

SENATE BILL 644

By Ketron

AN ACT to amend Tennessee Code Annotated, Title 50, Chapter 6 and Title 56, relative to workers' compensation coverage of employees from another state who are working temporarily in this state.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-115(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c)

(1)

(A) Except as otherwise provided in subdivision (c)(2), an employee from another state and the employee's employer are exempt from this chapter while the employee is temporarily in this state performing work for the employer if:

(i) The employer has furnished workers' compensation insurance coverage under the workers' compensation insurance or similar laws of the other state to cover the employee's employment while in this state;

(ii) The extraterritorial provisions of this chapter are recognized in the other state; and

(iii) Employees and employers who are covered in this state are likewise exempted from the application of the workers' compensation insurance or similar laws of the other state.

(B) The benefits under the workers' compensation insurance or similar laws of the other state, or other remedies under similar law, are the exclusive remedy against the employer for any injury, whether resulting in death or not, received by the employee while temporarily working for that employer in this state.

(C) A certificate from the duly authorized officer of the appropriate department of another state certifying that the employer of the other state is insured in that state and has provided extraterritorial coverage insuring employees while working in this state is prima facie evidence that the employer carries such workers' compensation insurance.

(D) Whenever in any appeal or other litigation the construction of the laws of another jurisdiction is required, the courts shall take judicial notice of the construction of the laws of the other jurisdiction.

(E) When an employee has a claim under the workers' compensation insurance laws of another state, territory, province, or foreign nation for the same injury or occupational disease as the claim filed in this state, the total amount of compensation paid or awarded under such other workers' compensation law shall be credited against the compensation due under this chapter.

(2) Subdivision (c)(1) shall not apply to any employee who is a construction services provider, as defined by § 50-6-901. The construction services provider from another state and the construction services provider employer shall not be exempt from this chapter.

SECTION 2. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to injuries occurring on or after that date.