

1 Senate BILL NO. 119
 2 INTRODUCED BY Norman

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION
 5 92-1114, R.C.M. 1947, OF THE WORKMEN'S COMPENSATION ACT BY
 6 DELETING THE SHERIFFS' NOTICE REQUIREMENT WHEN THE DIVISION
 7 CANCELS AN EMPLOYER UNDER PLAN NO. 3 FOR FAILURE TO PAY
 8 PREMIUMS TO THE DIVISION; AND PROVIDING AN EFFECTIVE DATE."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 92-1114, R.C.M. 1947, is amended to
 12 read as follows:

13 "92-1114. Collection in case of default by
 14 employer--cancellation of right to operate under plan No. 3
 15 for failure to pay premium. (1) If any employer under plan
 16 No. 3 shall default in any payment to the ~~industrial~~
 17 ~~accident--board~~ division, the sum due may be collected by an
 18 action at law in the name of the state and such right of
 19 action shall be cumulative. The ~~industrial-accident-board~~
 20 division is hereby authorized in its discretion to cancel an
 21 employer's right to operate under plan No. 3 of the
 22 Workmen's Compensation Act for failure to pay the premiums
 23 due, ~~provided-that-when~~ When the ~~industrial--accident--board~~
 24 division makes an order canceling an employer's right for
 25 failure to pay premiums ~~it--shall--be--the--duty--of--the~~

1 ~~industrial--accident--board--to-make-such-order~~ the division
 2 shall notify the employer of its intent to cancel the
 3 employer at least thirty (30) days before the cancellation
 4 becomes effective ~~and-to-send-a-formal-notice-to-the-sheriff~~
 5 ~~or-sheriffs-of-the-county-or-counties-where-the-employer--is~~
 6 ~~operating;--and--it--shall--be--the--duty--of--the--said--sheriff--or~~
 7 ~~sheriffs--to--post--a--notice--in--at--least--three--(3)--conspicuous~~
 8 ~~places--where--the--workmen--can--readily--see--said--notices;--to~~
 9 ~~the-effect-that-the-industrial-accident-board--has--canceled~~
 10 ~~the-right-of-the-said-employer-to-operate-under-the-act;--and~~
 11 ~~said-notice--shall--give--the--date--of--the--effectiveness--of--said~~
 12 ~~order.~~ After ~~said~~ the cancellation date the ~~said~~ employer
 13 shall have the same status as an employer who is not
 14 enrolled under the Workmen's Compensation Act.

15 (2) When an employer's right to operate has been
 16 canceled by the board division for failure to pay premiums
 17 and when the board division, in its discretion finds that
 18 the property and assets of ~~said~~ the employer are not
 19 sufficient to pay ~~said~~ the premiums, the board division may
 20 compromise ~~said~~ the claim for premiums and accept a payment
 21 of an amount less than the total amount due."

22 Section 2. This act is effective on its passage and
 23 approval.

-End-

-2- SB 119

Approved by Committee
on Labor & Employment
Relations

SENATE BILL NO. 112

INTRODUCED BY

Senator Norman

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 92-1114, R.C.M. 1947, OF THE WORKMEN'S COMPENSATION ACT BY DELETING THE SHERIFFS' NOTICE REQUIREMENT WHEN THE DIVISION CANCELS AN EMPLOYER UNDER PLAN NO. 3 FOR FAILURE TO PAY PREMIUMS TO THE DIVISION; AND PROVIDING AN EFFECTIVE DATE."

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Section 1. Section 92-1114, R.C.M. 1947, is amended to read as follows:

"92-1114. Collection in case of default by employer--cancellation of right to operate under plan No. 3 for failure to pay premium. (1) If any employer under plan No. 3 shall default in any payment to the ~~industrial accident--board~~ division, the sum due may be collected by an action at law in the name of the state and such right of action shall be cumulative. The ~~industrial-accident-board~~ division is hereby authorized in its discretion to cancel an employer's right to operate under plan No. 3 of the Workmen's Compensation Act for failure to pay the premiums due, ~~provided-that-when~~ When the ~~industrial--accident--board~~ division makes an order canceling an employer's right for failure to pay premiums ~~it--shall--be--the--duty--of--the~~

~~industrial--accident--board--to-make-such-order~~ the division shall notify the employer of its intent to cancel the employer at least thirty (30) days before the cancellation becomes effective and-to-send-a-formal-notice-to-the-sheriff or-sheriffs-of-the-county-or-counties-where-the-employer--is operating,--and--it-shall-be-the-duty-of-the-said-sheriff-or sheriffs-to-post-a-notice-in-at-least-three-(3)--conspicuous places--where--the--workmen-can-readily-see-said-notices,--to the-effect-that-the-industrial-accident-board--has--canceled the-right-of-the-said-employer-to-operate-under-the-act,--and said-notice-shall-give-the-date-of-the-effectiveness-of-said order. After said the cancellation date the said employer shall have the same status as an employer who is not enrolled under the Workmen's Compensation Act.

(2) When an employer's right to operate has been canceled by the board division for failure to pay premiums and when the board division, in its discretion finds that the property and assets of said the employer are not sufficient to pay said the premiums, the board division may compromise said the claim for premiums and accept a payment of an amount less than the total amount due."

Section 2. This act is effective on its passage and approval.

-End-

SB 119

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~~industrial--accident--board--to--make--such--order~~ the division shall notify the employer of its intent to cancel the employer at least thirty (30) days before the cancellation becomes effective ~~and--to--send--a--formal--notice--to--the--sheriff or--sheriffs--of--the--county--or--counties--where--the--employer--is operating,--and--it--shall--be--the--duty--of--the--said--sheriff--or sheriffs--to--post--a--notice--in--at--least--three--(3)--conspicuous places--where--the--workmen--can--readily--see--said--notices,--to the--effect--that--the--industrial--accident--board--has--canceled the--right--of--the--said--employer--to--operate--under--the--act,--and said--notice--shall--give--the--date--of--the--effectiveness--of--said order.~~ After said the cancellation date the said employer shall have the same status as an employer who is not enrolled under the Workmen's Compensation Act.

(2) When an employer's right to operate has been canceled by the board division for failure to pay premiums and when the board division, in its discretion finds that the property and assets of said the employer are not sufficient to pay said the premiums, the board division may compromise said the claim for premiums and accept a payment of an amount less than the total amount due."

Section 2. This act is effective on its passage and approval.

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1 ~~industrial--accident--board--to-make-such-order~~ the division
2 ~~shall notify the employer of its intent to cancel the~~
3 ~~employer~~ at least thirty (30) days before the cancellation
4 becomes effective and ~~to send a formal notice to the sheriff~~
5 ~~or sheriffs of the county or counties where the employer is~~
6 ~~operating,--and--it shall be the duty of the said sheriff or~~
7 ~~sheriffs to post a notice in at least three (3) conspicuous~~
8 ~~places--where--the--workmen can readily see said notices, to~~
9 ~~the effect that the industrial-accident-board has canceled~~
10 ~~the right of the said employer to operate under the act, and~~
11 ~~said notice shall give the date of the effectiveness of said~~
12 ~~order.~~ After ~~said~~ the cancellation date the ~~said~~ employer
13 shall have the same status as an employer who is not
14 enrolled under the Workmen's Compensation Act.

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