

HOUSE No. 1685

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to self-insurers workers' compensation obligations.

PETITION OF:

NAME:

Garrett J. Bradley

DISTRICT/ADDRESS:

3rd Plymouth

HOUSE No. 1685

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1685) of Garrett J. Bradley relative to self-insurers workers’ compensation obligations. Labor and Workforce Development.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act relative to self-insurers workers’ compensation obligations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (2) of section 65 of chapter 152 of the General Laws, as
2 appearing in the 2012 Official Edition, is hereby amended by striking out, in lines 19 and 20, the
3 words “and (g) reimbursement of certain apportioned benefits pursuant to section thirty-seven A”
4 and inserting in place thereof the following words:- (g) reimbursement of certain apportioned
5 benefits pursuant to section 37A; and (h) payment of benefits of approved claims against self-
6 insurers where the resource required by subsection (2) of section 25A are insufficient to meet the
7 self-insurer’s obligations to an employee or the employee’s dependents.

8 SECTION 2. Said section 65, as so appearing, is hereby further amended by adding the
9 following 2 subsections:-

10 (14) When a claim is made against the Workers’ Compensation Trust Fund for payment
11 of compensation pursuant to clause (h) of subsection (2), the Fund shall succeed to and be
12 authorized to exercise all rights of the self-insurer or surety company to seek reimbursement or

13 payment under bonds, excess policies, reinsurance policies, or subrogation rights pursuant to this
14 chapter

15 (15) When a claim is made against the Workers' Compensation Trust Fund for payment
16 of compensation pursuant to clause (h) of subsection (2), any payment made by the Workers'
17 Compensation Trust Fund shall be considered to be payments made by the self-insurer for
18 purposes of meeting any retention thresholds or other conditions precedent necessary to access
19 the proceeds of reinsurance or excess insurance policies..

20 SECTION 3. This act is procedural in nature and shall be effective for any workers'
21 compensation claims occurring before, on or after the effective date of this act.