

Introduced: 2/7/75  
Referred: Labor & Management

1 IN THE SENATE

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2 SENATE BILL NO. 142

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to extraterritorial coverage under the  
7 Workmen's Compensation Act."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 23.30 is amended by adding a new section to read:

10 Sec. 23.30.106. EXTRATERRITORIAL COVERAGE. (a) If an employee,  
11 while working outside the territorial limits of this state, suffers an  
12 injury on account of which he, or in the event of his death, his depen-  
13 dents, would have been entitled to the benefits provided by this Act had  
14 the injury occurred in this state, the employee, or in the event of his  
15 death resulting from the injury, his dependents shall be entitled to the  
16 benefits provided by this section, provided that at the time of the  
17 injury

18 (1) his employment is principally localized in this state;

19 (2) he is working under a contract of hire made in this state  
20 in employment not principally localized in any state;

21 (3) he is working under a contract of hire made in this state  
22 in employment principally localized in another state whose workmen's  
23 compensation law is not applicable to his employer, or

24 (4) he is working under a contract of hire made in this state  
25 for employment outside the United States and Canada.

26 (b) The payment or award of benefits under the workmen's compensa-  
27 tion law of another state, territory, province, or foreign nation to an  
28 employee or his dependents otherwise entitled on account of the injury  
29 or death to the benefits of this section is not a bar to a claim for

1 benefits under this section; however, a claim under this section must be  
2 filed within the time limits set out in this chapter. If compensation  
3 is paid or awarded under this section:

4 (1) the medical and related benefits furnished or paid for by  
5 the employer under another workmen's compensation law on account of the  
6 injury or death shall be credited against the medical and related  
7 benefits to which the employee would have been entitled under this  
8 section had claim been made solely under this section;

9 (2) the amount of all income benefits paid or awarded the  
10 employee under another workmen's compensation law shall be credited  
11 against the total amount of income benefits which would have been due  
12 the employee under this section, had claim been made solely under this  
13 section;

14 (3) the total amount of death benefits paid or awarded under  
15 another workmen's compensation law shall be credited against the total  
16 amount of death benefits due under this section.

17 (c) If an employee is entitled to the benefits of this section by  
18 reason of an injury sustained in this state in employment by an employer  
19 who is domiciled in another state and who has not secured the payment of  
20 compensation as required by this section, the employer or his carrier may  
21 file with the board a certificate, issued by the commission or agency of  
22 the other state having jurisdiction over workmen's compensation claims,  
23 certifying that the employer has secured the payment of compensation  
24 under the workmen's compensation law of the other state and that with  
25 respect to that injury the employee is entitled to the benefits provided  
26 under that law. In that event

27 (1) the filing of the certificate shall constitute an appoint-  
28 ment by the employer or his carrier of the board as his agent for accep-  
29 tance of the service of process in a proceeding brought by the employee

1 or his dependents to enforce his or their rights under this section on  
2 account of the injury;

3 (2) the board shall send to the employer or carrier, by  
4 registered or certified mail to the address shown on the certificate, a  
5 true copy of any notice of claim or other process served on the director  
6 by the employee or his dependents in any proceeding brought to enforce  
7 his or their rights under this section;

8 (3) if the employer is a qualified self-insurer under the  
9 workmen's compensation law of the other state, the employer, upon sub-  
10 mission of evidence, satisfactory to the board, of his ability to meet  
11 his liability to the employee under this section shall be considered to  
12 be a qualified self-insurer under this section;

13 (4) if the employer's liability under the workmen's compensa-  
14 tion law of another state is insured, the employer's carrier, as to the  
15 employee or his dependents only, shall be considered to be an insurer  
16 authorized to write insurance under and be subject to this section;  
17 however, unless its contract with the employer requires it to pay an  
18 amount equivalent to the compensation benefits provided by this section,  
19 its liability for income benefits or medical and related benefits may  
20 not exceed the amounts of the benefits for which the insurer would have  
21 been liable under the workmen's compensation law of the other state;

22 (5) if the amount for which the employer's insurance is liable  
23 under (3) and (4) of this subsection is less than the total of the com-  
24 pensation benefits to which the employee is entitled under this chapter,  
25 the board may, if it considers it necessary, require the employer to file  
26 security, satisfactory to the board, to secure the payment of benefits  
27 due the employee or his dependents under this section; and

28 (6) upon compliance with the preceding requirements of (c)  
29 of this section, the employer, as to the employee only, shall be con-

1 sidered to have secured the payment of compensation under this section.

2 (d) As used in this section:

3 (1) "United States" includes only the states of the United  
4 States and the District of Columbia;

5 (2) "state" includes a state of the United States, the  
6 District of Columbia, or a province of Canada;

7 (3) "carrier" includes an insurance company licensed to  
8 write workmen's compensation insurance in a state of the United States  
9 or a state or provincial fund which insures employers against their  
10 liabilities under a workmen's compensation law;

11 (4) a person's employment is principally localized in this  
12 or another state when (A) his employer has a place of business in this  
13 or the other state and he regularly works at or from that place of  
14 business, or (B) if (A) of this paragraph is not applicable, he is  
15 domiciled and spends a substantial part of his working time in the  
16 service of his employer in this or the other state;

17 (5) an employee whose duties require him to travel regularly  
18 in the service of his employer in this and one or more other states  
19 may, by written agreement with his employer, provide that his employ-  
20 ment is principally localized in this or another state, and unless the  
21 other state refuses jurisdiction, the agreement shall be given effect  
22 under this section;

23 (6) "workmen's compensation law" includes "occupational  
24 disease law."  
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