

Regular Session, 2010

HOUSE BILL NO. 1097

BY REPRESENTATIVE HENRY

WORKERS COMPENSATION: Provides relative to workers' compensation for professional athletes

1 AN ACT

2 To enact R.S. 23:1322, relative to workers' compensation coverage for professional athletes;
3 to provide for extraterritorial coverage; to provide for reciprocity to states under
4 certain circumstances when adjudicating claims; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23: 1322 is hereby enacted to read as follows:

7 §1322. Extraterritorial coverage; reciprocity

8 A. If a professional athlete who has been hired or is regularly employed in
9 Louisiana sustains a work-related injury caused by an accident arising out of and in
10 the course of his employment outside of Louisiana, he or his dependents, in the case
11 of his death, shall be entitled to compensation according to the laws of this state.

12 B. If a professional athlete has been hired outside of Louisiana by an
13 employer domiciled outside of this state, his employer shall be exempted from the
14 provisions of this Chapter while that professional athlete is temporarily within
15 Louisiana doing work for his employer if such employer has furnished workers'
16 compensation insurance coverage under the workers' compensation insurance law
17 or similar laws of a state other than Louisiana, so as to cover such professional
18 athlete's employment while in this state provided that Subsection A of this Section
19 is recognized in the other state and provided employers and professional athletes who
20 are covered in this state are likewise exempted from the application of the workers'

1 compensation insurance or similar laws of the other state. The benefits provided
 2 pursuant to this Chapter or similar laws of the other state or other remedies pursuant
 3 to such act or laws, shall be the exclusive remedy against the employer for any
 4 injury, whether or not resulting in death, received by the professional athlete while
 5 working for the employer in Louisiana.

6 C. A certificate from the duly authorized officer of the insurance department
 7 or similar department of another state certifying that the employer of that other state
 8 is insured therein and has provided extraterritorial coverage insuring his professional
 9 athletes while working within this state shall be prima facie evidence that the
 10 employer carries such workers' compensation insurance.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry

HB No. 1097

Abstract: Provides for reciprocity with regards to states who apply Louisiana's workers' compensation law when adjudicating claims filed by a professional athlete.

Proposed law authorizes compensation for a professional athlete, or his dependents in the case of his death, who has been hired or is regularly employed in this state and sustains a work-related injury in the course and scope of his employment outside of this state.

Proposed law exempts an employer domiciled outside of this state from the provisions of present law if his employee, a professional athlete hired outside of this state, sustains injury while temporarily working within this state if the employer furnishes his state's workers' compensation insurance coverage. This exemption shall be recognized if there is reciprocity with the other state in applying Louisiana's workers' compensation law.

Proposed law provides that it shall be prima facie evidence that an employer of a reciprocal state carries workers' compensation insurance if the employer provides certification that he is insured and has extraterritorial coverage insuring his professional athletes while working in this state.

(Adds R.S. 23:1322)