

## Session 107 - (1987-1988)

### S\*0421 (Rat #0444, Act #0411 of 1988) General Bill, By T.H. Pope

A Bill to amend Section 42-1-390, Code of Laws of South Carolina, 1976, relating to the withdrawal of waiver of exemption by an employer under Title 42 (The Workers' Compensation Law), so as to provide that an employer desiring to withdraw from under the terms of Title 42 may give notice in writing either to the Workers' Compensation Commission or to his insurer who shall give notice in writing to the Commission, to provide for a monetary penalty if the insurer does not give the notice to the Commission, to provide for the use of the penalty collected by the Commission, to provide that where the employer gives the notice to the Commission, the Commission shall, within thirty days of receipt of the notice, inform the employer that he must provide written notification by a date certain to his employees of the withdrawal, to provide that no employer is required to so notify his employees unless the Commission informs him he must do so, and to provide that at the expiration of sixty days from the date of written notice to the Commission, the employer no longer is liable under the terms of Title 42 and may be permitted to set up any defense, as advised, to any action brought against him for personal injury or death by accident to any employee; and to amend Section 42-5-80, relating to the liability of the insurer under the Workers' Compensation Law, so as to provide that the obligation of the insurer to make payments is not affected by any default of the insured, rather than "by any default of the insured after the injury", and to provide that any insurer who issues a policy of compensation insurance to an employer not subject to Title 42 may not plead as a defense that the employer is not subject to Title 42 and is estopped to deny coverage.-amended title

02/19/87	Senate	Introduced and read first time SJ-590
02/19/87	Senate	Referred to Committee on Judiciary SJ-590
01/20/88	Senate	Committee report: Favorable with amendment Judiciary SJ-11
01/21/88	Senate	Amended SJ-46
01/21/88	Senate	Read second time SJ-48
01/27/88	Senate	Read third time and sent to House SJ-22
01/28/88	House	Introduced and read first time HJ-719
01/28/88	House	Referred to Committee on Labor, Commerce and Industry HJ-719
03/09/88	House	Committee report: Favorable with amendment Labor, Commerce and Industry HJ-1826
03/10/88	House	Amended HJ-1902
03/10/88	House	Read second time HJ-1903
03/10/88	House	Unanimous consent for third reading on next legislative day HJ-1904
03/11/88	House	Read third time HJ-1932
03/11/88	House	Returned HJ-1932
03/16/88	Senate	Concurred in House amendment and enrolled SJ-11
03/22/88		Ratified R 444
03/28/88		Signed By Governor
03/28/88		Effective date 03/28/88
03/28/88		Act No. 411
04/05/88		Copies available