

By Mr. Bosley of North Adams, petition of Daniel E. Bosley for legislation to provide for certain changes under the workers' compensation law. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT AMENDING THE WORKER'S COMPENSATION STATUTE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 5 of Chapter 152 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 adding at the end thereof the following sentence: "Such rules and
4 regulations shall not impose any fines, penalties, fees, loss of rights
5 or defenses not provided for under this chapter."

1 SECTION 2. Section 7 of Chapter 152 of the General Laws,
2 as appearing in the 1988 Official Edition is hereby amended by
3 striking the words "fourteen days" and replacing them with the
4 following words: — "twenty-one days" and by adding at the end
5 of Section 7 the following new paragraphs: —

6 "Except as provided for in section 6, section 7(4), section 8(5),
7 and section 10(5), the maximum penalty assessed against an
8 insurer for failure to comply with any statutory procedure shall
9 not result in a fine greater than two times the average weekly wage
10 in effect in the commonwealth at that time.

11 If an insurer has not commenced payment or filed a denial
12 within thirty days after a matter has been conciliated, a board
13 member may impose a penalty of two times the state average
14 weekly wage in effect in the commonwealth at that time, in
15 addition to the penalty provided for in 7(3).

16 Upon payment of the penalties specified in section 7(2), section
17 7(3) or this subsection, the insurer shall retain all statutory rights
18 pursuant to this chapter."

1 SECTION 3. Section 48 of Chapter 152 of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby amended by
3 deleting the words “the reviewing board” as appearing in the last
4 sentence and inserting the following new words: — any member
5 of the Industrial Accident Board or the Industrial Accident
6 Reviewing Board.

1 SECTION 4. Section 6 of Chapter 23E of the General Laws,
2 as appearing in the 1988 Official Edition, is hereby further
3 amended by striking the words “lump sum settlements approved
4 by the Reviewing Board”, and replacing them with the following
5 words: — lump sum settlements approved by any member of the
6 Industrial Accident Board of the Industrial Accident Reviewing
7 Board.

8 Section 2 of Chapter 23E of the General Laws, as appearing
9 in the 1988 Official Edition, is hereby amended by adding at the
10 end thereof the following: “The Commissioner shall issue a report
11 to the Workers Compensation Advisory Council each calendar
12 quarter. Such report shall quantify, for matters pending before
13 each officer of the Department, the average length of time between
14 the conciliation, conference and hearing.”