**A** **BILL**

TO AMEND SECTION 42‑9‑260, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COMPENSATION AND PAYMENTS IN WORKERS’ COMPENSATION, SO AS TO PROVIDE WHEN EMPLOYEES SUFFER COMPENSABLE INJURIES AND RECEIVE COMPENSATION FOR THOSE INJURIES FROM THEIR EMPLOYER OR CERTAIN OTHER PARTIES UNDER THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT, THEIR EMPLOYER OR EMPLOYER’S REPRESENTATIVE IS ENTITLED TO A DOLLAR‑FOR‑DOLLAR CREDIT FOR PAYMENT OF INDEMNITY BENEFITS UNDER THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT AGAINST INDEMNITY BENEFITS DUE TO THE EMPLOYEE UNDER THE ACT FOR THE SAME INJURY, TO PROVIDE THE WORKERS’ COMPENSATION COMMISSION IS NOT PREVENTED FROM AWARDING THE CREDIT ON CONCURRENT JURISDICTION CASES ARISING OUT OF ACCIDENTS OCCURRING PRIOR TO JULY 1, 2019, AND TO PROVIDE PAYMENT OF BENEFITS BY THE EMPLOYER UNDER THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT DOES NOT CONSTITUTE AN ELECTION OF REMEDIES BY THE CLAIMANT UNDER EITHER THE SOUTH CAROLINA WORKERS’ COMPENSATION ACT OR THE LONGSHORE AND HARBOR WORKERS’ COMPENSATION ACT AND SHALL NOT PRECLUDE PAYMENT OF A LUMP SUM AWARD TO CLAIMANT UNDER THE SOUTH CAROLINA WORKERS’ COMPENSATION ACT.

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

SECTION 1. Section 42‑9‑260 of the 1976 Code is amended by adding a subsection at the end to read:

“( ) Should any employee, on or after July 1, 2019, suffer an injury for which the employee receives compensation benefits, of any kind, nature, and/or category, from their employer (or their employer’s carrier, self‑insured fund, mutual indemnity association, or other entity providing coverage under the Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. Section 901, et seq., and its extensions), the employer and/or the employer’s representative is entitled to a dollar‑for‑dollar credit for payment of indemnity benefits under the Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. Section 901, et seq., against indemnity benefits due to the employee under the South Carolina Workers’ Compensation Act for the same injury. Notwithstanding this section, and/or any provision of this title, the South Carolina Workers’ Compensation Commission is not prevented from awarding the dollar‑for‑dollar credit on concurrent jurisdiction cases arising out of accidents occurring prior to July 1, 2019, on a case‑by‑case basis. Payment of benefits by the employer under the Longshore and Harbor Workers’ Compensation Act, 33 U.S.C. Section 901, et seq., does not constitute an election of remedies by the claimant under either the South Carolina Workers’ Compensation Act or the Longshore and Harbor Workers’ Compensation Act and shall not preclude payment of a lump sum award to claimant under the South Carolina Workers’ Compensation Act. ”

SECTION 2. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 3. This act takes effect upon approval by the Governor.

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