

SENATE AMENDMENTS TO SENATE BILL 559

By COMMITTEE ON COMMERCE

April 11

- 1 On page 1 of the printed bill, line 3, after “656.427,” insert “656.440.”
- 2 In line 8, delete “worker’s” and insert “workers”.
- 3 On page 2, line 29, after “policy” insert “or surety bond”.
- 4 In line 30, delete the boldfaced material and insert “cancel the policy or surety bond prior to
- 5 the expiration date of the policy or surety bond”.
- 6 In line 36, after “policy” insert “or surety bond”.
- 7 In lines 44 and 45, restore the bracketed material.
- 8 After line 45, insert:
- 9 “(3) An insurer may nonrenew a workers’ compensation insurance policy by providing notice in
- 10 the manner provided for in subsection (2) of this section.”.
- 11 On page 3, line 1, delete “(3)” and insert “(4)”.
- 12 In line 7, delete “(4)” and insert “(5)” and after “policy” insert “or surety bond”.
- 13 In line 8, after “policy” insert “or surety bond”.
- 14 In line 10, delete “(5)” and insert “(6)”.
- 15 In line 22, delete “(6)” and insert “(7)”.
- 16 On page 4, line 6, restore the bracketed material and delete the boldfaced material.
- 17 In line 7, after “chapter” insert “and to require the electronic transmission and filing of proof
- 18 of coverage required under ORS 656.419, 656.423 and 656.427”.
- 19 On page 6, line 12, restore the bracketed material and delete the boldfaced material.
- 20 In line 13, after “chapter” insert “and to require the electronic transmission and filing of proof
- 21 of coverage required under ORS 656.419, 656.423 and 656.427”.
- 22 On page 29, line 16, after “coverage” insert “or a surety bond”.
- 23 In line 17, restore “surety bond or”.
- 24 Delete lines 23 through 33 and insert:
- 25 “(3) If for any reason the certification of a self-insured employer is canceled or terminated, the
- 26 security deposited with the director shall remain on deposit or in effect, as the case may be, for a
- 27 period of at least 62 months after the employer ceases to be a self-insured employer. The security
- 28 shall be maintained in an amount necessary to secure the outstanding and contingent liability aris-
- 29 ing from the accidental injuries secured by the security, and to assure the payment of claims for
- 30 aggravation and claims arising under ORS 656.278 based on those accidental injuries. At the expi-
- 31 ration of the 62-month period, or of another period the director may consider proper, the director
- 32 may accept in lieu of the security deposited with the director a policy of paid-up insurance in a form
- 33 approved by the director.”.
- 34 On page 35, line 21, after “employees” insert a semicolon and delete the rest of the line and line
- 35 22.

1 On page 38, line 6, delete the boldfaced material.

2 In line 14, delete the boldfaced material.

3 On page 39, after line 26, insert:

4 “**SECTION 30.** ORS 656.440 is amended to read:

5 “656.440. (1) Before revocation of certification under ORS 656.434 becomes effective, the Direc-
6 tor of the Department of Consumer and Business Services shall give the employer notice that the
7 certification will be revoked stating the grounds for the revocation. The notice shall be served on
8 the employer in the manner provided by ORS 656.427 [(3)] (4). The revocation shall become effective
9 within 10 days after receipt of such notice by the employer unless within such period of time the
10 employer corrects the grounds for the revocation or appeals in writing to the director. The director
11 shall refer the request for hearing to the Workers’ Compensation Board for a hearing before an
12 Administrative Law Judge.

13 “(2) If the employer appeals, the Hearings Division of the Workers’ Compensation Board under
14 ORS 656.283 shall set a date for a hearing, which date shall be within 30 days after receiving the
15 appeal request, and shall give the employer at least five days’ notice of the time and place of the
16 hearing. A record of the hearing shall be kept but it need not be transcribed unless requested by
17 the employer. The cost of transcription shall be charged to the employer. Within 10 days after the
18 hearing, the Administrative Law Judge shall either affirm or disaffirm the revocation and give the
19 employer written notice thereof by registered or certified mail.

20 “(3) If revocation is affirmed on review by the Administrative Law Judge, the revocation is ef-
21 fective five days after the employer receives notice of the affirmance unless within such period of
22 time the employer corrects the grounds for the revocation or petitions for judicial review of the
23 affirmance pursuant to ORS 183.480 to 183.497.

24 “(4) If the revocation is affirmed following judicial review, the revocation is effective five days
25 after entry of the final judgment of affirmance, unless within such period the employer corrects the
26 grounds for the revocation.”.

27 In line 27, delete “30” and insert “31” and delete “31” and insert “32”.

28 In line 28, after “656.427,” insert “656.440,”.

29 In line 30, delete “29” and insert “30”.

30 In line 32, delete “31” and insert “32”.

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