

Senator Karen Mayne proposes the following substitute bill:

**WORKERS' COMPENSATION DEPENDENT BENEFIT**

**AMENDMENTS**

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Karen Mayne**

House Sponsor: James A. Dunnigan

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to workers' compensation disability benefits.

**Highlighted Provisions:**

This bill:

► modifies the calculation of benefits paid to one or more dependents of an employee with a disability under the Workers' Compensation Act.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

AMENDS:

**34A-2-410**, as last amended by Laws of Utah 2015, Chapter 258

**34A-2-411**, as last amended by Laws of Utah 1999, Chapter 261

**34A-2-412**, as renumbered and amended by Laws of Utah 1997, Chapter 375

**34A-2-413**, as last amended by Laws of Utah 2016, Chapter 31



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section 34A-2-410 is amended to read:

28 **34A-2-410. Temporary disability -- Amount of payments -- State average weekly**  
29 **wage defined.**

30 (1) (a) Subject to Subsections (1)(b) and (5), in case of temporary disability, so long as  
31 the disability is total, the employee shall receive 66-2/3% of that employee's average weekly  
32 wages at the time of the injury but:

33 (i) not more than a maximum of 100% of the state average weekly wage at the time of  
34 the injury per week; and

35 (ii) (A) subject to Subsections (1)(a)(ii)(B) and (C), not less than a minimum of \$45  
36 per week plus:

37 (I) [~~\$5~~] \$20 for a dependent spouse; and

38 (II) [~~\$5~~] \$20 for each dependent child under the age of 18 years, up to a maximum of  
39 four dependent children;

40 (B) not to exceed the average weekly wage of the employee at the time of the injury;  
41 and

42 (C) not to exceed 100% of the state average weekly wage at the time of the injury per  
43 week.

44 (b) In no case shall the compensation benefits exceed 312 weeks at the rate of 100% of  
45 the state average weekly wage at the time of the injury over a period of 12 years from the date  
46 of the injury.

47 (2) If a light duty medical release is obtained before the employee reaches a fixed state  
48 of recovery and no light duty employment is available to the employee from the employer,  
49 temporary disability benefits shall continue to be paid.

50 (3) The "state average weekly wage" as referred to in this chapter and Chapter 3, Utah  
51 Occupational Disease Act, shall be determined by the commission as follows:

52 (a) On or before June 1 of each year, the total wages reported on contribution reports to  
53 the Unemployment Insurance Division for the preceding calendar year shall be divided by the  
54 average monthly number of insured workers determined by dividing the total insured workers  
55 reported for the preceding year by 12.

56 (b) The average annual wage obtained under Subsection (3)(a) shall be divided by 52.

57 (c) The average weekly wage determined under Subsection (3)(b) is rounded to the  
58 nearest dollar.

59 (4) The state average weekly wage determined under Subsection (3) shall be used as  
60 the basis for computing the maximum compensation rate for:

61 (a) injuries or disabilities arising from occupational disease that occurred during the  
62 12-month period commencing July 1 following the June 1 determination; and

63 (b) any death resulting from the injuries or disabilities arising from occupational  
64 disease.

65 (5) The commission may reduce or terminate temporary disability compensation in  
66 accordance with Section 34A-2-410.5.

67 Section 2. Section 34A-2-411 is amended to read:

68 **34A-2-411. Temporary partial disability -- Amount of payments.**

69 (1) If the injury causes temporary partial disability for work, the employee shall receive  
70 weekly compensation equal to:

71 (a) 66-2/3% of the difference between the employee's average weekly wages before the  
72 accident and the weekly wages the employee is able to earn after the accident, but not more  
73 than 100% of the state average weekly wage at the time of injury; plus

74 (b) [~~\$5~~] \$20 for a dependent spouse and [~~\$5~~] \$20 for each dependent child under the  
75 age of 18 years, up to a maximum of four such dependent children, but only up to a total  
76 weekly compensation that does not exceed 100% of the state average weekly wage at the time  
77 of injury.

78 (2) The commission may order an award for temporary partial disability for work at  
79 any time prior to 12 years after the date of the injury to an employee:

80 (a) whose physical condition resulting from the injury is not finally healed and fixed 12  
81 years after the date of injury; and

82 (b) who files an application for hearing under Section 34A-2-417.

83 (3) The duration of weekly payments may not exceed 312 weeks nor continue more  
84 than 12 years after the date of the injury. Payments shall terminate when the disability ends or  
85 the injured employee dies.

86 Section 3. Section 34A-2-412 is amended to read:

87 **34A-2-412. Permanent partial disability -- Scale of payments.**

88 (1) An employee who sustained a permanent impairment as a result of an industrial  
89 accident and who files an application for hearing under Section 34A-2-417 may receive a  
90 permanent partial disability award from the commission.

91 (2) Weekly payments may not in any case continue after the disability ends, or the  
92 death of the injured person.

93 (3) (a) In the case of the injuries described in Subsections (4) through (6), the  
94 compensation shall be 66-2/3% of that employee's average weekly wages at the time of the  
95 injury, but not more than a maximum of 66-2/3% of the state average weekly wage at the time  
96 of the injury per week and not less than a minimum of \$45 per week plus [~~\$5~~] \$20 for a  
97 dependent spouse and [~~\$5~~] \$20 for each dependent child under the age of 18 years, up to a  
98 maximum of four dependent children, but not to exceed 66-2/3% of the state average weekly  
99 wage at the time of the injury per week.

100 (b) The compensation determined under Subsection (3)(a) shall be:

101 (i) paid in routine pay periods not to exceed four weeks for the number of weeks  
102 provided for in this section; and

103 (ii) in addition to the compensation provided for temporary total disability and  
104 temporary partial disability.

105 (4) For the loss of: Number of Weeks

106 (a) Upper extremity

107 (i) Arm

108 (A) Arm and shoulder (forequarter amputation) ..... 218

109 (B) Arm at shoulder joint, or above deltoid insertion ..... 187

110 (C) Arm between deltoid insertion and elbow joint, at elbow joint, or  
111 below elbow joint proximal to insertion of biceps tendon ..... 178

112 (D) Forearm below elbow joint distal to insertion of biceps tendon ..... 168

113 (ii) Hand

114 (A) At wrist or midcarpal or midmetacarpal amputation ..... 168

115 (B) All fingers except thumb at metacarpophalangeal joints ..... 101

116 (iii) Thumb

117 (A) At metacarpophalangeal joint or with resection of  
118 carpometacarpal bone ..... 67

119 (B) At interphalangeal joint ..... 50

120 (iv) Index finger

121 (A) At metacarpophalangeal joint or with resection of metacarpal bone ..... 42

122 (B) At proximal interphalangeal joint ..... 34

123 (C) At distal interphalangeal joint ..... 18

124 (v) Middle finger

125 (A) At metacarpophalangeal joint or with resection of metacarpal bone ..... 34

126 (B) At proximal interphalangeal joint ..... 27

127 (C) At distal interphalangeal joint ..... 15

128 (vi) Ring finger

129 (A) At metacarpophalangeal joint or with resection of metacarpal bone ..... 17

130 (B) At proximal interphalangeal joint ..... 13

131 (C) At distal interphalangeal joint ..... 8

132 (vii) Little finger

133 (A) At metacarpophalangeal joint or with resection of metacarpal bone ..... 8

134 (B) At proximal interphalangeal joint ..... 6

135 (C) At distal interphalangeal joint ..... 4

136 (b) Lower extremity

137 (i) Leg

138 (A) Hemipelvectomy (leg, hip and pelvis) ..... 156

139 (B) Leg at hip joint or three inches or less below tuberosity of ischium ..... 125

140 (C) Leg above knee with functional stump, at knee joint or Gritti-Stokes

141 amputation or below knee with short stump (three inches or less below

142 intercondylar notch) ..... 112

143 (D) Leg below knee with functional stump ..... 88

144 (ii) Foot

145 (A) Foot at ankle ..... 88

146 (B) Foot partial amputation (Chopart's) ..... 66

147 (C) Foot midmetatarsal amputation ..... 44

148 (iii) Toes

149 (A) Great toe

150 (I) With resection of metatarsal bone ..... 26

151 (II) At metatarsophalangeal joint ..... 16

152 (III) At interphalangeal joint ..... 12

153 (B) Lesser toe (2nd -- 5th)

154 (I) With resection of metatarsal bone ..... 4

155 (II) At metatarsophalangeal joint ..... 3

156 (III) At proximal interphalangeal joint ..... 2

157 (IV) At distal interphalangeal joint ..... 1

158 (C) All toes at metatarsophalangeal joints ..... 26

159 (iv) Miscellaneous

160 (A) One eye by enucleation ..... 120

161 (B) Total blindness of one eye ..... 100

162 (C) Total loss of binaural hearing ..... 109

163 (5) Permanent and complete loss of use shall be deemed equivalent to loss of the  
 164 member. Partial loss or partial loss of use shall be a percentage of the complete loss or loss of  
 165 use of the member. This Subsection (5) does not apply to the items listed in Subsection  
 166 (4)(b)(iv).

167 (6) (a) For any permanent impairment caused by an industrial accident that is not  
 168 otherwise provided for in the schedule of losses in this section, permanent partial disability  
 169 compensation shall be awarded by the commission based on the medical evidence.

170 (b) Compensation for any impairment described in Subsection (6)(a) shall, as closely as  
 171 possible, be proportionate to the specific losses in the schedule set forth in this section.

172 (c) Permanent partial disability compensation may not:

173 (i) exceed 312 weeks, which shall be considered the period of compensation for  
 174 permanent total loss of bodily function; and

175 (ii) be paid for any permanent impairment that existed prior to an industrial accident.

176 (7) The amounts specified in this section are all subject to the limitations as to the  
 177 maximum weekly amount payable as specified in this section, and in no event shall more than a  
 178 maximum of 66-2/3% of the state average weekly wage at the time of the injury for a total of  
 179 312 weeks in compensation be required to be paid.

180 Section 4. Section **34A-2-413** is amended to read:

181 **34A-2-413. Permanent total disability -- Amount of payments -- Rehabilitation.**

182 (1) (a) In the case of a permanent total disability resulting from an industrial accident  
183 or occupational disease, the employee shall receive compensation as outlined in this section.

184 (b) To establish entitlement to permanent total disability compensation, the employee  
185 shall prove by a preponderance of evidence that:

186 (i) the employee sustained a significant impairment or combination of impairments as a  
187 result of the industrial accident or occupational disease that gives rise to the permanent total  
188 disability entitlement;

189 (ii) the employee has a permanent, total disability; and

190 (iii) the industrial accident or occupational disease is the direct cause of the employee's  
191 permanent total disability.

192 (c) To establish that an employee has a permanent, total disability the employee shall  
193 prove by a preponderance of the evidence that:

194 (i) the employee is not gainfully employed;

195 (ii) the employee has an impairment or combination of impairments that reasonably  
196 limit the employee's ability to do basic work activities;

197 (iii) the industrial or occupationally caused impairment or combination of impairments  
198 prevent the employee from performing the essential functions of the work activities for which  
199 the employee has been qualified until the time of the industrial accident or occupational disease  
200 that is the basis for the employee's permanent total disability claim; and

201 (iv) the employee cannot perform other work reasonably available, taking into  
202 consideration the employee's:

203 (A) age;

204 (B) education;

205 (C) past work experience;

206 (D) medical capacity; and

207 (E) residual functional capacity.

208 (d) Evidence of an employee's entitlement to disability benefits other than those  
209 provided under this chapter and Chapter 3, Utah Occupational Disease Act, if relevant:

210 (i) may be presented to the commission;

211 (ii) is not binding; and

212 (iii) creates no presumption of an entitlement under this chapter and Chapter 3, Utah  
213 Occupational Disease Act.

214 (e) In determining under Subsections (1)(b) and (c) whether an employee cannot  
215 perform other work reasonably available, the following may not be considered:

216 (i) whether the employee is incarcerated in a facility operated by or contracting with a  
217 federal, state, county, or municipal government to house a criminal offender in either a secure  
218 or nonsecure setting; or

219 (ii) whether the employee is not legally eligible to be employed because of a reason  
220 unrelated to the impairment or combination of impairments.

221 (2) For permanent total disability compensation during the initial 312-week  
222 entitlement, compensation is 66-2/3% of the employee's average weekly wage at the time of the  
223 injury, limited as follows:

224 (a) compensation per week may not be more than 85% of the state average weekly  
225 wage at the time of the injury;

226 (b) (i) subject to Subsection (2)(b)(ii), compensation per week may not be less than the  
227 sum of \$45 per week and:

228 (A) [~~\$5~~] \$20 for a dependent spouse; and

229 (B) [~~\$5~~] \$20 for each dependent child under the age of 18 years, up to a maximum of  
230 four dependent minor children; and

231 (ii) the amount calculated under Subsection (2)(b)(i) may not exceed:

232 (A) the maximum established in Subsection (2)(a); or

233 (B) the average weekly wage of the employee at the time of the injury; and

234 (c) after the initial 312 weeks, the minimum weekly compensation rate under  
235 Subsection (2)(b) is 36% of the current state average weekly wage, rounded to the nearest  
236 dollar.

237 (3) This Subsection (3) applies to claims resulting from an accident or disease arising  
238 out of and in the course of the employee's employment on or before June 30, 1994.

239 (a) The employer or the employer's insurance carrier is liable for the initial 312 weeks  
240 of permanent total disability compensation except as outlined in Section [34A-2-703](#) as in effect  
241 on the date of injury.

242 (b) The employer or the employer's insurance carrier may not be required to pay



243 compensation for any combination of disabilities of any kind, as provided in this section and  
244 Sections 34A-2-410 through 34A-2-412 and Part 5, Industrial Noise, in excess of the amount of  
245 compensation payable over the initial 312 weeks at the applicable permanent total disability  
246 compensation rate under Subsection (2).

247 (c) The Employers' Reinsurance Fund shall for an overpayment of compensation  
248 described in Subsection (3)(b), reimburse the overpayment:

- 249 (i) to the employer or the employer's insurance carrier; and
- 250 (ii) out of the Employers' Reinsurance Fund's liability to the employee.

251 (d) After an employee receives compensation from the employee's employer, the  
252 employer's insurance carrier, or the Employers' Reinsurance Fund for any combination of  
253 disabilities amounting to 312 weeks of compensation at the applicable permanent total  
254 disability compensation rate, the Employers' Reinsurance Fund shall pay all remaining  
255 permanent total disability compensation.

256 (e) Employers' Reinsurance Fund payments shall commence immediately after the  
257 employer or the employer's insurance carrier satisfies its liability under this Subsection (3) or  
258 Section 34A-2-703.

259 (4) This Subsection (4) applies to claims resulting from an accident or disease arising  
260 out of and in the course of the employee's employment on or after July 1, 1994.

261 (a) The employer or the employer's insurance carrier is liable for permanent total  
262 disability compensation.

263 (b) The employer or the employer's insurance carrier may not be required to pay  
264 compensation for any combination of disabilities of any kind, as provided in this section and  
265 Sections 34A-2-410 through 34A-2-412 and Part 5, Industrial Noise, in excess of the amount of  
266 compensation payable over the initial 312 weeks at the applicable permanent total disability  
267 compensation rate under Subsection (2).

268 (c) The employer or the employer's insurance carrier may recoup the overpayment of  
269 compensation described in Subsection (4) by reasonably offsetting the overpayment against  
270 future liability paid before or after the initial 312 weeks.

271 (5) (a) A finding by the commission of permanent total disability is not final, unless  
272 otherwise agreed to by the parties, until:

- 273 (i) an administrative law judge reviews a summary of reemployment activities

274 undertaken pursuant to Section [34A-2-413.5](#);

275 (ii) the employer or the employer's insurance carrier submits to the administrative law  
276 judge:

277 (A) a reemployment plan as prepared by a qualified rehabilitation provider reasonably  
278 designed to return the employee to gainful employment; or

279 (B) notice that the employer or the employer's insurance carrier will not submit a plan;  
280 and

281 (iii) the administrative law judge, after notice to the parties, holds a hearing, unless  
282 otherwise stipulated, to:

283 (A) consider evidence regarding rehabilitation; and

284 (B) review any reemployment plan submitted by the employer or the employer's  
285 insurance carrier under Subsection (5)(a)(ii).

286 (b) Before commencing the procedure required by Subsection (5)(a), the administrative  
287 law judge shall order:

288 (i) the initiation of permanent total disability compensation payments to provide for the  
289 employee's subsistence; and

290 (ii) the payment of any undisputed disability or medical benefits due the employee.

291 (c) Notwithstanding Subsection (5)(a), an order for payment of benefits described in  
292 Subsection (5)(b) is considered a final order for purposes of Section [34A-2-212](#).

293 (d) The employer or the employer's insurance carrier shall be given credit for any  
294 disability payments made under Subsection (5)(b) against its ultimate disability compensation  
295 liability under this chapter or Chapter 3, Utah Occupational Disease Act.

296 (e) An employer or the employer's insurance carrier may not be ordered to submit a  
297 reemployment plan. If the employer or the employer's insurance carrier voluntarily submits a  
298 plan, the plan is subject to Subsections (5)(e)(i) through (iii).

299 (i) The plan may include, but not require an employee to pay for:

300 (A) retraining;

301 (B) education;

302 (C) medical and disability compensation benefits;

303 (D) job placement services; or

304 (E) incentives calculated to facilitate reemployment.

305 (ii) The plan shall include payment of reasonable disability compensation to provide  
306 for the employee's subsistence during the rehabilitation process.

307 (iii) The employer or the employer's insurance carrier shall diligently pursue the  
308 reemployment plan. The employer's or insurance carrier's failure to diligently pursue the  
309 reemployment plan is cause for the administrative law judge on the administrative law judge's  
310 own motion to make a final decision of permanent total disability.

311 (f) If a preponderance of the evidence shows that successful rehabilitation is not  
312 possible, the administrative law judge shall order that the employee be paid weekly permanent  
313 total disability compensation benefits.

314 (g) If a preponderance of the evidence shows that pursuant to a reemployment plan, as  
315 prepared by a qualified rehabilitation provider and presented under Subsection (5)(e), an  
316 employee could immediately or without unreasonable delay return to work but for the  
317 following, an administrative law judge shall order that the employee be denied the payment of  
318 weekly permanent total disability compensation benefits:

319 (i) incarceration in a facility operated by or contracting with a federal, state, county, or  
320 municipal government to house a criminal offender in either a secure or nonsecure setting; or

321 (ii) not being legally eligible to be employed because of a reason unrelated to the  
322 impairment or combination of impairments.

323 (6) (a) The period of benefits commences on the date the employee acquired the  
324 permanent, total disability, as determined by a final order of the commission based on the facts  
325 and evidence, and ends:

326 (i) with the death of the employee; or

327 (ii) when the employee is capable of returning to regular, steady work.

328 (b) An employer or the employer's insurance carrier may provide or locate for a  
329 permanently totally disabled employee reasonable, medically appropriate, part-time work in a  
330 job earning at least minimum wage, except that the employee may not be required to accept the  
331 work to the extent that it would disqualify the employee from social security disability benefits.

332 (c) An employee shall:

333 (i) fully cooperate in the placement and employment process; and

334 (ii) accept the reasonable, medically appropriate, part-time work.

335 (d) In a consecutive four-week period when an employee's gross income from the work

336 provided under Subsection (6)(b) exceeds \$500, the employer or insurance carrier may reduce  
337 the employee's permanent total disability compensation by 50% of the employee's income in  
338 excess of \$500.

339 (e) If a work opportunity is not provided by the employer or the employer's insurance  
340 carrier, an employee with a permanent, total disability may obtain medically appropriate,  
341 part-time work subject to the offset provisions of Subsection (6)(d).

342 (f) (i) The commission shall establish rules regarding the part-time work and offset.

343 (ii) The adjudication of disputes arising under this Subsection (6) is governed by Part  
344 8, Adjudication.

345 (g) The employer or the employer's insurance carrier has the burden of proof to show  
346 that medically appropriate part-time work is available.

347 (h) The administrative law judge may:

348 (i) excuse an employee from participation in any work:

349 (A) that would require the employee to undertake work exceeding the employee's:

350 (I) medical capacity; or

351 (II) residual functional capacity; or

352 (B) for good cause; or

353 (ii) allow the employer or the employer's insurance carrier to reduce permanent total  
354 disability benefits as provided in Subsection (6)(d) when reasonable, medically appropriate,  
355 part-time work is offered, but the employee fails to fully cooperate.

356 (7) When an employee is rehabilitated or the employee's rehabilitation is possible but  
357 the employee has some loss of bodily function, the award shall be for permanent partial  
358 disability.

359 (8) As determined by an administrative law judge, an employee is not entitled to  
360 disability compensation, unless the employee fully cooperates with any evaluation or  
361 reemployment plan under this chapter or Chapter 3, Utah Occupational Disease Act. The  
362 administrative law judge shall dismiss without prejudice the claim for benefits of an employee  
363 if the administrative law judge finds that the employee fails to fully cooperate, unless the  
364 administrative law judge states specific findings on the record justifying dismissal with  
365 prejudice.

366 (9) (a) The loss or permanent and complete loss of the use of the following constitutes

367 total and permanent disability that is compensated according to this section:

- 368 (i) both hands;
- 369 (ii) both arms;
- 370 (iii) both feet;
- 371 (iv) both legs;
- 372 (v) both eyes; or
- 373 (vi) any combination of two body members described in this Subsection (9)(a).

374 (b) A finding of permanent total disability pursuant to Subsection (9)(a) is final.

375 (10) (a) An insurer or self-insured employer may periodically reexamine a permanent  
376 total disability claim, except those based on Subsection (9), for which the insurer or  
377 self-insured employer had or has payment responsibility to determine whether the employee  
378 continues to have a permanent, total disability.

379 (b) Reexamination may be conducted no more than once every three years after an  
380 award is final, unless good cause is shown by the employer or the employer's insurance carrier  
381 to allow more frequent reexaminations.

382 (c) The reexamination may include:

- 383 (i) the review of medical records;
- 384 (ii) employee submission to one or more reasonable medical evaluations;
- 385 (iii) employee submission to one or more reasonable rehabilitation evaluations and  
386 retraining efforts;
- 387 (iv) employee disclosure of Federal Income Tax Returns;
- 388 (v) employee certification of compliance with Section [34A-2-110](#); and

389 (vi) employee completion of one or more sworn affidavits or questionnaires approved  
390 by the division.

391 (d) The insurer or self-insured employer shall pay for the cost of a reexamination with  
392 appropriate employee reimbursement pursuant to rule for reasonable travel allowance and per  
393 diem as well as reasonable expert witness fees incurred by the employee in supporting the  
394 employee's claim for permanent total disability benefits at the time of reexamination.

395 (e) If an employee fails to fully cooperate in the reasonable reexamination of a  
396 permanent total disability finding, an administrative law judge may order the suspension of the  
397 employee's permanent total disability benefits until the employee cooperates with the

398 reexamination.

399 (f) (i) If the reexamination of a permanent total disability finding reveals evidence that  
400 reasonably raises the issue of an employee's continued entitlement to permanent total disability  
401 compensation benefits, an insurer or self-insured employer may petition the Division of  
402 Adjudication for a rehearing on that issue. The insurer or self-insured employer shall include  
403 with the petition, documentation supporting the insurer's or self-insured employer's belief that  
404 the employee no longer has a permanent, total disability.

405 (ii) If the petition under Subsection (10)(f)(i) demonstrates good cause, as determined  
406 by the Division of Adjudication, an administrative law judge shall adjudicate the issue at a  
407 hearing.

408 (iii) Evidence of an employee's participation in medically appropriate, part-time work  
409 may not be the sole basis for termination of an employee's permanent total disability  
410 entitlement, but the evidence of the employee's participation in medically appropriate, part-time  
411 work under Subsection (6) may be considered in the reexamination or hearing with other  
412 evidence relating to the employee's status and condition.

413 (g) In accordance with Section [34A-1-309](#), the administrative law judge may award  
414 reasonable attorney fees to an attorney retained by an employee to represent the employee's  
415 interests with respect to reexamination of the permanent total disability finding, except if the  
416 employee does not prevail, the attorney fees shall be set at \$1,000. The attorney fees awarded  
417 shall be paid by the employer or the employer's insurance carrier in addition to the permanent  
418 total disability compensation benefits due.

419 (h) During the period of reexamination or adjudication, if the employee fully  
420 cooperates, each insurer, self-insured employer, or the Employers' Reinsurance Fund shall  
421 continue to pay the permanent total disability compensation benefits due the employee.

422 (11) If any provision of this section, or the application of any provision to any person  
423 or circumstance, is held invalid, the remainder of this section is given effect without the invalid  
424 provision or application.

425 Section 5. **Effective date.**

426 This bill takes effect on July 1, 2018.