

2012 -- H 7251

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2012

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE BENEFITS

Introduced By: Representative Agostinho F. Silva

Date Introduced: January 25, 2012

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-41-31 of the General Laws in Chapter 28-41 entitled
2 "Temporary Disability Insurance - Benefits" is hereby amended to read as follows:

3 **28-41-31. Fees charged claimants.** – (a) No individual claiming benefits shall be
4 charged fees of any kind by the director or his or her representative, or by the board of review or
5 its representatives, in any proceeding under chapters 39 -- 41 of this title. Any individual claiming
6 benefits in any proceeding or court action may be represented by counsel or other duly authorized
7 agent. The director shall have the authority to fix the fees of that counsel or other duly authorized
8 agent, but no counsel or agents shall together be allowed to charge or receive for those services
9 more than ten per cent (10%) of the maximum benefits at issue in that proceeding or court action,
10 but not less than fifty dollars (\$50.00), except as specifically allowed by the superior court.

11 (b) In any case in which either an employer appeals from a determination in favor of the
12 claimant or a claimant appeals from a decision unfavorable to the claimant to an appeals body
13 other than a court of law and the claimant retains an attorney-at-law to represent him or her, the
14 attorney shall be entitled to a counsel fee of fifteen percent (15%) of the amount of benefits at
15 issue before the appeals body, but not less than fifty dollars (\$50.00), which shall be paid by the
16 director out of the insurance funds, within thirty (30) days of the date of his or her appearance.

17 (c)(1) An attorney-at-law who represents an individual claiming benefits on an appeal to
18 the courts shall be entitled to counsel fees upon final disposition of the case and necessary court

1 costs and printing disbursements as fixed by the court.

2 (2) The director shall pay those counsel fees, costs, and disbursements, out of the
3 insurance funds in each of the following cases:

4 (i) Any court appeal taken by a party other than the claimant from an administrative or
5 judicial decision favorable in whole or in part to the claimant;

6 (ii) Any court appeal by a claimant from a decision denying or reducing benefits awarded
7 under a prior administrative or judicial decision;

8 (iii) Any court appeal as a result of which the claimant is awarded benefits.

9 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- TEMPORARY DISABILITY
INSURANCE BENEFITS

- 1 This act would permit attorney fees to be paid from insurance funds by the director in
- 2 certain cases involving temporary disability benefits.
- 3 This act would take effect upon passage.

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