

CS FOR SENATE BILL NO. 219 (L&C)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 5/3/91
Referred: Rules

Sponsor(s): SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to workers' compensation and civil liability for workplace safety**
2 **inspections; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1. PURPOSE OF SECTION 4.** It is the purpose of sec. 4 of this Act to amend AS 23.30
5 to provide that an insurer is not liable for providing or failing to provide safety inspections or safety
6 advisory services; this amendment would decide a public policy question concerning the liability of an
7 insurer for the performance of a safety inspection or safety advisory service raised in Van Biene v. ERA
8 Helicopters, Inc., 779 P.2d 315 (Alaska 1989).

9 * **Sec. 2.** AS 23.30 is amended by adding a new section to read:

10 **Sec. 23.30.047. BENEFITS FOR HEALTH INSURANCE.** (a) An employer who pays
11 compensation to an injured employee under AS 23.30.041(k), 23.30.180, 23.30.185, 23.30.190,
12 23.30.200, or 23.30.215, and who provided health insurance to the employee at the date of injury
13 shall also reimburse the employee for health insurance coverage for the employee and covered
14 dependents, as provided in this section.

1 (b) Payment required under this section is equal to the employer's current contribution
2 for health insurance or the amount paid by the employee for replacement coverage, whichever
3 amount is less. Payment required under this section commences when the employee's health
4 insurance provided by the employer's contribution ceases and shall continue until the employee
5 is no longer receiving compensation described in (a) of this section, or for 18 months, whichever
6 period is shorter.

7 (c) Payment is not required under this section until the employee provides proof of health
8 insurance coverage. In this subsection, "health insurance" includes an individual policy of health
9 insurance, or a notice of self-payment or continuance of coverage under a union health or welfare
10 trust agreement.

11 (d) If benefits required under this section are not paid within 30 days after the employer
12 receives a request for payment, the employer shall pay a penalty equal to 25 percent of the
13 amount due.

14 * Sec. 3. AS 23.30.075(b) is amended to read:

15 (b) If an employer fails to insure and keep insured employees subject to this chapter or
16 fails to obtain a certificate of self-insurance from the board, upon conviction, the court may
17 [SHALL] impose a fine of up to \$10,000 and may impose a sentence of imprisonment for not
18 more than one year. In addition, the board may impose a civil penalty of up to three times
19 the manual rate that would have been charged for the employer's insurance premium
20 during the period the employer failed to obtain insurance. If an employer is a corporation,
21 all persons who, at the time of the injury or death, had authority to insure the corporation or
22 apply for a certificate of self-insurance [,] and the person actively in charge of the business of
23 the corporation shall be subject to the penalties prescribed in this subsection and shall be
24 personally, jointly, and severally liable together with the corporation for the payment of all
25 compensation or other benefits for which the corporation is liable under this chapter if the
26 corporation at that time is not insured or qualified as a self-insurer.

27 * Sec. 4. AS 23.30 is amended by adding a new section to read:

28 Sec. 23.30.232. CIVIL LIABILITY FOR WORKPLACE SAFETY INSPECTIONS. A
29 carrier, an insurance service agent to a self-insured employer, or a trade association is not liable
30 for civil damages as a result of an act or omission in performing or failing to perform a
31 workplace safety inspection or a safety advisory service unless the carrier's, agent's, or

1 association's act or failure to act constitutes intentional misconduct.

2 * Sec. 5. AS 23.30.265(2) is amended to read:

3 (2) "arising out of and in the course of employment" includes employer-required
4 or supplied travel to and from a remote job site; activities performed at the direction or under the
5 control of the employer; and employer-sanctioned activities at employer-provided facilities; but
6 excludes recreational activities sponsored by the employer, unless participation is required
7 as a condition of employment, and activities of a personal nature away from employer-provided
8 facilities;

9 * Sec. 6. This Act takes effect immediately under AS 01.10.070(c).