

**South Carolina General Assembly**  
117th Session, 2007-2008

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**A111, R163, S332**

## STATUS INFORMATION

General Bill

Sponsors: Senators Martin, Ritchie and Vaughn

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Introduced in the Senate on January 24, 2007

Introduced in the House on April 11, 2007

Last Amended on June 20, 2007

Passed by the General Assembly on June 20, 2007

Governor's Action: June 25, 2007, Signed

Summary: Workers' compensation reform

## HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/24/2007	Senate	Introduced and read first time SJ-10
1/24/2007	Senate	Referred to Committee on <b>Judiciary</b> SJ-10
1/26/2007	Senate	Referred to Subcommittee: Martin (ch), Hutto, Ritchie, Lourie
3/21/2007	Senate	Committee report: Favorable with amendment <b>Judiciary</b> SJ-11
4/3/2007	Senate	Special order, set for April 3, 2007 SJ-32
4/4/2007	Senate	Committee Amendment Adopted and Amended SJ-26
4/4/2007	Senate	Debate interrupted SJ-26
4/5/2007	Senate	Amended SJ-38
4/5/2007	Senate	Read second time SJ-38
4/10/2007	Senate	Read third time and sent to House SJ-19
4/11/2007	House	Introduced and read first time HJ-13
4/11/2007	House	Referred to Committee on <b>Labor, Commerce and Industry</b> HJ-15
5/9/2007	House	Committee report: Favorable with amendment <b>Labor, Commerce and Industry</b> HJ-4
5/15/2007	House	Requests for debate-Rep(s). Cato, Thompson, White, Clemmons, Chellis, Leach, Hagood, Bannister, Bedingfield, JR Smith, Haskins, Hamilton, Witherspoon, Hardwick, Shoopman, Haley, and Jefferson HJ-25
5/16/2007	House	Amended HJ-45
5/16/2007	House	Debate interrupted HJ-69
5/16/2007	House	Amended HJ-160
5/16/2007	House	Read second time HJ-190
5/16/2007	House	Roll call Yeas-110 Nays-0 HJ-190
5/17/2007		Scrivener's error corrected

5/17/2007	House	Read third time and returned to Senate with amendments HJ-49
5/17/2007	House	Roll call Yeas-101 Nays-0 HJ-51
5/23/2007	Senate	Non-concurrence in House amendment SJ-81
5/24/2007	House	House insists upon amendment and conference committee appointed Reps. Chellis, Cato, and Haley HJ-8
5/29/2007	Senate	Conference committee appointed Martin, Hutto, and Ritchie SJ-51
6/19/2007	Senate	Conference report adopted SJ-50
6/20/2007	House	Conference report adopted HJ-21
6/20/2007	House	Roll call Yeas-117 Nays-0 HJ-30
6/20/2007	Senate	Ordered enrolled for ratification SJ-56
6/20/2007		Ratified R 163
6/25/2007		Signed By Governor
7/2/2007		Copies available
7/2/2007		Effective date See Act for Effective Date
7/6/2007		Act No. 111

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## VERSIONS OF THIS BILL

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(A111, R163, S332)

**AN ACT TO AMEND SECTION 1-23-600, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HEARINGS AND PROCEEDINGS OVER WHICH AN ADMINISTRATIVE LAW JUDGE SHALL PRESIDE, SO AS TO PROVIDE THAT AN APPEAL FROM THE WORKERS' COMPENSATION COMMISSION IS TO THE COURT OF APPEALS INSTEAD OF THE CIRCUIT COURT; TO AMEND SECTION 14-8-200, AS AMENDED, RELATING TO THE JURISDICTION OF THE COURT OF APPEALS, SO AS TO INCLUDE WITHIN ITS JURISDICTION APPEALS FROM FINAL DECISIONS OF THE WORKERS' COMPENSATION COMMISSION; TO AMEND SECTION 38-55-530, RELATING TO DEFINITIONS USED IN THE OMNIBUS INSURANCE FRAUD AND REPORTING IMMUNITY ACT, SO AS TO CLARIFY THE DEFINITION OF "FALSE STATEMENT OR MISREPRESENTATION"; TO AMEND SECTION 38-55-540, RELATING TO CRIMINAL PENALTIES FOR MAKING A FALSE STATEMENT OR MISREPRESENTATION, SO AS TO INCREASE PENALTIES AND CREATE ADDITIONAL CATEGORIES FOR VIOLATIONS; TO AMEND SECTION 38-55-560, RELATING TO THE INSURANCE FRAUD DIVISION CREATED**

**WITHIN THE OFFICE OF THE ATTORNEY GENERAL, SO AS TO AUTHORIZE THE ATTORNEY GENERAL TO HIRE A FORENSIC ACCOUNTANT TO BE ASSIGNED TO THE INSURANCE FRAUD DIVISION; TO AMEND SECTION 42-1-160, AS AMENDED, RELATING TO THE DEFINITION OF "INJURY" AND "PERSONAL INJURY", SO AS TO FURTHER DEFINE THESE TERMS, TO ESTABLISH A BURDEN OF PROOF FOR AN EMPLOYEE, TO FURTHER EXCLUDE CERTAIN CONDITIONS FROM "PERSONAL INJURY", TO EXCLUDE CERTAIN EVENTS FROM "ACCIDENT", AND TO DEFINE "MEDICAL EVIDENCE"; BY ADDING SECTION 42-1-172 SO AS TO ESTABLISH WHEN A REPETITIVE TRAUMA INJURY MAY BE COMPENSABLE; TO AMEND SECTION 42-1-360, RELATING TO PERSONS NOT COVERED UNDER THE WORKERS' COMPENSATION LAW, SO AS TO DELETE AND ADD CERTAIN INDIVIDUALS AND GROUPS OF INDIVIDUALS; BY ADDING SECTIONS 42-1-700 AND 42-1-705 SO AS TO REQUIRE CERTAIN SPECIFICITY ON FORM 50 AND FORM 51 (EMPLOYEE'S NOTICE OF CLAIM AND/OR REQUEST FOR HEARING AND EMPLOYEE'S ANSWER TO REQUEST FOR HEARING FORMS); TO AMEND SECTION 42-3-20, RELATING TO THE WORKERS' COMPENSATION COMMISSION, SO AS TO PROVIDE FOR THE APPOINTMENT OF A DEPUTY COMMISSIONER AND AN INTERIM CHAIRMAN UNDER CERTAIN CIRCUMSTANCES AND DELETE A PROVISION REGARDING REVIEWS BEING CONDUCTED TEMPORARILY WHEN A COMMISSIONER IS INCAPACITATED OR A VACANCY EXISTS; TO AMEND SECTION 42-3-60, RELATING TO THE AUTHORIZATION FOR EACH COMMISSIONER TO EMPLOY A SECRETARY AND COURT REPORTER, SO AS TO DELETE THIS AUTHORITY AND AUTHORIZE EACH COMMISSIONER TO EMPLOY AN ADMINISTRATIVE ASSISTANT, TO SERVE AT THE COMMISSIONER'S PLEASURE; BY ADDING SECTION 42-3-175 SO AS TO PROVIDE FOR THE PAYMENT OF CLAIMANT'S ATTORNEY'S FEES AND COSTS OF ENFORCING THE ORDER OF THE COMMISSION IF IT IS SHOWN THAT AN INSURER, A SELF-INSURED EMPLOYER, A SELF-INSURED FUND, OR AN ADJUSTER, WITHOUT GOOD CAUSE, FAILED TO AUTHORIZE MEDICAL TREATMENT AND/OR PAY BENEFITS WHEN ORDERED TO DO SO BY THE COMMISSION; TO AMEND SECTION 42-3-230, RELATING TO THE DESTRUCTION OF INACTIVE FILES, SO AS TO AUTHORIZE THE FILES TO BE KEPT IN EITHER PAPER OR ELECTRONIC FORM; TO AMEND SECTION 42-5-40, RELATING TO THE PENALTY FOR THE FAILURE TO SECURE PAYMENT FOR COMPENSATION UNDER TITLE 42, SO AS TO INCREASE THE PENALTY FOR SECURING COMPENSATION FOR AN EMPLOYEE AND TO PROVIDE FOR WHAT CONSTITUTES TOTAL AND PERMANENT DISABILITY AND IS NOT SUBJECT TO THE FIVE-HUNDRED-WEEK LIMITATION OR RECEIPT OF BENEFITS; BY ADDING SECTION 42-9-5 SO AS TO REQUIRE AN AWARD MADE PURSUANT TO TITLE 42 MUST BE BASED UPON SPECIFIC AND WRITTEN DETAILED FINDINGS OF FACT SUBSTANTIATING THE AWARD; TO AMEND SECTION 42-9-10, RELATING TO COMPENSATION PAID TO AN EMPLOYEE BECAUSE OF INCAPACITY RESULTING FROM AN INJURY WHICH IS A TOTAL DISABILITY, SO AS TO ADD THE LOSS OF BOTH SHOULDERS AND HIPS TO THE LIST OF BODY PARTS WHICH CONSTITUTES TOTAL AND PERMANENT DISABILITY; TO AMEND SECTION 42-9-30, AS AMENDED, RELATING TO THE AMOUNT OF COMPENSATION AND PERIOD OF DISABILITY FOR CERTAIN INJURIES, SO AS TO PROVIDE FOR THE LOSS OF A SHOULDER, A HIP, AND TOTAL AND PARTIAL LOSS OF THE BACK, AND PROVIDE FOR A REBUTTABLE PRESUMPTION IN CERTAIN CASES; BY ADDING SECTION 42-9-35 SO AS TO PROVIDE THAT THE EMPLOYEE SHALL ESTABLISH BY THE PREPONDERANCE OF THE EVIDENCE, INCLUDING MEDICAL EVIDENCE, THAT THE SUBSEQUENT INJURY AGGRAVATED THE PREEXISTING CONDITION OR PERMANENT PHYSICAL IMPAIRMENT OR THE PREEXISTING CONDITION OR THE PERMANENT PHYSICAL IMPAIRMENT AGGRAVATES THE SUBSEQUENT INJURY, TO PROVIDE THE COMMISSION MAY AWARD COMPENSATION BENEFITS TO AN EMPLOYEE UNDER CERTAIN CONDITIONS WHEN THE EMPLOYEE INCURS A SUBSEQUENT DISABILITY FROM AN INJURY ARISING OUT OF AND IN THE**

**SCOPE OF HIS EMPLOYMENT FOR THE RESULTING DISABILITY OF THE PERMANENT PHYSICAL IMPAIRMENT OR PREEXISTING CONDITION AND THE SUBSEQUENT INJURY, TO PROVIDE FOR THE BENEFIT IF THE SUBSEQUENT INJURY IS LIMITED TO A SINGLE BODY PART, TO PROVIDE EXCEPTIONS, AND TO DEFINE "MEDICAL EVIDENCE"; TO AMEND SECTION 42-9-60, RELATING TO THE PROHIBITION ON PAYING COMPENSATION IF THE INJURY OR DEATH WAS OCCASIONED BY THE INTOXICATION OF THE EMPLOYEE OR THE WILFUL INTENTION OF THE EMPLOYEE TO INJURE OR KILL HIMSELF OR ANOTHER, SO AS TO PROVIDE THAT IF A PERSON CLAIMS THAT THE PROVISIONS OF THIS SECTION ARE APPLICABLE, THE BURDEN OF PROOF IS UPON THAT PERSON; TO AMEND SECTION 42-9-150, RELATING TO AN EMPLOYEE WHO HAS A PERMANENT DISABILITY OR HAS SUSTAINED A PERMANENT INJURY IN THE SERVICE OF THE ARMY OR NAVY OF THE UNITED STATES OR IN ANOTHER EMPLOYMENT OTHER THAN THAT IN WHICH HE RECEIVES SUBSEQUENT PERMANENT INJURY BY ACCIDENT, SO AS TO CORRECT BOTH ARCHAIC AND OTHER REFERENCES; TO AMEND SECTION 42-9-170, RELATING TO THE AMOUNT OF COMPENSATION AN EMPLOYEE MAY RECEIVE IF HE RECEIVES A PERMANENT INJURY AND THEN SUSTAINS ANOTHER PERMANENT INJURY IN THE SAME EMPLOYMENT, SO AS TO PROVIDE THE MANNER IN WHICH THE COMPENSATION MUST BE PAID; TO AMEND SECTION 42-9-390, RELATING TO VOLUNTARY SETTLEMENTS, SO AS TO DELETE PROVISIONS WHICH REQUIRE THE SETTLEMENT AGREEMENT TO BE FILED BY THE EMPLOYER AND WITH ONE MEMBER OF THE COMMISSION IF THE EMPLOYEE IS NOT REPRESENTED BY AN ATTORNEY, AND TO SUBSTITUTE A PROVISION TO REQUIRE THE EMPLOYER TO FILE THE SETTLEMENT AGREEMENT WITH THE COMMISSION IF EACH PARTY IS REPRESENTED BY AN ATTORNEY AND IF THE EMPLOYEE IS NOT REPRESENTED BY AN ATTORNEY, THE EMPLOYER MUST FILE A COPY AND IT MUST BE APPROVED BY A MEMBER OF THE COMMISSION; TO AMEND SECTION 42-11-10, RELATING TO THE DEFINITION OF "OCCUPATIONAL DISEASE", SO AS TO ESTABLISH EMPLOYEE'S BURDEN OF PROOF, TO FURTHER DEFINE WHAT CONSTITUTES AN OCCUPATIONAL DISEASE, TO EXCLUDE CERTAIN CONDITIONS, TO DEFINE "MEDICAL EVIDENCE", AND TO PROVIDE COMPENSATION IS NOT PAYABLE UNLESS THE CLAIMANT SUFFERS PERMANENT OR PARTIAL DISABILITY; TO AMEND SECTION 42-15-20, RELATING TO THE REQUIREMENT THAT NOTICE MUST BE GIVEN BY THE EMPLOYEE FOR A REPETITIVE TRAUMA INJURY, SO AS TO REQUIRE NOTICE BE GIVEN NO LATER THAN NINETY DAYS AFTER AN EMPLOYEE COULD HAVE DISCOVERED THAT THE CONDITION IS COMPENSABLE; TO AMEND SECTION 42-15-40, AS AMENDED, RELATING TO THE RIGHT TO COMPENSATION BEING BARRED UNDER THIS TITLE UNLESS A CLAIM IS FILED WITHIN A CERTAIN TIME, SO AS TO BAR A CLAIM FOR A REPETITIVE TRAUMA INJURY UNLESS THE CLAIM IS FILED WITHIN A CERTAIN TIME; TO AMEND SECTION 42-15-60, RELATING TO AN EMPLOYER'S RESPONSIBILITY TO FURNISH MEDICAL TREATMENT AND SUPPLIES, SO AS TO ESTABLISH THAT AFTER TEN WEEKS AFTER DATE OF AN EMPLOYEE'S INJURY, AN EMPLOYEE MUST ESTABLISH BY MEDICAL RECORDS OR EXPERT MEDICAL TESTIMONY THAT ADDITIONAL TIME IS NEEDED TO LESSEN THE EMPLOYEE'S DEGREE OF IMPAIRMENT AND TO CLARIFY THAT AN EMPLOYER'S DUTY TO AN EMPLOYEE TERMINATES WHEN THERE IS NO FURTHER MEDICAL CARE THAT WOULD LESSEN THE DEGREE OF MEDICAL IMPAIRMENT AND IN NO CASE WOULD MEDICAL BENEFITS EXTEND FOR MORE THAN ONE YEAR FROM THE DATE OF FULL PAYMENT OF THE SETTLEMENT UNLESS STATED OTHERWISE ON APPROPRIATE FORMS, TO PROVIDE THAT EACH AWARD OF PERMANENCY AS ORDERED BY A SINGLE COMMISSIONER OR BY THE COMMISSION MUST CONTAIN A FINDING AS TO WHETHER OR NOT FURTHER MEDICAL TREATMENT OR MODALITIES MUST BE PROVIDED TO THE EMPLOYEE, TO PROVIDE THAT AN EMPLOYER IS NOT REQUIRED TO PROVIDE MEDICAL TREATMENT OR MODALITIES IN ANY CASE WHERE THERE HAS BEEN A LAPSE IN TREATMENT OF THE**

**EMPLOYEE BY AN AUTHORIZED PHYSICIAN IN EXCESS OF ONE YEAR, AND TO PROVIDE EXCEPTIONS; TO AMEND SECTION 42-15-80, RELATING TO PHYSICAL EXAMINATIONS AND FACTS LEARNED BY DOCTORS DURING THESE PROCEDURES ARE NOT PRIVILEGED AND THE REFUSAL OF AN EMPLOYEE TO SUBMIT TO AN EXAMINATION MAY SUSPEND HIS RIGHTS TO COMPENSATION AND RIGHT TO PROSECUTE A PROCEEDING UNDER THIS TITLE, SO AS TO PROVIDE FOR REGULATIONS ESTABLISHING THE ROLE OF REHABILITATION PROFESSIONALS AND OTHER SIMILARLY SITUATED PROFESSIONALS IN WORKERS' COMPENSATION CASES WITH CONSIDERATION GIVEN TO THESE PERSONS' DUTIES TO BOTH EMPLOYER AND EMPLOYEE AND THE STANDARDS OF CARE APPLICABLE TO THESE PERSONS; TO AMEND SECTION 42-15-95, AS AMENDED, RELATING TO THE RELEASE OF MEDICAL INFORMATION IN WORKERS' COMPENSATION CLAIMS, SO AS TO PROVIDE THAT AN EMPLOYEE SEEKING TREATMENT IS CONSIDERED TO HAVE GIVEN CONSENT FOR RELEASE OF MEDICAL RECORDS AND TO PROVIDE COMMUNICATION OPTIONS AMONG INTERESTED PARTIES; TO AMEND SECTION 42-17-60, AS AMENDED, RELATING TO THE CONCLUSIVENESS OF THE AWARD BY THE COMMISSION, SO AS TO PROVIDE THAT AN APPEAL TO THE AWARD MUST BE TO THE COURT OF APPEALS INSTEAD OF THE COURT OF COMMON PLEAS, PROVIDE FOR THE MANNER OF THE PAYMENTS AND COMPENSATION, AND PROVIDE THAT INTEREST ACCRUES ON AN UNPAID PORTION OF THE AWARD AT THE LEGAL RATE OF INTEREST PROVIDED FOR JUDGMENTS; TO AMEND SECTION 42-17-90, RELATING TO THE REVIEW OF AN AWARD ON THE CHANGE OF CONDITIONS, SO AS TO AUTHORIZE THE COMMISSION TO REVIEW THE AWARD BASED ON PROOF BY A PREPONDERANCE OF THE EVIDENCE THAT THERE HAS BEEN A CHANGE OF CONDITION CAUSED BY THE ORIGINAL INJURY, AFTER THE LAST PAYMENT OF COMPENSATION, AND TO ESTABLISH A ONE-YEAR PERIOD FOR CHANGE OF CONDITION IN CASES INVOLVING REPETITIVE TRAUMA OR OCCUPATIONAL DISEASE; TO REPEAL SECTIONS 42-1-350, 42-1-370, AND 42-1-375 ALL RELATING TO EXEMPTIONS OF RAILWAYS AND EXPRESS COMPANIES, CASUAL AND OTHER EMPLOYEES, AND REAL ESTATE SALES PERSONS FROM THE PROVISIONS OF TITLE 42; TO REPEAL SECTION 42-9-80 RELATING TO THE BURDEN OF PROOF ON PERSONS BRINGING CLAIMS UNDER THE PROVISIONS OF SECTIONS 42-9-50, 42-9-60, AND 42-9-70; TO AMEND SECTION 38-73-495, RELATING TO THE AUTHORITY OF THE DIRECTOR OF INSURANCE TO DISAPPROVE PREVIOUSLY APPROVED RATE OF CLASSIFICATION OF WORKERS' COMPENSATION INSURANCE, THE REASSIGNMENT OF THE CLASSIFICATION, AND TIME FOR FILING APPEALS TO THE DEPARTMENT OF INSURANCE, SO AS TO ACCOUNT FOR THIRD-PARTY REIMBURSEMENTS IN EXPERIENCE MODIFICATION; TO AMEND SECTION 42-7-310, AS AMENDED, RELATING TO THE SECOND INJURY FUND, SO AS TO REDUCE THE ASSESSMENT FORMULA TO ONE HUNDRED AND THIRTY-FIVE PERCENT; TO AMEND SECTION 42-9-400, AS AMENDED, RELATING TO THE MANNER IN WHICH AN EMPLOYER OR INSURANCE CARRIER MUST BE REIMBURSED FROM THE SECOND INJURY FUND WHEN A DISABILITY RESULTS FROM A PREEXISTING IMPAIRMENT AND SUBSEQUENT INJURY, SO AS TO ELIMINATE THE REQUIREMENT THAT THE EMPLOYER OR CARRIER SHALL ESTABLISH THAT, IN ORDER TO OBTAIN REIMBURSEMENT FOR MEDICAL EXPENSES FOLLOWING THE SUBSEQUENT INJURY, THE LIABILITY FOR MEDICAL PAYMENT IS SUBSTANTIALLY GREATER BY REASON OF THE COMBINED EFFECT OF THE PREEXISTING IMPAIRMENT AND SUBSEQUENT INJURY, TO ELIMINATE ARTHRITIS AND ANY OTHER PREEXISTING DISEASE, CONDITION, OR IMPAIRMENT WHICH IS PERMANENT IN NATURE FROM THE LIST OF PRESUMPTIONS FOR PERMANENT IMPAIRMENT, AND TO PROVIDE FOR WRITTEN NOTICE OF POSSIBLE CLAIMS; TO AMEND SECTION 42-7-200, AS AMENDED, RELATING TO THE ESTABLISHMENT OF THE SOUTH CAROLINA WORKERS' COMPENSATION UNINSURED EMPLOYERS' FUND TO ENSURE PAYMENT OF WORKERS' COMPENSATION BENEFITS TO INJURED EMPLOYEES WHOSE**

**EMPLOYERS HAVE FAILED TO ACQUIRE NECESSARY COVERAGE FOR EMPLOYEES, SO AS TO TRANSFER ALL FUNCTIONS, POWERS, DUTIES, OBLIGATIONS, RESPONSIBILITIES, ENTITIES, EMPLOYEES, FUNDS, PROPERTY, AND CONTRACTUAL RIGHTS OF THE FUND TO THE SOUTH CAROLINA WORKERS' COMPENSATION UNINSURED EMPLOYERS' FUND, WHICH IS ESTABLISHED WITHIN THE OFFICE OF THE STATE ACCIDENT FUND, EFFECTIVE JULY 1, 2013, TO PROVIDE THE PURPOSE OF THE FUND AND ITS ADMINISTRATION; BY ADDING SECTION 42-7-320 SO AS TO PROVIDE THAT EFFECTIVE JULY 1, 2013, THE PROGRAMS AND APPROPRIATIONS FOR THE SECOND INJURY FUND ARE TERMINATED, TO PROVIDE FOR THE CLOSURE OF THE FUND BY THE STATE BUDGET AND CONTROL BOARD, AND TO PROVIDE FOR A SCHEDULE OF TIMES AFTER WHICH CLAIMS FOR REIMBURSEMENT MAY NOT BE ACCEPTED; TO REQUIRE THE CODE COMMISSIONER, BEFORE JANUARY 15, 2014, TO PREPARE A REPORT TO THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES CONTAINING REFERENCES AND CROSS-REFERENCES WHICH HE CONSIDERS IN NEED OF CORRECTION, MODIFICATION, OR REPEAL WITH REGARD TO AFFECTING THE CODE OF LAWS OF SOUTH CAROLINA, 1976, AND TO SPECIFY WHAT MUST BE IN THE REPORT; TO AMEND SECTION 38-73-520, AS AMENDED, RELATING TO FILING OF RATES BY AN INSURER, SO AS TO PROVIDE THAT THE FILING EXEMPTION DOES NOT APPLY TO THE MULTIPLIER FOR EXPENSES, ASSESSMENTS, PROFIT, AND CONTINGENCIES AND ANY MODIFICATIONS TO LOSS COSTS USED BY A WORKERS' COMPENSATION INSURER TO BE APPLIED TO APPROVED LOSS COSTS TO DEVELOP THE INSURER'S RATES AS PROVIDED IN SECTION 38-73-525; BY ADDING SECTION 38-73-525 SO AS TO PROVIDE THAT AT LEAST THIRTY DAYS BEFORE USING NEW RATES, EVERY INSURER WRITING WORKERS' COMPENSATION MUST FILE ITS MULTIPLIER FOR EXPENSES, ASSESSMENTS, PROFITS, AND CONTINGENCIES AND ANY INFORMATION RELIED UPON BY THE INSURER TO SUPPORT THE MULTIPLIER AND ANY MODIFICATION TO LOSS COSTS, TO REQUIRE TO WHOM COPIES MUST BE PROVIDED, THE CONTENTS OF THE FILING AND ITS REQUIREMENTS, INCLUDING REVIEW BY AN ACTUARY IN THE DEPARTMENT BEFORE RATES MAY BE EFFECTIVE; TO AMEND SECTION 38-73-960, RELATING TO THE EFFECTIVE DATE OF RATE FILINGS, SO AS TO MAKE THE FILINGS SUBJECT TO THE PROVISIONS OF SECTION 38-73-965; BY ADDING SECTION 38-73-965 SO AS TO PROVIDE THAT A FILING MADE PURSUANT TO SECTION 38-73-525 IS GOVERNED BY THE EFFECTIVE DATES SPECIFIED IN THAT SECTION; TO AMEND SECTION 38-73-990, RELATING TO DISAPPROVAL OF A FILING, SO AS TO PROVIDE AN EXCEPTION TO SECTION 38-73-995; BY ADDING SECTION 38-73-995 SO AS PROVIDE THAT THE DIRECTOR OF INSURANCE MAY DISAPPROVE THE LOSS COST MULTIPLIER OF A WORKERS' COMPENSATION INSURER IF HE DETERMINES THAT IT DOES NOT MEET THE REQUIREMENTS OF CHAPTER 73, TITLE 38; AND BY ADDING SECTION 38-73-526 SO AS TO REQUIRE THE DIRECTOR TO ISSUE A REPORT TO THE GENERAL ASSEMBLY BY THE FIRST OF JANUARY OF EACH YEAR AND TO REQUIRE CERTAIN MATERIAL IN THE REPORT.**

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

## PART I

### General Provisions

#### **Jurisdiction of administrative law judge**

SECTION 1. Section 1-23-600(D) of the 1976 Code, as last amended by Act 387 of 2006, is further amended to read: