

2025 Regular Session

HOUSE BILL NO. 280

BY REPRESENTATIVE MELERINE

1 AN ACT

2 To amend and reenact R.S. 23:1172.3, relative to workers' compensation premiums; to
3 provide for the collection of workers' compensation premiums under certain
4 circumstances; to require notification; to provide for premiums audits; to make
5 technical corrections; to provide for an effective date; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1172.3 is hereby amended and reenacted to read as follows:

9 §1172.3. ~~Recovery of past~~ Collection of payments of workers' compensation
10 premiums prohibited; premium audits

11 A. ~~Notwithstanding any other provision of law to the contrary, no~~ An insurer
12 shall ~~be allowed to recover a past due~~ not collect a payment of workers'
13 compensation premiums from an insured arising out of a ~~claim for the~~
14 ~~misclassification of an employee~~ premium audit, unless the insurer provides written
15 notice to the insured within ninety days of the completion of the premium audit by
16 certified mail, commercial courier, or via electronic transmission, ~~within ninety days~~
17 ~~of the completion of the payroll audit.~~

18 B. ~~In the event that an insurer conducts a payroll audit, which shall serve as~~
19 ~~notice to the insured in accordance with Subsection A of this Section, the insurer~~
20 ~~shall be prohibited from collecting additional workers' compensation premiums from~~
21 ~~the insured.~~

22 C. ~~Notwithstanding any other provision of law to the contrary, no~~ An insurer
23 shall ~~be allowed to~~ not modify or complete a ~~payroll~~ premium audit more than three

1 years after the end of the policy period. This Subsection shall not apply to the
2 following:

3 (1) A misrepresentation or omission of relevant information during a prior
4 premium audit.

5 (2) ~~A noncompliant payroll~~ An insured's noncompliance with a premium
6 audit.

7 (3) A ~~payroll~~ premium audit disputed by an insured.

8 (4) Any modification or review related to a fraud investigation.

9 (5) Reclassification due to a determination by a court of competent
10 jurisdiction.

11 ~~D. C. Nothing in this Section shall preclude or require an insurer from~~
12 ~~returning~~ Notwithstanding anything in this Section to the contrary, a workers'
13 compensation insurer may return premiums to the insured if, as a result of a premium
14 audit, the insurer ~~receives relevant information after the audit is completed~~
15 determines the insured is entitled to a refund.

16 ~~E. D.~~ The provisions of this Section shall not apply to self-insurance funds.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____