

## Session 112 - (1997-1998)

### H 5184 General Bill, By Jennings

A BILL TO AMEND TITLE 42, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO WORKERS' COMPENSATION, BY ADDING SECTION 42-9-435 SO AS TO INCREASE THE COMPENSATION BY TWENTY-FIVE PERCENT IN CASES OF WILFUL OR RECKLESS NONCOMPLIANCE WITH REGULATIONS OR ORDERS; TO AMEND SECTION 42-1-160, AS AMENDED, RELATING TO DEFINITIONS OF "INJURY" AND "PERSONAL INJURY", SO AS TO INCLUDE GRADUAL INJURIES INCURRED BY REPEATED PERFORMANCE OF JOB DUTIES; TO AMEND SECTION 42-1-540, RELATING TO TO EXCLUSIVITY OF REMEDY IN WORKERS' COMPENSATION, SO AS TO PROVIDE FOR EMPLOYEE RIGHTS AGAINST AN EMPLOYER FOR RECKLESS, WILFUL, WANTON, OR INTENTIONAL WRONGDOING; TO AMEND SECTION 42-1-560, RELATING TO RIGHTS AND REMEDIES AGAINST A THIRD PARTY, SO AS TO PROVIDE FOR FORFEITURE OF THE CARRIER'S LIEN ON A RECOVERY WHEN THE CARRIER FAILS TO PAY ONE-HALF THE EXPENSES OF PURSUING A THIRD-PARTY AS THE EXPENSES ARE INCURRED; TO AMEND SECTION 42-3-20, RELATING TO THE MEMBERSHIP AND DUTIES OF THE INDUSTRIAL COMMISSION, SO AS TO CHANGE THE MEMBERSHIP FROM SEVEN TO NINE MEMBERS WHO ARE ELECTED BY THE GENERAL ASSEMBLY RATHER THAN APPOINTED BY THE GOVERNOR; TO AMEND SECTION 42-5-20, AS AMENDED, RELATING TO PROOF OF INSURANCE OR ABILITY TO PAY, TO PROVIDE FOR QUALIFICATION AND REGULATION OF GROUP SELF-INSURERS BY THE DEPARTMENT OF INSURANCE; TO AMEND SECTION 42-9-10, RELATING TO TOTAL DISABILITY, SO AS TO PROVIDE THAT COMPENSATION FOR TOTAL DISABILITY APPLIES REGARDLESS OF THE AVAILABILITY OF OTHER COMPENSATION; TO AMEND SECTION 42-9-30, AS AMENDED, RELATING TO A SCHEDULE FOR COMPENSATION FOR CERTAIN INJURIES, SO AS TO INCREASE THE PERIODS OF DISABILITY FOR CERTAIN INJURIES; TO AMEND SECTION 42-9-40, RELATING TO COMPENSATION FOR HERNIA, SO AS TO PROVIDE FOR COMPENSATION FOR TOTAL DISABILITY; TO AMEND SECTION 42-9-390, RELATING TO VOLUNTARY SETTLEMENTS SO AS TO PROVIDE PENALTIES FOR FAILURE TO MAKE PAYMENTS IN A TIMELY FASHION; TO AMEND SECTION 42-15-60, RELATING TO FURNISHING OF MEDICAL TREATMENT AND SUPPLIES BY THE EMPLOYER, SO AS TO REQUIRE THAT THEY BE FURNISHED FOR THE LIFETIME OF THE EMPLOYEE; TO AMEND SECTION 42-15-90, RELATING TO FEES AND CHARGES, SO AS TO PROVIDE CRIMINAL PENALTIES FOR A HEALTH CARE PROVIDER WHO DEMANDS PAYMENT BEFORE FINAL ADJUDICATION OF THE CLAIM WHO CHARGES AN EXCESSIVE FEE AND TO REQUIRE TIMELY PAYMENT TO A HEALTH CARE PROVIDER; TO AMEND SECTION 42-17-60, AS AMENDED, RELATING TO APPEAL OF THE COMPENSATION AWARD, SO AS TO PROVIDE FOR AN APPEAL PROCEDURE LIKE THE FAMILY COURT APPEAL PROCEDURE LIKE THE FAMILY COURT APPEAL PROCEDURE, NOTWITHSTANDING THE ADMINISTRATIVE PROCEDURES ACT; TO AMEND SECTION 42-17-90, RELATING TO CHANGE OF CONDITION, SO AS TO PROVIDE FOR A FORMULA FOR DETERMINING ADDITIONAL COMPENSATION; AND TO REPEAL SECTION 42-17-50, RELATING TO REVIEW AND REHEARING BY THE INDUSTRIAL COMMISSION.

**05/26/98 House Introduced and read first time HJ-13**

**05/26/98 House Referred to Committee on Labor, Commerce and Industry HJ-14**