

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 24, Page 4, Section  
2 287.245, Line 35, by inserting after all of said section and line the following:  
3

4 "287.715. 1. For the purpose of providing for revenue for the second injury fund, every  
5 authorized self-insurer, and every workers' compensation policyholder insured pursuant to the  
6 provisions of this chapter, shall be liable for payment of an annual surcharge in accordance with the  
7 provisions of this section. The annual surcharge imposed under this section shall apply to all  
8 workers' compensation insurance policies and self-insurance coverages which are written or  
9 renewed on or after April 26, 1988, including the state of Missouri, including any of its departments,  
10 divisions, agencies, commissions, and boards or any political subdivisions of the state who self-  
11 insure or hold themselves out to be any part self-insured. Notwithstanding any law to the contrary,  
12 the surcharge imposed pursuant to this section shall not apply to any reinsurance or retrocessional  
13 transaction.

14 2. Beginning October 31, 2005, and each year thereafter, the director of the division of  
15 workers' compensation shall estimate the amount of benefits payable from the second injury fund  
16 during the following calendar year and shall calculate the total amount of the annual surcharge to be  
17 imposed during the following calendar year upon all workers' compensation policyholders and  
18 authorized self-insurers. The amount of the annual surcharge percentage to be imposed upon each  
19 policyholder and self-insured for the following calendar year commencing with the calendar year  
20 beginning on January 1, 2006, shall be set at and calculated against a percentage, not to exceed three  
21 percent, of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or  
22 net assessments for the previous policy year, rounded up to the nearest one-half of a percentage  
23 point, that shall generate, as nearly as possible, one hundred ten percent of the moneys to be paid  
24 from the second injury fund in the following calendar year, less any moneys contained in the fund at  
25 the end of the previous calendar year. All policyholders and self-insurers shall be notified by the  
26 division of workers' compensation within ten calendar days of the determination of the surcharge  
27 percent to be imposed for, and paid in, the following calendar year. The net premium equivalent for  
28 individual self-insured employers shall be based on average rate classifications calculated by the  
29 department of commerce and insurance as taken from premium rates filed by the twenty insurance  
30 companies providing the greatest volume of workers' compensation insurance coverage in this state.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 For employers qualified to self-insure their liability pursuant to this chapter, the rates filed by such  
2 group of employers in accordance with subsection 4 of section 287.280 shall be the net premium  
3 equivalent. Any group of political subdivisions of this state qualified to self-insure their liability  
4 pursuant to this chapter as authorized by section 537.620 may choose either the average rate  
5 classification method or the filed rate method, provided that the method used may only be changed  
6 once without receiving the consent of the director of the division of workers' compensation. The  
7 director may advance funds from the workers' compensation fund to the second injury fund if  
8 surcharge collections prove to be insufficient. Any funds advanced from the workers' compensation  
9 fund to the second injury fund must be reimbursed by the second injury fund no later than December  
10 thirty-first of the year following the advance. The surcharge shall be collected from policyholders  
11 by each insurer at the same time and in the same manner that the premium is collected, but no  
12 insurer or its agent shall be entitled to any portion of the surcharge as a fee or commission for its  
13 collection. The surcharge is not subject to any taxes, licenses or fees.

14 3. All surcharge amounts imposed by this section shall be deposited to the credit of the  
15 second injury fund.

16 4. Such surcharge amounts shall be paid quarterly by insurers and self-insurers, and insurers  
17 shall pay the amounts not later than the thirtieth day of the month following the end of the quarter in  
18 which the amount is received from policyholders. If the director of the division of workers'  
19 compensation fails to calculate the surcharge by the thirty-first day of October of any year for the  
20 following year, any increase in the surcharge ultimately set by the director shall not be effective for  
21 any calendar quarter beginning less than sixty days from the date the director makes such  
22 determination.

23 5. If a policyholder or self-insured fails to make payment of the surcharge or an insurer fails  
24 to make timely transfer to the division of surcharges actually collected from policyholders, as  
25 required by this section, a penalty of one-half of one percent of the surcharge unpaid, or  
26 untransferred, shall be assessed against the liable policyholder, self-insured or insurer. Penalties  
27 assessed under this subsection shall be collected in a civil action by a summary proceeding brought  
28 by the director of the division of workers' compensation.

29 6. Notwithstanding subsection 2 of this section to the contrary, the director of the division of  
30 workers' compensation shall collect a supplemental surcharge not to exceed ~~[three]~~ one percent for  
31 calendar years 2014 to ~~[2022]~~ 2026 of the policyholder's or self-insured's workers' compensation net  
32 deposits, net premiums, or net assessments for the previous policy year, rounded up to the nearest  
33 ~~[one-half]~~ one-quarter of a percentage point. ~~[For calendar year 2023, the director of the division of~~  
34 ~~workers' compensation shall collect a supplemental surcharge not to exceed two and one-half~~  
35 ~~percent of the policyholder's or self-insured's workers' compensation net deposits, net premiums, or~~  
36 ~~net assessments for the previous policy year, rounded up to the nearest one-half of a percentage~~  
37 ~~point.]~~ All policyholders and self-insurers shall be notified by the division of the supplemental  
38 surcharge percentage to be imposed for such period of time as part of the notice provided in

subsection 2 of this section. The provisions of this subsection shall expire on December 31, ~~[2023]~~  
2026.

7. Funds collected under the provisions of this chapter shall be the sole funding source of  
the second injury fund."; and

Further amend said bill by amending the title, enacting clause, and intersectional references  
accordingly.