

February 7, 2005

H 99. FORESTRY SPECIAL PLATE BACKGROUND. *TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PRODUCE "FIRST IN FORESTRY" PLATES WITH A SPECIAL BACKGROUND.* Amends GS 20-63(b) to provide that "First in Forestry" special registration plates may have a special background rather than the standard "First in Flight" plate design.

Intro. by Gibson.

Ref. to Transportation

GS 20

August 12, 2005

H 99. AMEND WORKERS' COMP. ACT (NEW). Intro. 2/7/05. Senate committee substitute and amendment delete all provisions of 1st edition and replace it with *AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS*. As title indicates, establishes 12-member Committee, six members to be appointed by the Speaker and six by the President Pro Tem. Requires that Committee study disability benefits available under the Workers' Compensation Act, including coverage and benefit levels, how workers' compensation benefits interact with social security and private disability benefits, compensation for asbestosis or silica exposure, and the manner and duration of medical benefits. Requires that Committee make its final report to the 2007 General Assembly upon its convening and then terminate.

In addition, makes the following changes to NC Workers' Compensation Act. (1) Amends GS 97-12, effective October 1, 2005, to provide that, for the purpose of denying compensation on the grounds that employee's injury or death was due to employee's intoxication or being under the influence of a controlled substance, "intoxication" or "under the influence" means that the employee's consumption of those substances caused an appreciable impairment of employee's bodily or mental faculties. Creates a rebuttable presumption of impairment if a blood or other medical test generally accepted by the scientific community concludes that employee was intoxicated or under the influence. (2) Amends GS 97-17(b) to waive the requirement that settlement agreement include a list of employee's medical expenses if employer agrees to pay those expenses in the settlement agreement. (3) Amends GS 97-18, effective October 1, 2005, to authorize the NC Industrial Comm'n to extend the deadline within which an employer or its workers' compensation insurer must notify Comm'n of the denial of an employee's request for benefits. Further amends section to authorize an employer or insurer to respond to employee's benefits claim and to authorize the Comm'n to also assess a civil penalty against the insurer who submits an untimely response to employee's claim. (4) Enacts new GS 97-18(j) to authorize Comm'n to impose sanctions against an employer or insurer who fails to take one of the following actions in response to an employee's benefits claim within thirty days of employer's receipt of notice of claim or by another deadline set by Comm'n: (a) notify the Comm'n and the employee that it admits or denies employee's claim or (b) initiate payments without prejudice and without liability under subsection (d). (5) Enacts new GS 97-26(i) to authorize an employee or health care provider to request that the Comm'n resolve a dispute over the payment of medical compensation charges. (6) Enacts new GS 97-25.6 to authorize an employer or insurer to obtain medical records from a provider to which the employer or insurer is making medical compensation payments under Article without employee's authorization and to obtain evaluation or treatment records of an injury or condition for which the employee is claiming compensation upon notice to employee. Also requires that employee provide employer with those records in employee's possession and allows employer or insurer to obtain written responses to certain inquiries from employee's medical provider. Provides that other forms of communications with employee's medical provider may be authorized by employee or upon order of the Comm'n. (7) Amends GS 97-82(a) to require that a memorandum of agreement be accompanied by the material medical and vocational records (was, a full and complete medical report). (8) Enacts new GS 97-88.2(a1), effective October 1, 2005, to authorize Comm'n to enter any orders that are necessary to ensure that a person does not benefit from person's conviction for making a false statement in connection with a worker's compensation proceeding. (9) Makes conforming changes. Unless otherwise noted, changes apply to claims pending and filed on or after date of act's ratification.

Provides that it is the intent of the General Assembly to fund new positions to assist Comm'n in administering Worker's Compensation Act.

October 5, 2005

SL 2005-448 (H 99). AMEND WORKERS' COMP. ACT. AN ACT TO AMEND THE WORKERS' COMPENSATION ACT AND TO CREATE THE STUDY COMMITTEE ON WORKERS' COMPENSATION BENEFITS. Summarized in *Daily Bulletin* 8/12/05. Enacted September 29, 2005. Sections 2, 4, and 8 are effective October 1, 2005. The remainder is effective September 29, 2005.