST CHARGED ON DELINQUENT MAINTENANCE TAX FOR THE SAME PURPOSE, AND TO PROVIDE DURATION PROVISIONS AND REPORTING REQUIREMENTS.**

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

**Workers’ Compensation Commission, revenues retained**

SECTION 1. Section 42‑5‑190 of the 1976 Code, as last amended by Act 153 of 1989, is further amended to read:

“Section 42‑5‑190. Every employer carrying his own risk under the provisions of Section 42‑5‑20 shall report under oath to the commission the employer’s actual cost incurred under the provisions of this title. The report must be made in the form prescribed by the commission by the fifteenth day of the third month following the close of the self‑insurer’s fiscal year. The commission shall assess against the actual cost incurred a maintenance tax computed by taking two and one‑half percent of the actual cost of operating under the provisions of this title as determined by the commission. The assessments must be paid to the commission which shall retain in every fiscal year the greater of fifty percent or two million two hundred thousand dollars of the maintenance tax revenues and use these funds to pay the salaries and expenses of the commission. The balance of the maintenance tax revenues must be remitted to the State Treasurer for the credit of the general fund of the State. In the event of failure to pay the tax within fifteen days of the date set forth in this section, the commission may assess against the self‑insurer a penalty of five percent of the unpaid tax. If the self‑insurer fails to pay the tax and penalty within fifteen days of notice by the commission, interest must be added to the amount of the deficiency at the rate of five percent for each month or fraction of a month from the date the tax was due originally until the date the deficiency is paid and the commission may initiate proceedings to withdraw the privilege of self‑insuring in this State. The total maximum interest to be charged may not exceed twenty‑five percent. The penalty under this section is payable to the commission. Fifty percent of the interest must be retained by the commission and used by it as retained maintenance tax revenues are used and the balance of the interest must be remitted to the State Treasurer for the credit of the general fund of the State.”

**Time effective**

SECTION 2. This act takes effect July 1, 2013, and must be terminated five years after the effective date of the act unless otherwise authorized by the General Assembly. Beginning on July 1, 2014, and on each July first thereafter, the South Carolina Workers’ Compensation Commission must report to the Chairman of House Ways and Means Committee, the Chairman of Senate Finance, and the Governor the amount of money the agency has received in the previous fiscal year pursuant to this act.

Ratified the 11th day of June, 2013.

Approved the 13th day of June, 2013.

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