

# HB0288S01 compared with HB0288

~~deleted text~~ shows text that was in HB0288 but was deleted in HB0288S01.

Inserted text shows text that was not in HB0288 but was inserted into HB0288S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Ken Ivory proposes the following substitute bill:

## WORKERS' COMPENSATION CLAIMS AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Ken Ivory**

Senate Sponsor: \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill enacts provisions related to claiming workers' compensation benefits.

#### Highlighted Provisions:

This bill:

- ▶ makes it unlawful for ~~a person~~ an employer to:
  - interfere with an employee's ability to seek workers' compensation benefits; or
  - retaliate against an employee for seeking workers' compensation benefits; and
- ▶ provides penalties for violating a provision of this bill.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

None

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### Utah Code Sections Affected:

ENACTS:

34A-2-114, Utah Code Annotated 1953

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 34A-2-114 is enacted to read:

#### **34A-2-114. Unlawful interference -- Penalties.**

(1) ~~{A person}~~ An employer may not knowingly or intentionally:

(a) impede or diminish an employee's efforts to ~~{file}~~ make a claim or receive workers' compensation benefits under this chapter or Chapter 3, Utah Occupational Disease Act; or

(b) intimidate, coerce, or harass an employee with the intent of preventing the employee from ~~{filing}~~ making a claim or receiving workers' compensation benefits under this chapter or Chapter 3, Utah Occupational Disease Act.

(2) An employer may not suspend, discharge, discipline, threaten to discharge or discipline, ~~{discriminate against, }~~ or otherwise retaliate against an employee ~~{who}~~ solely because the employee:

(a) claims or attempts to claim workers' compensation benefits under this chapter or Chapter 3, Utah Occupational Disease Act;

(b) reports an employer's noncompliance with a provision of this chapter or Chapter 3, Utah Occupational Disease Act; or

(c) testifies or intends to testify in a workers' compensation proceeding.

(3) In accordance with Title 63G, Chapter 4, Administrative Procedures Act, the division may impose a fine of up to \$10,000 against an employer for each violation of Subsection (1) or (2).

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### Legislative Review Note

~~Office of Legislative Research and General Counsel}~~ (4) The division shall deposit any money collected under this section into the Uninsured Employers' Fund created in Section

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34A-2-704.

(5) This section does not affect the rights or obligations of an employee or employer under common law.