

Regular Session, 2010
HOUSE BILL NO. 873
BY REPRESENTATIVE PATRICIA SMITH

ACT No. 288

1 AN ACT

2 To amend and reenact R.S. 23:1170(A), 1171.1(C)(1), 1172(A), 1172.1(C), and 1172.2(D),
3 relative to workers' compensation coverage; to require an increase in penalties for
4 employers who fail to secure coverage; to provide for all fines collected to be
5 deposited in the Workers' Compensation Administrative Fund; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1170(A), 1171.1(C)(1), 1172(A), 1172.1(C), and 1172.2(D) are
9 hereby amended and reenacted to read as follows:

10 §1170. Penalty for failure to secure workers' compensation insurance; assessment
11 and collection

12 A. In addition to any other penalty prescribed by law, any employer who
13 fails to secure compensation required by R.S. 23:1168 shall be liable for a civil
14 penalty, to be assessed by the ~~secretary of labor~~ executive director or his designee,
15 of not more than two hundred fifty dollars per employee for a first offense, and liable
16 for a civil penalty of not more than five hundred dollars per employee for a second
17 or subsequent offense. ~~However~~ ; however, the maximum civil penalty for a first
18 offense shall not exceed ten thousand dollars for all related series of violations. All
19 civil penalties collected shall be deposited in the Office of Workers' Compensation
20 Administrative Fund established in R.S. 23:1291.1(E).

21 * * *

1 §1171.1. Discontinuance of business; injunction; procedure

2 * * *

3 C.(1) If at such hearing, it is determined that the employer is in violation of
4 his obligation under R.S. 23:1168, the workers' compensation judge may fine the
5 employer ~~up to ten thousand dollars~~ in the manner provided pursuant to R.S.
6 23:1170(A) and shall order the employer to secure workers' compensation insurance
7 and file evidence of coverage within ninety days of the order. Should the employer
8 fail to file such evidence, the workers' compensation judge shall issue a cease and
9 desist order prohibiting the employer from continuing its business operations until
10 such time as the employer complies with R.S. 23:1168, and all fines issued are paid
11 in full.

12 * * *

13 §1172. Criminal penalties

14 A. Any employer who willfully fails to provide security for compensation
15 required by R.S. 23:1168 shall be subject to a fine of ~~not more than ten thousand~~
16 ~~dollars~~ up to two hundred fifty dollars per day that the employer willfully failed to
17 provide security for compensation or imprisonment with or without hard labor for
18 not more than one year, or both such fine and imprisonment. All fines collected shall
19 be deposited in the Office of Workers' Compensation Administrative Fund
20 established in R.S. 23:1291.1(E).

21 * * *

22 §1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties;
23 civil immunity

24 * * *

25 C. Whoever violates any provision of this Section shall be imprisoned, with
26 or without hard labor, for not less than one year nor more than ten years, or fined ~~not~~
27 ~~more than ten thousand dollars~~ up to two hundred fifty dollars per day that the
28 employer willfully failed to provide security for compensation, or both. All fines

