

AMENDED IN ASSEMBLY APRIL 17, 2006

AMENDED IN ASSEMBLY MARCH 23, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2087

Introduced by Assembly Member Benoit

February 17, 2006

An act to amend Section 3702.2 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2087, as amended, Benoit. Workers' compensation: claimant information.

Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of his or her employment. Existing law requires that all employers secure incurred liabilities by making a deposit based upon estimated future liability for compensation, and provides that, in determining the amount of the deposit, the administrative director shall offset estimated future liabilities for the same claims covered by a self-insured plan under the Longshore and Harbor Workers' Compensation Act, as specified. Existing law requires that all self-insured employers file a self-insurer's annual report in a form prescribed by the administrative director.

This bill would require the administrative director to additionally prepare an aggregated summary of all self-insured employers' liability to pay compensation reported on those self-insured employers' annual reports, including a separate summary for public and private employer

self-insurers. The bill would require that the summaries be made available to the public on the self-insurance section of the Department of Industrial Relation’s Internet Web site. The bill would also authorize the administrative director to release a copy, or make available an electronic version, of specified data, excluding certain individually identifiable claimant information, contained in any public sector employer’s self-insurer’s annual reports received from an individual public entity self-insurer or from a joint powers authority employer and its membership.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3702.2 of the Labor Code is amended to
2 read:
3 3702.2. (a) All self-insured employers shall file a
4 self-insurer’s annual report in a form prescribed by the director.
5 (b) To enable the director to determine the amount of the
6 security deposit required by subdivision (c) of Section 3701, the
7 annual report of a self-insured employer who has self-insured
8 both state and federal workers’ compensation liability shall also
9 set forth (1) the amount of all compensation liability incurred,
10 paid-to-date, and estimated future liability under both this chapter
11 and under the federal Longshore and Harbor Workers’
12 Compensation Act (33 U.S.C. Sec. 901 et seq.), and (2) the
13 identity and the amount of the security deposit securing the
14 employer’s liability under state and federal self-insured
15 programs.
16 (c) The director shall annually prepare an aggregated summary
17 of all self-insured employer liability to pay compensation
18 reported on the self-insurers’ employers annual reports, including
19 a separate summary for public and private employer self-insurers.
20 The summaries shall be in the same format as the individual
21 self-insured employers are required to report that liability on the
22 employer self-insurer’s annual report forms prescribed by the
23 director. The aggregated summaries shall be made available to
24 the public on the self-insurance section of the department’s
25 Internet Web site. *Nothing in this subdivision shall authorize the*
26 *director to release or make available information that is*

1 *aggregated by industry or business type, that identifies individual*
2 *self-insured filers, or that includes any individually identifiable*
3 *claimant information.*

4 (d) The director may release a copy, or make available an
5 electronic version, of the data contained in any public sector
6 employer self-insurer's annual reports received from an
7 individual public entity self-insurer or from a joint powers
8 authority employer and its membership. However, the release of
9 any annual report information by the director shall not include
10 any portion of any listing of open indemnity claims that contains
11 individually identifiable claimant information, or any portion of
12 excess insurance coverage information that contains any
13 individually identifiable claimant information.

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