

Senate Engrossed

FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
Senate
Fifty-first Legislature
First Regular Session
2013

CHAPTER 34

SENATE BILL 1148

AN ACT

REPEALING SECTION 23-904, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 23-904; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Section 23-904, Arizona Revised Statutes, is repealed.

4 Sec. 2. Title 23, chapter 6, article 1, Arizona Revised Statutes, is
5 amended by adding a new section 23-904, to read:

6 23-904. Arizona worker injuries in other state; injury to
7 foreign worker in this state; evidence of insurance;
8 judicial notice of other state's laws

9 A. IF A WORKER WHO HAS BEEN HIRED OR IS REGULARLY EMPLOYED IN THIS
10 STATE RECEIVES A PERSONAL INJURY BY ACCIDENT ARISING OUT OF AND IN THE COURSE
11 OF THE WORKER'S EMPLOYMENT, THE WORKER IS ENTITLED TO COMPENSATION ACCORDING
12 TO THE LAWS OF THIS STATE EVEN IF THE INJURY WAS RECEIVED OUTSIDE THIS
13 STATE.

14 B. IF A WORKER WHO IS EMPLOYED IN THIS STATE AND IS SUBJECT TO THIS
15 CHAPTER TEMPORARILY LEAVES THIS STATE INCIDENTAL TO THAT EMPLOYMENT AND
16 RECEIVES AN INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT, THE
17 WORKER, OR BENEFICIARIES OF THE WORKER IF THE INJURY RESULTS IN DEATH, IS
18 ENTITLED TO THE BENEFITS OF THIS CHAPTER AS THOUGH THE WORKER WERE INJURED IN
19 THIS STATE.

20 C. A WORKER FROM ANOTHER STATE AND THE EMPLOYER OF THE WORKER IN THAT
21 OTHER STATE ARE EXEMPT FROM THIS CHAPTER WHILE THAT WORKER IS TEMPORARILY IN
22 THIS STATE DOING WORK FOR AN EMPLOYER IF ALL OF THE FOLLOWING ARE TRUE:

23 1. THE EMPLOYER HAS FURNISHED WORKERS' COMPENSATION INSURANCE COVERAGE
24 UNDER THE WORKERS' COMPENSATION INSURANCE OR SIMILAR LAWS OF A STATE OTHER
25 THAN ARIZONA SO AS TO COVER THAT WORKER'S EMPLOYMENT WHILE IN THIS STATE.

26 2. THE EXTRATERRITORIAL PROVISIONS OF THIS CHAPTER ARE RECOGNIZED IN
27 THAT OTHER STATE.

28 3. EMPLOYERS AND WORKERS WHO ARE COVERED IN THIS STATE ARE LIKEWISE
29 EXEMPTED FROM THE APPLICATION OF THE WORKERS' COMPENSATION INSURANCE ACT OR
30 SIMILAR LAWS OF THE OTHER STATE.

31 4. THE BENEFITS UNDER THE WORKERS' COMPENSATION INSURANCE ACT OR
32 SIMILAR LAWS OF THE OTHER STATE, OR OTHER REMEDIES UNDER A SIMILAR ACT OR
33 LAWS, ARE THE EXCLUSIVE REMEDY AGAINST THE EMPLOYER FOR ANY INJURY, WHETHER
34 RESULTING IN DEATH OR NOT, RECEIVED BY THE WORKER WHILE TEMPORARILY WORKING
35 FOR THAT EMPLOYER IN THIS STATE.

36 D. A CERTIFICATE FROM A DULY AUTHORIZED OFFICER OF THE COMMISSION, THE
37 DEPARTMENT OF INSURANCE OR A SIMILAR DEPARTMENT OF ANOTHER STATE CERTIFYING
38 THAT THE EMPLOYER IN THE OTHER STATE IS INSURED IN THAT STATE IS PRIMA FACIE
39 EVIDENCE THAT THE EMPLOYER CARRIES THAT WORKERS' COMPENSATION INSURANCE.

40 E. IF IN ANY APPEAL OR OTHER LITIGATION THE CONSTRUCTION OF THE LAWS
41 OF ANOTHER STATE IS REQUIRED, THE COURTS SHALL TAKE JUDICIAL NOTICE OF THE
42 LAWS OF THE OTHER STATE.

43 F. FOR PURPOSES OF THIS SECTION, A WORKER IS DEEMED TO BE TEMPORARILY
44 IN A STATE DOING WORK FOR AN EMPLOYER IF, DURING THE THREE HUNDRED SIXTY-FIVE
45 DAYS IMMEDIATELY PRECEDING EITHER THE WORKER'S DATE OF INJURY OR, IN THE CASE

1 OF AN OCCUPATIONAL DISEASE OR CUMULATIVE TRAUMA CLAIM, THE WORKER'S LAST DATE
2 OF INJURIOUS EXPOSURE, THE WORKER PERFORMS FEWER THAN NINETY CONTINUOUS DAYS
3 OF REQUIRED SERVICES IN THE STATE UNDER THE DIRECTION AND CONTROL OF THE
4 EMPLOYER.

5 G. IF A WORKER HAS A CLAIM UNDER THE WORKERS' COMPENSATION LAWS OF
6 ANOTHER STATE, TERRITORY, PROVINCE OR FOREIGN NATION FOR THE SAME INJURY OR
7 OCCUPATIONAL DISEASE AS THE CLAIM FILED IN THIS STATE, THE TOTAL AMOUNT OF
8 COMPENSATION PAID OR AWARDED UNDER THE OTHER STATE'S WORKERS' COMPENSATION
9 LAWS SHALL BE CREDITED AGAINST THE COMPENSATION DUE UNDER THE WORKERS'
10 COMPENSATION LAWS OF THIS STATE. THE WORKER IS ENTITLED TO THE FULL AMOUNT
11 OF COMPENSATION DUE UNDER THE LAWS OF THIS STATE. IF COMPENSATION UNDER THE
12 LAWS OF THIS STATE IS MORE THAN THE COMPENSATION UNDER THE LAWS OF THE OTHER
13 STATE, OR COMPENSATION PAID THE WORKER UNDER THE LAWS OF THE OTHER STATE IS
14 RECOVERED FROM THE WORKER, THE INSURER SHALL PAY ANY UNPAID COMPENSATION TO
15 THE WORKER UP TO THE AMOUNT REQUIRED BY THE CLAIM UNDER THE LAWS OF THIS
16 STATE.

17 H. CLAIMS MADE AFTER THE EFFECTIVE DATE OF THIS SECTION ARE SUBJECT TO
18 THIS SECTION REGARDLESS OF THE DATE OF INJURY.

APPROVED BY THE GOVERNOR APRIL 3, 2013.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2013.

Passed the House March 26, 2013,

Passed the Senate February 18, 2013,

by the following vote: 41 Ayes,

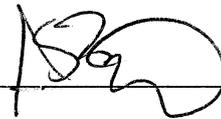
by the following vote: 24 Ayes,

17 Nays, 2 Not Voting

6 Nays, 0 Not Voting



Speaker of the House



President of the Senate


Cheryl Laube
Chief Clerk of the House


Chaemin Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of April, 2013,

at 3:45 o'clock P M.



Secretary to the Governor

Approved this 3rd ~~day~~ day of

April, 2013.

at 4:23 o'clock P M.

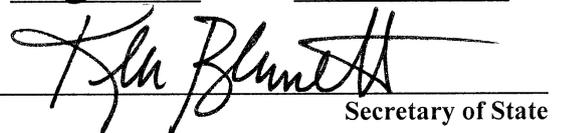

Janet K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4th day of April, 2013,

at 8:49 o'clock a M.


Kyle Blumeth
Secretary of State

S.B. 1148