

AMENDED IN SENATE JULY 18, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 213

Introduced by ~~Committee on Budget (Laird (Chair), Arambula, Beall, Berg, Brownley, Dymally, Feuer, Hayashi, Hernandez, Jones, Mullin, Ruskin, Swanson, and Wolk)~~ *Assembly Member Fuentes*

January 25, 2007

~~An act relating to the Budget Act of 2007. An act to amend Section 5501.5 of the Labor Code, relating to workers' compensation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 213, as amended, ~~Committee on Budget~~ *Fuentes*. ~~Budget Act of 2007. Workers' compensation: claim adjudication: venue sites.~~

Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of his or her employment, and prescribes procedures for the processing and payment of claims, and the adjudication of claim disputes.

Existing law requires that the application for adjudication of claim be filed in anyone of three specified venue locations, including the county where the employee's attorney maintains his or her principal place of business.

Existing law authorizes an employer to object to the selection of this venue location and, upon objection, requires the application to be filed in one of the other two locations.

This bill would repeal this provision.

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2007.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5501.5 of the Labor Code is amended to
2 read:
3 5501.5. (a) The application for adjudication of claim shall be
4 filed in any of the following locations:
5 (1) In the county where the injured employee or dependent of
6 a deceased employee resides on the date of filing.
7 (2) In the county where the injury allegedly occurred, or, in
8 cumulative trauma and industrial disease claims, where the last
9 alleged injurious exposure occurred.
10 (3) In the county where the employee’s attorney maintains his
11 or her principal place of business, if the employee is represented
12 by an attorney.
13 (b) If the county selected for filing has more than one office of
14 the appeals board, the application shall be filed at any location of
15 the appeals board within that county that meets the criteria specified
16 in subdivision (a). The written consent of the employee, or
17 dependent of a deceased employee, to the selected venue site shall
18 be filed with the application.
19 ~~(e) If the venue site where the application is to be filed is the~~
20 ~~county where the employee’s attorney maintains his or her principal~~
21 ~~place of business, the attorney for the employee shall indicate that~~
22 ~~venue site when forwarding the information request form required~~
23 ~~by Section 5401.5. The employer shall have 30 days from receipt~~
24 ~~of the information request form to object to the selected venue~~
25 ~~site. Where there is an employer objection to a venue site under~~
26 ~~paragraph (3) of subdivision (a), then the application shall be filed~~
27 ~~pursuant to either paragraph (1) or (2) of subdivision (a).~~
28 ~~(d)~~
29 (c) If there is no appeals board office in the county where venue
30 is permitted under subdivision (a), the application shall be filed at
31 the appeals board office nearest the residence on the date of filing
32 of the injured employee or dependent of a deceased employee, or
33 the nearest place where the injury allegedly occurred, or, in
34 cumulative trauma and industrial disease claims, where the last
35 injurious exposure occurred, or nearest the location where the

1 attorney of the employee maintains his or her principal place of
2 business, unless the employer objects under subdivision (e).
3 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~
4 ~~changes relating to the Budget Act of 2007.~~

O