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SENATE BILL 609

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO WORKERS' COMPENSATION; AMENDING THE WORKERS'  
COMPENSATION ACT TO ADJUST THE COMPENSATION AVAILABLE FOR  
CERTAIN DISABILITIES AND TO ADJUST ATTORNEY FEES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 52-1-26 NMSA 1978 (being Laws 1987,  
Chapter 235, Section 12, as amended) is amended to read:

"52-1-26. PERMANENT PARTIAL DISABILITY.--

A. As a guide to the interpretation and application  
of this section, the policy and intent of this legislature is  
declared to be that every person who suffers a compensable  
injury with resulting permanent partial disability should be  
provided with the opportunity to return to gainful employment  
as soon as possible with minimal dependence on compensation  
awards.

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1           B. As used in the Workers' Compensation Act,  
2 "partial disability" means a condition whereby a worker, by  
3 reason of injury arising out of and in the course of  
4 employment, suffers a permanent impairment.

5           C. Permanent partial disability shall be determined  
6 by calculating the worker's impairment as modified by ~~[his]~~ the  
7 worker's age, education and physical capacity, pursuant to  
8 Sections 52-1-26.1 through 52-1-26.4 NMSA 1978; provided that,  
9 regardless of the actual calculation of impairment as modified  
10 by the worker's age, education and physical capacity and except  
11 as provided in Section 52-1-42.1 NMSA 1978, the percentage of  
12 disability awarded shall not exceed ninety-nine percent.

13           D. If, on or after the date of maximum medical  
14 improvement, an injured worker returns to work at a wage equal  
15 to or greater than the worker's pre-injury wage, the worker's  
16 permanent partial disability rating shall be equal to ~~[his]~~ the  
17 worker's impairment and shall not be subject to the  
18 modifications calculated pursuant to Sections 52-1-26.1 through  
19 52-1-26.4 NMSA 1978.

20           E. In considering a claim for permanent partial  
21 disability, a workers' compensation judge shall not receive or  
22 consider the testimony of a vocational rehabilitation provider  
23 offered for the purpose of determining the existence or extent  
24 of disability."

25           Section 2. Section 52-1-41 NMSA 1978 (being Laws 1959,  
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1 Chapter 67, Section 20, as amended) is amended to read:

2 "52-1-41. COMPENSATION BENEFITS--TOTAL DISABILITY.--

3 A. For total disability, the worker shall receive,  
4 during the period of that disability, sixty-six and two-thirds  
5 percent of [~~his~~] the worker's average weekly wage, and not to  
6 exceed a maximum compensation of eighty-five percent of the  
7 average weekly wage in the state, a week, effective July 1,  
8 1987 through December 31, 1999, and thereafter not to exceed a  
9 maximum compensation of one hundred percent of the average  
10 weekly wage in the state, a week; and to be not less than a  
11 minimum compensation of thirty-six dollars (\$36.00) a week.  
12 Except as provided in Subsections B and C of this section, the  
13 worker shall receive compensation benefits for the remainder of  
14 [~~his~~] the worker's life.

15 B. For disability resulting from primary mental  
16 impairment, the maximum period of compensation is [~~one~~] five  
17 hundred weeks. For disability resulting in secondary mental  
18 impairment, the maximum period of compensation is [~~the maximum~~  
19 ~~period allowable for the disability produced by the physical~~  
20 ~~impairment or one hundred weeks, whichever is greater~~] five  
21 hundred weeks, provided that, if the worker is also entitled to  
22 a benefit specifically provided for in Section 52-1-43 NMSA  
23 1978, the maximum period of compensation shall be the sum of  
24 the period of compensation for the secondary mental impairment,  
25 not to exceed five hundred weeks, plus the period provided for

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1 in Section 52-1-43 NMSA 1978.

2 C. For the purpose of paying compensation benefits  
3 for death, pursuant to Section 52-1-46 NMSA 1978, the worker's  
4 maximum disability recovery shall be deemed to be seven hundred  
5 weeks.

6 D. Where the worker's average weekly wage is less  
7 than thirty-six dollars (\$36.00) a week, the compensation to be  
8 paid the worker shall be ~~[his]~~ the worker's full weekly wage.

9 E. For the purpose of the Workers' Compensation  
10 Act, the average weekly wage in the state shall be determined  
11 by the ~~[employment security]~~ workforce transition services  
12 division of the ~~[labor]~~ workforce solutions department on or  
13 before June 30 of each year and shall be computed from all  
14 wages reported to the ~~[employment security]~~ workforce  
15 transition services division from employing units, including  
16 reimbursable employers, in accordance with the ~~[regulations]~~  
17 rules of the division for the preceding calendar year, divided  
18 by the total number of covered employees divided by fifty-two.

19 F. The average weekly wage in the state, determined  
20 as provided in Subsection E of this section, shall be  
21 applicable for the full period during which compensation is  
22 payable when the date of the occurrence of an accidental injury  
23 falls within the calendar year commencing January 1 following  
24 the June 30 determination.

25 G. Unless the computation provided for in

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1 Subsection E of this section results in an increase or decrease  
2 of two dollars (\$2.00) or more, raised to the next whole  
3 dollar, the statewide average weekly wage determination shall  
4 not be changed for any calendar year."

5 Section 3. Section 52-1-42 NMSA 1978 (being Laws 1959,  
6 Chapter 67, Section 21, as amended) is amended to read:

7 "52-1-42. COMPENSATION BENEFITS--PERMANENT PARTIAL  
8 DISABILITY--MAXIMUM DURATION OF BENEFITS.--

9 A. For permanent partial disability, the workers'  
10 compensation benefits not specifically provided for in Section  
11 52-1-43 NMSA 1978 shall be a percentage of the weekly benefit  
12 payable for total disability as provided in Section 52-1-41  
13 NMSA 1978. Except as provided in Section 52-1-42.1 NMSA 1978,  
14 the percentage of permanent partial disability shall be  
15 determined pursuant to the provisions of Sections 52-1-26  
16 through 52-1-26.4 NMSA 1978. The duration of partial  
17 disability benefits shall depend upon the extent and nature of  
18 the partial disability, subject to the following:

19 (1) where the worker's percentage of  
20 disability is equal to or greater than eighty, the maximum  
21 period is seven hundred weeks;

22 (2) where the worker's percentage of  
23 disability is less than eighty, the maximum period is five  
24 hundred weeks;

25 (3) where the partial disability results from

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1 a primary mental impairment, the maximum period is [~~one~~] five  
2 hundred weeks; and

3 (4) where the partial disability results from  
4 a secondary mental impairment, the maximum period is [~~the~~  
5 ~~maximum period allowable for the disability produced by the~~  
6 ~~physical impairment or one hundred weeks, whichever is greater~~]  
7 five hundred weeks, provided that, if the worker is also  
8 entitled to a benefit specifically provided for in Section  
9 52-1-43 NMSA 1978, the maximum period of compensation shall be  
10 the sum of the period of compensation for the secondary mental  
11 impairment, not to exceed five hundred weeks, plus the period  
12 provided for in Section 52-1-43 NMSA 1978.

13 B. If an injured worker receives temporary total  
14 disability benefits prior to an award of partial disability  
15 benefits, the maximum period for partial disability benefits  
16 shall be reduced by the number of weeks the worker actually  
17 receives temporary total disability benefits."

18 Section 4. A new section of the Workers' Compensation  
19 Act, Section 52-1-42.1 NMSA 1978, is enacted to read:

20 "52-1-42.1. [NEW MATERIAL] PERCENTAGE OF DISABILITY--  
21 COMBINATION OF INJURIES.--If a benefit is due under Section  
22 52-1-43 NMSA 1978 as a percentage of disability and a  
23 percentage of disability benefit is also due under another  
24 section of the Workers' Compensation Act, nothing in that act  
25 prohibits the percentage of disabilities from being combined

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1 and a worker receiving a total benefit calculated at more than  
2 one hundred percent of disability."

3 Section 5. Section 52-1-43 NMSA 1978 (being Laws 1987,  
4 Chapter 235, Section 18, as amended) is amended to read:

5 "52-1-43. COMPENSATION BENEFITS--INJURY TO SPECIFIC BODY  
6 MEMBERS.--

7 A. For disability resulting from an accidental  
8 injury to specific body members, including the loss or loss  
9 of use thereof, the worker shall receive the weekly maximum  
10 and minimum compensation for disability as provided in  
11 Section 52-1-41 NMSA 1978, for the following periods:

Injury	Compensation Benefits Number of Weeks
(1) one arm at or near shoulder, dextrous member . . . . .	200 weeks
(2) one arm at elbow, dextrous member . . . . .	160 weeks
(3) one arm between wrist at elbow, dextrous member . . . . .	150 weeks
(4) one arm at or near shoulder, nondextrous member . . . . .	175 weeks
(5) one arm at elbow, nondextrous member . . . . .	155 weeks
(6) one arm between wrist and elbow, nondextrous member . . . . .	140 weeks
(7) one hand, dextrous member . . . . .	125 weeks
(8) one hand, nondextrous member . . . . .	110 weeks

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- 1 (9) one thumb and the metacarpal bone thereof . . . 55 weeks
- 2 (10) one thumb at the proximal joint . . . . . 34 weeks
- 3 (11) one thumb at the second distal joint . . . . 22 weeks
- 4 (12) one first finger and the metacarpal bone
- 5 thereof . . . . . 28 weeks
- 6 (13) one first finger at the proximal joint . . . 22 weeks
- 7 (14) one first finger at the second joint . . . . 17 weeks
- 8 (15) one first finger at the distal joint . . . . 12 weeks
- 9 (16) one second finger and the metacarpal bone
- 10 thereof . . . . . 22 weeks
- 11 (17) one second finger at the proximal joint . . . 17 weeks
- 12 (18) one second finger at the second joint . . . . 12 weeks
- 13 (19) one second finger at the distal joint . . . . 10 weeks
- 14 (20) one third finger and the metacarpal bone
- 15 thereof . . . . . 17 weeks
- 16 (21) one third finger at the proximal joint . . . 12 weeks
- 17 (22) one third finger at the second joint . . . . 10 weeks
- 18 (23) one third finger at the distal joint . . . . 10 weeks
- 19 (24) one fourth finger and the metacarpal bone
- 20 thereof . . . . . 14 weeks
- 21 (25) one fourth finger at the proximal joint . . . 14 weeks
- 22 (26) one fourth finger at the second joint . . . . 10 weeks
- 23 (27) one fourth finger at the distal joint . . . . . 7 weeks
- 24 (28) loss of all fingers on one hand where thumb and
- 25 palm remain . . . . . 70 weeks

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- 1 (29) one leg at or near hip joint, so as to preclude
- 2 the use of an artificial limb . . . . . 200 weeks
- 3 (30) one leg at or above the knee, where stump remains
- 4 sufficient to permit the use of an artificial
- 5 limb . . . . . 150 weeks
- 6 (31) one leg between knee and ankle . . . . . 130 weeks
- 7 (32) one foot at the ankle . . . . . 115 weeks
- 8 (33) one great toe with the metatarsal bone
- 9 thereof . . . . . 35 weeks
- 10 (34) one great toe at the proximal joint . . . . . 17 weeks
- 11 (35) one great toe at the second joint . . . . . 12 weeks
- 12 (36) one toe other than the great toe with the metatarsal
- 13 bone thereof . . . . . 14 weeks
- 14 (37) one toe other than the great toe at the proximal
- 15 joint . . . . . 10 weeks
- 16 (38) one toe other than the great toe at second or
- 17 distal joint . . . . . 8 weeks
- 18 (39) loss of all toes on one foot at proximal joint 40 weeks
- 19 (40) eye by enucleation . . . . . 130 weeks
- 20 (41) total blindness of one eye . . . . . 120 weeks
- 21 (42) total deafness in one ear . . . . . 40 weeks
- 22 (43) total deafness in both ears . . . . . 150 weeks.

23 B. For a partial loss of use of one of the body  
24 members or physical functions listed in Subsection A of this  
25 section, the worker shall receive compensation computed on

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1 the basis of the degree of such partial loss of use, payable  
2 for the number of weeks applicable to total loss or loss of  
3 use of that body member or physical function, provided that:

4 (1) compensation for a partial loss of  
5 hearing in both ears shall not be based on the loss of  
6 hearing in each ear but shall be calculated using the period  
7 specified in Paragraph (43) of Subsection A of this section;  
8 and

9 (2) if, after a determination of the degree  
10 of partial loss, an injury worsens such that the degree of  
11 partial loss increases, then the worker shall receive  
12 benefits for a subsequent period equal to the number of weeks  
13 applicable to a total loss up to a maximum of seven hundred  
14 weeks.

15 C. In cases of actual amputation of the arm or  
16 leg, the workers' compensation judge in [~~his~~] the judge's  
17 discretion may award compensation benefits in excess of those  
18 provided in Subsection A of this section if there is  
19 substantial evidence to support a finding that, because of  
20 the worker's advanced age, lack of education or lack of  
21 training, [~~he~~] the worker has in fact a partial disability  
22 [~~which~~] that will disable [~~him~~] the worker longer than the  
23 time specified in the schedule in Subsection A of this  
24 section. The additional compensation period may not in any  
25 event exceed twice the time specified in the schedule in

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1 Subsection A of this section for such injury.

2 D. In determining the worker's compensation  
3 benefits payable to a worker under this section for a  
4 disability resulting from a scheduled injury, the worker is  
5 entitled to be compensated as provided in Subsection A of  
6 this section up to the date the worker is released from  
7 regular treatment by his primary treating health care  
8 provider, as defined in Section 52-4-1 NMSA 1978, if ~~he~~ the  
9 worker is in fact totally disabled during that time. Any  
10 compensation paid up to that date shall be in addition to the  
11 compensation allowed under Subsection A of this section, but  
12 in no event shall any worker be entitled to compensation for  
13 a period in excess of seven hundred weeks."

14 Section 6. Section 52-1-47 NMSA 1978 (being Laws 1959,  
15 Chapter 67, Section 26, as amended) is amended to read:

16 "52-1-47. LIMITATIONS ON COMPENSATION BENEFITS.--  
17 Subject to the limitation of compensation payable under  
18 Subsection G of Section 52-1-46 NMSA 1978 and except for  
19 provision of lifetime benefits for total disability awarded  
20 pursuant to Section 52-1-41 NMSA 1978:

21 A. compensation benefits for any combination of  
22 disabilities or any combination of disabilities and death  
23 shall not be payable for a period in excess of seven hundred  
24 weeks;

25 B. compensation benefits for any combination of

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1 disabilities or any combination of disabilities and death  
2 shall not exceed an amount equal to seven hundred multiplied  
3 by the maximum weekly compensation payable at the time of the  
4 accidental injury resulting in the disability or death under  
5 Section 52-1-41 or 52-1-42.1 NMSA 1978, exclusive of  
6 increased compensation that may be awarded under Sections  
7 52-1-10 and 52-1-46 NMSA 1978 and exclusive of any attorney  
8 fees awarded under Section 52-1-54 NMSA 1978;

9 C. in no case shall compensation benefits for  
10 disability continue after the disability ends or after the  
11 death of the injured worker; and

12 D. the compensation benefits payable by reason of  
13 disability caused by accidental injury shall be reduced by  
14 the compensation benefits paid or payable on account of any  
15 prior injury suffered by the worker if compensation benefits  
16 in both instances are for injury to the same member or  
17 function or different parts of the same member or function or  
18 for disfigurement and if the compensation benefits payable on  
19 account of the subsequent injury would, in whole or in part,  
20 duplicate the benefits paid or payable on account of [~~such~~]  
21 the prior injury."

22 Section 7. Section 52-1-54 NMSA 1978 (being Laws 1987,  
23 Chapter 235, Section 24, as amended) is amended to read:

24 "52-1-54. FEE RESTRICTIONS--APPOINTMENT OF ATTORNEYS  
25 BY THE DIRECTOR OR WORKERS' COMPENSATION JUDGE--DISCOVERY

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1 COSTS--OFFER OF JUDGMENT--PENALTY FOR VIOLATIONS.--

2 A. It is unlawful for any person to receive or  
3 agree to receive any fees or payment directly or indirectly  
4 in connection with any claim for compensation under the  
5 Workers' Compensation Act except as provided in this section.

6 B. In all cases where the jurisdiction of the  
7 workers' compensation administration is invoked to approve a  
8 settlement of a compensation claim under the Workers'  
9 Compensation Act, the director or workers' compensation  
10 judge, unless the claimant is represented by an attorney, may  
11 in [~~his~~] the director's or judge's discretion appoint an  
12 attorney to aid the workers' compensation judge in  
13 determining whether the settlement should be approved and, in  
14 the event of an appointment, a reasonable fee for the  
15 services of the attorney shall be fixed by the workers'  
16 compensation judge, subject to the limitation of Subsection  
17 [~~H~~] J of this section.

18 C. In all cases where the jurisdiction of the  
19 workers' compensation administration is invoked to approve a  
20 settlement of a compensation claim under the Workers'  
21 Compensation Act and the claimant is represented by an  
22 attorney, the total amount paid or to be paid by the employer  
23 in settlement of the claim shall be stated in the settlement  
24 papers. The workers' compensation judge shall determine and  
25 fix a reasonable fee for the claimant's attorney, taking into

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1 account any sum previously paid, and the fee fixed by the  
2 workers' compensation judge shall be the limit of the fee  
3 received or to be received by the attorney in connection with  
4 the claim, subject to the limitation of Subsection ~~[F]~~ J of  
5 this section.

6 D. The cost of discovery shall be borne by the  
7 party who requests it. If, however, the claimant requests  
8 any discovery, the employer shall advance the cost of paying  
9 for discovery up to a limit of three thousand dollars  
10 (\$3,000). If the claimant substantially prevails on the  
11 claim, as determined by a workers' compensation judge, any  
12 discovery cost advanced by the employer shall be paid by that  
13 employer. If the claimant does not substantially prevail on  
14 the claim, as determined by a workers' compensation judge,  
15 the employer shall be reimbursed for discovery costs advanced  
16 according to a schedule for reimbursement approved by a  
17 workers' compensation judge.

18 E. In all cases where compensation to which any  
19 person is entitled under the provisions of the Workers'  
20 Compensation Act is refused and the claimant thereafter  
21 collects compensation through proceedings before the workers'  
22 compensation administration or courts in an amount in excess  
23 of the amount offered in writing by an employer five business  
24 days or more prior to the informal hearing before the  
25 administration, the compensation to be paid the attorney for

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1 the claimant shall be fixed by the workers' compensation  
2 judge hearing the claim or the courts upon appeal in the  
3 amount the workers' compensation judge or courts deem  
4 reasonable and proper, subject to the limitation of  
5 Subsection [~~F~~] J of this section. In determining and fixing  
6 a reasonable fee, the workers' compensation judge or courts  
7 shall take into consideration:

8 (1) the sum, if any, offered by the  
9 employer:

10 (a) before the worker's attorney was  
11 employed;

12 (b) after the attorney's employment  
13 but before proceedings were commenced; and

14 (c) in writing five business days or  
15 more prior to the informal hearing;

16 (2) the present value of the award made in  
17 the worker's favor; and

18 (3) any failure of a party to participate in  
19 a good-faith manner in informal claim resolution methods  
20 adopted by the director.

21 F. After a recommended resolution has been issued  
22 and rejected, but more than ten days before a trial begins,  
23 the employer or claimant may serve upon the opposing party an  
24 offer to allow a compensation order to be taken against [~~him~~]  
25 the employer or claimant for the money or property or to the

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1 effect specified in [~~his~~] the offer, with costs then accrued,  
2 subject to the following:

3 (1) if, within ten days after the service of  
4 the offer, the opposing party serves written notice that the  
5 offer is accepted, either party may then file the offer and  
6 notice of acceptance together with proof of service thereof,  
7 and thereupon that compensation order may be entered as the  
8 workers' compensation judge may direct. An offer not  
9 accepted shall be deemed withdrawn, and evidence thereof is  
10 not admissible except in a proceeding to determine costs. If  
11 the compensation order finally obtained by the party is not  
12 more favorable than the offer, that party shall pay the costs  
13 incurred by the opposing party after the making of the offer.  
14 The fact that an offer has been made but not accepted does  
15 not preclude a subsequent offer;

16 (2) when the liability of one party to  
17 another has been determined by a compensation order, but the  
18 amount or extent of the liability remains to be determined by  
19 further proceedings, the party adjudged liable may make an  
20 offer, which shall have the same effect as an offer made  
21 before trial if it is served within a reasonable time not  
22 less than ten days prior to the commencement of hearings to  
23 determine the amount or extent of liability;

24 (3) if the employer's offer was greater than  
25 the amount awarded by the compensation order, the employer

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1 shall not be liable for [~~his~~] the fifty percent share of the  
2 attorney fees to be paid the worker's attorney and the worker  
3 shall pay one hundred percent of the attorney fees due to the  
4 worker's attorney; and

5 (4) if the worker's offer was less than the  
6 amount awarded by the compensation order, the employer shall  
7 pay one hundred percent of the attorney fees to be paid the  
8 worker's attorney, and the worker shall be relieved from any  
9 responsibility for paying any portion of the worker's  
10 attorney fees.

11 G. In all actions arising under the provisions of  
12 Section 52-1-56 NMSA 1978 where the jurisdiction of the  
13 workers' compensation administration is invoked to determine  
14 the question whether the claimant's disability has increased  
15 or diminished and the claimant is represented by an attorney,  
16 the workers' compensation judge or courts upon appeal shall  
17 determine and fix a reasonable fee for the services of the  
18 claimant's attorney only if the claimant is successful in  
19 establishing that [~~his~~] the claimant's disability has  
20 increased or if the employer is unsuccessful in establishing  
21 that the claimant's disability has diminished. The fee when  
22 fixed by the workers' compensation judge or courts upon  
23 appeal shall be the limit of the fee received or to be  
24 received by the attorney for services in the action, subject  
25 to the limitation of Subsection [~~F~~] J of this section.

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1           H. Except as provided in Subsection I of this  
2 section, in determining reasonable attorney fees for a  
3 claimant, the workers' compensation judge shall consider only  
4 those benefits to the worker that the attorney is responsible  
5 for securing. The value of future medical benefits shall not  
6 be considered in determining attorney fees.

7           I. Attorney fees may also be awarded to reimburse  
8 a claimant's attorney for work conducted in obtaining an  
9 attorney fee due to the claimant under the provisions of the  
10 Workers' Compensation Act; provided that the employer shall  
11 pay one hundred percent of the attorney fees awarded pursuant  
12 to this subsection and the worker shall be relieved from any  
13 responsibility for paying any portion of those fees.

14           ~~[F.]~~ J. Attorney fees, including, but not limited  
15 to, the costs of paralegal services, legal clerk services and  
16 any other related legal services costs on behalf of a  
17 claimant or an employer for a single accidental injury claim,  
18 including representation before the workers' compensation  
19 administration and the courts on appeal, shall not exceed  
20 sixteen thousand five hundred dollars (\$16,500), exclusive of  
21 any reimbursement for travel, food and lodging at the rates  
22 specified in the Per Diem and Mileage Act for employees.  
23 This limitation applies whether the claimant or employer has  
24 one or more attorneys representing ~~[him]~~ the claimant or  
25 employer and applies as a cumulative limitation on

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1 compensation for all legal services rendered in all  
2 proceedings and other matters directly related to a single  
3 accidental injury to a claimant. The workers' compensation  
4 judge may exceed the maximum amount stated in this subsection  
5 in awarding a reasonable attorney fee if ~~[he]~~ the judge finds  
6 that a claimant, an insurer or an employer acted in bad faith  
7 with regard to handling the injured worker's claim and the  
8 injured worker or employer has suffered economic loss as a  
9 result, and may also exceed the maximum amount in the case of  
10 an attorney representing a claimant who seeks and is awarded  
11 a benefit for a total permanent disability. However, in no  
12 case shall this additional amount exceed two thousand five  
13 hundred dollars (\$2,500). As used in this subsection, "bad  
14 faith" means conduct by the claimant, insurer or employer in  
15 the handling of a claim that amounts to fraud, malice,  
16 oppression or willful, wanton or reckless disregard of the  
17 rights of the worker or employer. Any determination of bad  
18 faith shall be made by the workers' compensation judge  
19 through a separate fact-finding proceeding.

20 ~~[J.]~~ K. Except as provided for in Paragraphs (3)  
21 and (4) of Subsection F and Subsection I of this section, the  
22 payment of a claimant's attorney fees determined under this  
23 section shall be shared equally by the worker and the  
24 employer.

25 ~~[K.]~~ L. It is unlawful for any person except a

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1 licensed attorney to receive or agree to receive any fee or  
2 payment for legal services in connection with any claim for  
3 compensation under the Workers' Compensation Act.

4 ~~[L-]~~ M. Nothing in this section applies to  
5 agents, excluding attorneys, representing employers,  
6 insurance carriers or the subsequent injury fund in any  
7 matter arising from a claim under the Workers' Compensation  
8 Act.

9 ~~[M-]~~ N. No attorney fees shall be paid until the  
10 claim has been settled or adjudged.

11 ~~[N-]~~ O. Every person violating the provisions of  
12 this section is guilty of a misdemeanor and upon conviction  
13 shall be fined not less than fifty dollars (\$50.00) or more  
14 than five hundred dollars (\$500), to which may be added  
15 imprisonment in the county jail for a term not exceeding  
16 ninety days.

17 ~~[O-]~~ P. Nothing in this section shall restrict a  
18 claimant from being represented before the workers'  
19 compensation administration by a nonattorney as long as that  
20 nonattorney receives no compensation for that representation  
21 from the claimant."

22 Section 8. APPLICABILITY.--The provisions of this act  
23 apply to injuries sustained and attorney fees awarded on or  
24 after July 1, 2009.