

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

480A0571

SENATE COMMERCE COMMITTEE ENGROSSED

NO. **SB149** - 2/14/97

Introduced by: Senator Staggers and Representative Hagg

1 FOR AN ACT ENTITLED, An Act to resolve certain conflicting provisions regarding workers'
2 compensation and health insurance coverage.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-1-1.3 be amended to read as follows:

5 62-1-1.3. If an ~~injury is determined not to be~~ employer denies coverage of a claim on the
6 basis that the injury is not compensable under this title due to the provisions of subsections
7 62-1-1(7)(a), (b), or (c), such injury is presumed to be nonwork related for other insurance
8 purposes. If a dispute exists as to whether an employee's injury is compensable under this title
9 and the employee is also covered by an insurer for medical or disability claims that are not
10 otherwise compensable under this title, the Department of Labor may, after notice to the parties,
11 issue a temporary order that the employer or insurer pay any medical costs incurred by the
12 employee for the injury up to the limits of the applicable coverage, and shall make any disability
13 payments otherwise payable by the insurer in the absence of or in addition to worker's
14 compensation liability. The temporary order may establish the priority of claims among
15 employers and insurers, subject to a final determination in the appropriate forum. After a final

1 judicial or administrative order is entered establishing the liabilities of the parties, the employer
2 or insurers found to be liable shall be ordered to reimburse the parties that are not liable for all
3 payments made in excess of the amounts specified in the order, including interest at the Category
4 B rate specified in § 54-3-16, regardless of the type or amount of any settlement. If the employer
5 pays more for medical costs than is required by § 62-7-8, the medical provider shall reimburse
6 the employer for the excess. The Department of Labor may promulgate rules pursuant to chapter
7 1-26 to implement this section.

1 **BILL HISTORY**

2 1/28/97 First read in Senate and referred to Commerce. S.J. 191

3 2/4/97 Scheduled for Committee hearing on this date.

4 2/4/97 Deferred to 41st legislative day, AYES 5, NAYS 0. S.J. 303

5 2/11/97 Commerce Removed from Table, AYES 7, NAYS 0.

6 2/13/97 Scheduled for Committee hearing on this date.

7 2/13/97 Commerce Do Pass Amended, AYES 6, NAYS 1. S.J. 421