

1 AN ACT relating to workers' compensation.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 342.260 is amended to read as follows:

- 4 (1) The commissioner shall promulgate administrative regulations as he or she
5 considers necessary to carry on the work of the department and the work of the
6 administrative law judges and may promulgate administrative regulations not
7 inconsistent with this chapter and KRS Chapter 13A for carrying out the provisions
8 of this chapter.
- 9 (2) The commissioner shall promulgate administrative regulations on or before **July 1,**
10 **2026** [~~December 31, 2015~~], establishing the information necessary to be received to
11 create an e-mail notification system where a person may enter his or her e-mail
12 address into the Insurance Coverage Look-up database established by the
13 Department of Workers' Claims and be notified of any cancellation of a specific
14 business' workers' compensation coverage. **The Insurance Coverage Look-up**
15 **database shall include an employee's written notice of rejection or the withdrawal**
16 **of his or her rejection established in Section 2 of this Act.**
- 17 (3) The commissioner shall develop or adopt life expectancy tables for use in making
18 computations for the apportionment of benefits under KRS 342.120, computation of
19 attorneys' fees under KRS 342.320, and for use in all other situations arising under
20 this chapter in which the calculation of a life expectancy is necessary or desirable,
21 including the computation of assessments or reserves for self-insurers. The
22 commissioner may adopt life tables published by the United States Department of
23 Health and Human Services or other life tables developed by a qualified entity, as
24 determined by the commissioner. The life tables developed or adopted by the
25 commissioner through the promulgation of administrative regulations in effect as of
26 the date of an opinion, award, or settlement approved by an administrative law
27 judge shall apply to computations concerning that opinion, award, or settlement.

- 1 (4) Processes and procedures under this chapter shall be as summary and simple as
2 reasonably possible. The board or any member thereof or any administrative law
3 judge for the purpose of this chapter, may subpoena witnesses, administer or cause
4 to have administered oaths, and examine or cause to have examined those parts of
5 the books and records of the parties to a proceeding as relate to questions in dispute.
- 6 (5) The sheriff shall serve all subpoenas of the board and administrative law judges and
7 shall receive the same fee as provided by law for like service in civil actions. Each
8 witness who appears in obedience to the subpoena of the board or any
9 administrative law judge shall receive for attendance the fees and mileage for
10 witnesses in civil cases in the Circuit Courts.
- 11 (6) The Circuit Court shall, on application of the board, any member thereof, or any
12 administrative law judge, enforce by proper proceedings the attendance and
13 testimony of witnesses and the production and examination of books, papers, and
14 records.
- 15 ➔Section 2. KRS 342.395 is amended to read as follows:
- 16 (1) Where an employer is subject to this chapter, then every employee of that
17 employer, as a part of his or her contract of hiring or who may be employed at the
18 time of the acceptance of the provisions of this chapter by the employer, shall be
19 deemed to have accepted all the provisions of this chapter and shall be bound
20 thereby unless he or she shall have filed, prior to the injury or incurrence of
21 occupational disease, written notice to the contrary with the employer; and the
22 acceptance shall include all of the provisions of this chapter with respect to
23 traumatic personal injury, silicosis, and any other occupational disease. However,
24 before an employee's written notice of rejection shall be considered effective, the
25 employer shall file the employee's notice of rejection with the Department of
26 Workers' Claims. The commissioner of that department shall not give effect to any
27 rejection of this chapter not voluntarily made by the employee. If an employee

1 withdraws his or her rejection, the employer shall notify the commissioner. *The*
2 *commissioner shall provide an online portal through which an employee's notice*
3 *of rejection or the withdrawal of his or her rejection may be electronically*
4 *submitted to the Department of Workers' Claims.*

5 (2) An employer shall not require an employee to execute a rejection of this chapter as
6 either a condition to obtain employment or a condition to maintain employment. An
7 employer shall not terminate an employee for refusal to execute a rejection of this
8 chapter.

9 (3) Until notice to the contrary as specified in subsection (1) of this section is given to
10 the employer, the measure of liability of the employer shall be determined
11 according to the compensation provisions of this chapter. Any employee, may,
12 without prejudice to any existing right or claim, withdraw his election to reject this
13 chapter by filing with the employer a written notice of withdrawal, stating the date
14 when the withdrawal is to become effective. Following the filing of that notice, the
15 status of the party withdrawing shall become the same as if the former election to
16 reject this chapter had not been made, except that withdrawal shall not be effective
17 as to any injury sustained or disease incurred less than one (1) week after the notice
18 is filed.