

HB 684 INTRODUCED BY WHALEN, ET AL.
WORKERS' COMPENSATION DIVISION LOSES JURISDICTION
WHEN PETITION FILED WITH COURT

2/10 INTRODUCED
2/10 REFERRED TO JUDICIARY
2/18 HEARING
2/23 TABLED IN COMMITTEE

1 House BILL NO. 684
2 INTRODUCED BY W. Haler Shirley

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT THE
5 DIVISION OF WORKERS' COMPENSATION LOSES JURISDICTION
6 CONCERNING A CLAIM WHEN A PETITION FOR DETERMINATION OF A
7 DISPUTE IS FILED WITH THE WORKERS' COMPENSATION JUDGE; AND
8 AMENDING SECTION 39-71-204, MCA."

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

11 Section 1. Section 39-71-204, MCA, is amended to read:
12 "39-71-204. Rescission, alteration, or amendment by
13 division of its orders, decisions, or awards -- limitation
14 -- effect. (1) Except as provided in subsection subsections
15 (2) and (3), the division shall have continuing jurisdiction
16 over all its orders, decisions, and awards and may, at any
17 time, upon notice, and after opportunity to be heard is
18 given to the parties in interest, rescind, alter, or amend
19 any such order, decision, or award made by it upon good
20 cause appearing therefor.

21 (2) The division or the workers' compensation judge
22 shall not have power to rescind, alter, or amend any final
23 settlement or award of compensation more than 4 years after
24 the same has been approved by the division. Rescinding,
25 altering, or amending a final settlement within the 4-year

1 period shall be by agreement between the claimant and the
2 insurer. If the claimant and the insurer cannot agree, the
3 dispute shall be considered a dispute for which the workers'
4 compensation judge has jurisdiction to make a determination.
5 Except as provided in 39-71-2908, the division or the
6 workers' compensation judge shall not have the power to
7 rescind, alter, or amend any order approving a full and
8 final compromise settlement of compensation.

9 (3) When a claimant or an insurer petitions the
10 workers' compensation judge under 39-71-2905, the division
11 loses jurisdiction:

12 (a) to rescind, alter, or amend its orders, decisions,
13 and awards; and

14 (b) to make any further determination regarding a
15 claim, including the approval of a settlement award or grant
16 of an attorney fee.

17 ~~(3)~~(4) Any order, decision, or award rescinding,
18 altering, or amending a prior order, decision, or award
19 shall have the same effect as original orders or awards."

-End-



-2- INTRODUCED BILL
HB 684