



LAWS OF ALASKA

1975

Source

SB 142

Chapter No.

180

AN ACT

Relating to extraterritorial coverage under the Workmen's Compensation Act.

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

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

Sec. 23.30.106. EXTRATERRITORIAL COVERAGE. (a) If an employee, while working outside the territorial limits of this state, suffers an injury on account of which he, or in the event of his death, his dependents, would have been entitled to the benefits provided by this Act had the injury occurred in this state, the employee or, in the event of his death resulting from the injury, his dependents shall be entitled to the benefits provided by this Act, if at the time of the injury

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

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

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

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

(b) The payment or award of benefits under the workmen's compensation law of another state, territory, province, or foreign nation to an employee or his dependents

otherwise entitled on account of the injury or death to the benefits under this section is not a bar to a claim for benefits under this section; however, a claim under this section must be filed within the time limits set out in this chapter. If compensation is paid or awarded under this section:

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

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

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

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

(1) the filing of the certificate shall constitute an appointment by the employer or his carrier of the board as his agent for acceptance of the service of process in a proceeding brought by the employee or his dependents to enforce his or their rights under this section on account of the injury;

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

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

(4) if the employer's liability under the workmen's compensation law of another state is insured, the employer's carrier, as to the employee or his dependents

only, shall be considered to be an insurer authorized to write insurance under and be subject to this section; however, unless its contract with the employer requires it to pay an amount equivalent to the compensation benefits provided by this section, its liability for income benefits or medical and related benefits may not exceed the amounts of the benefits for which the insurer would have been liable under the workmen's compensation law of the other state;

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

(6) upon compliance with the preceding requirements of (c) of this section, the employer, as to the employee only, shall be considered to have secured the payment of compensation under this section.

(d) As used in this section,

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

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

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

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

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

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