

HB 1693 -- WORKERS' COMPENSATION

SPONSOR: DeGroot

This bill amends several provisions of the workers' compensation law, Chapter 287, RSMo, including:

The definition of "the prevailing factor" is amended to mean the primary factor in relation to all other factors combined. A compensable claim requires that the employee be engaged in work activity to the greater benefit of his or her employer when an occupational disease is contracted or injury occurs. This bill clarifies that injuries sustained in a company vehicle while traveling from the employee's home to the employee's principal place of business are not compensable.

The bill repeals the definition of "occupational diseases due to toxic exposure" and other provisions providing for compensation for such disease. This bill clarifies when an injury becomes reasonably discoverable for purposes of the statute of limitation for filing a claim and reporting an injury. To determine whether a mental injury due to work-related stress is compensable, the stress should be compared to employees working in the same position.

The bill repeals a provision directing the Division of Workers' Compensation within the Department of Labor and Industrial Relations to establish a procedure for the reactivation of certain claims involving prosthetic devices. This bill repeals a provision prohibiting the employer from subrogating the rights of an employee or his or her dependents in certain claims in which a third party is liable to the employee or dependents.

The bill provides that in the event a claim is prosecuted without reasonable grounds, the employer may recover as costs of the proceedings the value of compensation paid by the employer to defend the claim. The bill moves an office of the division from St. Louis to Chesterfield, Missouri. This bill prohibits any offer of settlement made contingent on voluntary resignation of the employer from being used as evidence in any discharge or discrimination civil action under Chapter 287.

The bill provides for appellate jurisdiction to review a temporary or partial award of compensation when liability is disputed. The bill deletes a provision of the law establishing the Missouri Mesothelioma Risk Management Fund, and a provision providing that any commutation of compensation made under Chapter 287 be made for certain specified reasons.