

HOUSE BILL NO. 559

1/30 Introduced
1/30 Referred to Business & Labor
2/14 Hearing
Died in Committee

1 HOUSE BILL NO. 559
2 INTRODUCED BY [Signature]

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PARTIAL
5 LUMP-SUM ADVANCE AGAINST A FINAL WORKERS' COMPENSATION
6 SETTLEMENT, INCLUDING A SETTLEMENT OF TEMPORARY TOTAL
7 DISABILITY BENEFITS; AMENDING SECTIONS 39-71-737 AND
8 39-71-741, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 39-71-737, MCA, is amended to read:
12 "39-71-737. Compensation to run consecutively.
13 Compensation shall run consecutively and not concurrently,
14 and payment shall not be made for two classes of disability
15 over the same period. This section does not prohibit the
16 grant of a partial lump-sum advance against the final
17 settlement of an injured worker during the period in which
18 temporary total disability benefits are payable."

19 Section 2. Section 39-71-741, MCA, is amended to read:
20 "39-71-741. Compromise settlements and lump-sum
21 payments -- division approval required. The biweekly
22 payments provided for in this chapter may be converted, in
23 whole or in part, into a lump-sum payment, and a partial
24 lump-sum advance may be granted against the final
25 settlement, including the settlement of a worker receiving

1 temporary total disability benefits. Such conversion can
2 only be made upon the written application of the injured
3 worker or the worker's beneficiary, with the concurrence of
4 the insurer, and shall rest in the discretion of the
5 division, both as to the amount of such lump-sum payment and
6 the advisability of such conversion. The division is hereby
7 vested with full power, authority, and jurisdiction to allow
8 and approve compromises of claims under this chapter. All
9 settlements and compromises of compensation provided in this
10 chapter are void without the approval of the division.
11 Approval of the division must be in writing. The division
12 shall directly notify every claimant of any division order
13 approving or denying a claimant's settlement or compromise
14 of a claim. A controversy between a claimant and an insurer
15 regarding the conversion of biweekly payments into a lump
16 sum is considered a dispute for which the workers'
17 compensation judge has jurisdiction to make a
18 determination."

19 NEW SECTION. Section 3. Extension of authority. Any
20 existing authority of the division of workers' compensation
21 to make rules on the subject of the provisions of this act
22 is extended to the provisions of this act.

23 NEW SECTION. Section 4. Effective date. This act is
24 effective on passage and approval.

-End-

INTRODUCED BILL
HB 559

