

2019 -- H 5305

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LC001185  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2019

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - RHODE ISLAND UNINSURED  
PROTECTION FUND

Introduced By: Representatives Williams, Blazejewski, Fellela, and Ucci

Date Introduced: February 06, 2019

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 28-53-7 of the General Laws in Chapter 28-53 entitled "Rhode  
2 Island Uninsured Protection Fund" is hereby amended to read as follows:

3 **28-53-7. Payments to employees of uninsured employers.**

4 (a) Where it is determined that the employee was injured in the course of employment  
5 while working for an employer who fails to maintain a policy of workers' compensation insurance  
6 as required by § 28-36-1 et seq., in accordance with the provisions of this chapter, the uninsured  
7 protection fund is authorized to pay the benefits to which the injured employee would be entitled  
8 pursuant to chapters 29 to 38 of this title subject to the limitations set forth herein.

9 (b) The workers' compensation court shall hear all petitions for payment from the fund  
10 pursuant to § 28-30-1 et seq.; provided, however, that the uninsured protection fund and the  
11 employer shall be named as parties to any petition seeking payment of benefits from the fund.

12 (c) Where an employee is deemed to be entitled to benefits from the uninsured protection  
13 fund, the fund shall pay benefits for incapacity as provided pursuant to chapters 29 to 38 of this  
14 title except that the employee shall not be entitled to receive benefits for medical expenses  
15 pursuant to the provisions of § 28-33-5 or loss of function and disfigurement pursuant to the  
16 provisions of § 28-33-19.

17 (d) The fund shall pay costs, counsel, and witness fees, as provided in § 28-35-32, to any  
18 employee who successfully prosecutes any petitions for payment; petitions to amend a pretrial

1 order; and all other employee petitions; and to employees who successfully defend, in whole or in  
2 part, proceedings seeking to reduce or terminate any and all payments; provided, however, that  
3 the attorney's fees awarded to counsel who represent the employee in petitions for lump-sum  
4 commutation filed pursuant to § 28-33-25, or in the settlement of disputed cases pursuant to § 28-  
5 33-25.1, shall be limited to the maximum amount paid to counsel who serve as court-appointed  
6 attorneys in workers' compensation proceedings as established by rule or order of the Rhode  
7 Island supreme court. Any payment ordered by the court or due under this section shall not be  
8 subject to liens set forth in § 28-33-27(b), nor shall such payments be assignable or subject to  
9 assignment in any way.

10 (e) In the event that the uninsured employer makes payment of any monies to the  
11 employee to compensate the employee for lost wages or medical expenses, the fund shall be  
12 entitled to a credit for all such monies received by, or on behalf of, the employee against any  
13 future benefits payable directly to the employee. The fund shall be entitled to full reimbursement  
14 from the uninsured employer for any and all payments made to the employee, as well as all costs,  
15 counsel, and witness fees paid out by the fund in connection with any claim and/or petition, plus  
16 any and all costs and attorney's fees associated with collection and reimbursement of the fund.

17 (f) This section shall apply to injuries that occur on or after ~~February 1,~~ [September 1,](#)  
18 2019.

19 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS - RHODE ISLAND UNINSURED  
PROTECTION FUND

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- 1           This act would extend the effective date of the Rhode Island Uninsured Protection Fund
- 2   from February 1, 2019 to September 1, 2019.
- 3           This act would take effect upon passage.

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