

ASSEMBLY BILL

No. 1343

Introduced by Assembly Member Floyd

February 26, 1999

An act to amend Sections 4754 and 5100.5 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1343, as introduced, Floyd. Workers' compensation: additional compensation for subsequent injury.

Existing law requires the Workers' Compensation Appeals Board to fix and award the amounts of special additional compensation for subsequent injury payable to a permanently partially disabled employee who receives a subsequent compensable injury resulting in additional permanent partial disability, and to direct the State Compensation Insurance Fund to pay the additional compensation so awarded. The additional compensation is authorized to be paid only from funds appropriated for this purpose. Existing law provides that the board may not commute the amount of subsequent injury benefits, which are payable over a period of time, to a lump sum payable immediately. However, existing law authorizes the fund to reimburse itself from the amount so appropriated for the cost of service rendered in payment of those compensation awards, with those costs not to exceed 5% of the amount of award paid.

This bill would additionally require the board to commute the amount of any attorney's fees to be awarded from the benefits for subsequent injuries payable to the employee and

would require the board to order those fees to be paid to the employee’s attorney.

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

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

1 SECTION 1. Section 4754 of the Labor Code is
2 amended to read:

3 4754. The appeals board shall fix and award the
4 amounts of special additional compensation to be paid
5 under this article, and shall direct the State
6 Compensation Insurance Fund to pay the additional
7 compensation so awarded. ~~Such~~ *The* additional
8 compensation may be paid only from funds appropriated
9 for ~~such~~ *this* purpose. Out of ~~any such~~ *that* appropriation
10 the fund may reimburse itself for the cost of service
11 rendered in payment of compensation awards pursuant
12 to this article and maintenance of accounts and records
13 pertaining thereto, which cost shall not exceed 5 percent
14 of the amount of award paid. *The appeals board shall also*
15 *commute the amount of any attorney’s fees to be awarded*
16 *from the benefits for subsequent injuries payable to the*
17 *employee, and shall order those fees to be paid to the*
18 *employee’s attorney.*

19 SEC. 2. Section 5100.5 of the Labor Code is amended
20 to read:

21 5100.5. Notwithstanding the provisions of Section
22 5100, the appeals board shall not commute the
23 compensation payable under this division to a lump sum
24 when ~~such~~ *that* compensation is payable under Section
25 4751 ~~of the Labor Code~~, *except as permitted by Section*
26 *4754.*

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