



**State of Tennessee
Bureau of Workers' Compensation
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2018 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 2018 session of the 110th General Assembly. For a complete, detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to www.capitol.tn.gov.

MAXIMUM & MINIMUM BENEFIT CHANGES

Temporary Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2018 through June 30, 2019 is \$1,021.90 or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2018 through June 30, 2019 is \$929.00, or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2018 through June 30, 2019 for both temporary and permanent benefits is \$139.35.

FARM AND AGRICULTURAL EMPLOYERS

Public Chapter 629 (SB2141 by Gresham/HB2105 by Halford):

- Allows farm and agricultural employers to accept the workers' compensation chapter by purchasing a workers' compensation insurance policy; allows a farm or agricultural employer to withdraw acceptance of the workers' compensation chapter at any time by canceling or not renewing the policy and providing notice to its employees.

Governor Haslam signed Public Chapter 629 into law on April 2, 2018, and it became effective upon signing.

ATTORNEY FEES

Public Chapter 757 (SB2475 by Roberts/HB2304 by Beck) makes the following statutory changes:

- Extends termination date to June 30, 2020, on the recovery of attorney fees and other costs against an employer in a workers' compensation action who wrongfully denies a claim and then the workers' compensation judge subsequently makes a finding that such benefits were owed at an expedited hearing or compensation hearing; defines wrongfully as erroneous, incorrect, or otherwise inconsistent with the law or facts.

Governor Haslam signed Public Chapter 757 into law on April 18, 2018, and it became effective upon signing (for injuries on/after effective date).

IN-STATE CLAIMS OFFICE

Public Chapter 709 (SB1615 by Johnson/HB1714 by Lynn):

- Removes requirement that every workers' compensation insurer that provides insurance for Tennessee workers' compensation claims be required to maintain a claims office or to contract with a claims adjuster located within this state.

Governor Haslam signed Public Chapter 709 into law on April 12, 2018, and it became effective upon signing.

MARKETPLACE PLATFORMS

Public Chapter 648 (SB1967 by Watson/HB1978 by Marsh):

- Provides that a marketplace contractor is an independent contractor and not an employee of the marketplace platform for all purposes under state and local laws, rules, ordinances, and resolutions if certain conditions are set forth in a written agreement between the marketplace platform and the marketplace contractor.

Governor Haslam signed Public Chapter 648 into law on April 9, 2018, and it becomes effective July 1, 2018, for services provided through a marketplace platform on or after that date.

SUNSET LAWS

Public Chapter 563 (SB1521 by Bell/HB1615 by Faison):

- Extends the bureau of workers' compensation for six years to June 30, 2024.

Governor Haslam signed Public Chapter 563 into law on March 16, 2018, and it became effective upon signing.

Public Chapter 513 (SB1544 by Bell/HB1652 by Faison):

- Extends the medical advisory committee for six years to June 30, 2024.

Governor Haslam signed Public Chapter 513 into law on February 22, 2018, and it became effective upon signing.

Public Chapter 514 (SB1545 by Bell/HB1653 by Faison):

- Extends the medical payment committee for six years to June 30, 2024.

Governor Haslam signed Public Chapter 514 into law on February 22, 2018, and it became effective upon signing.

WORK-BASED LEARNING

Public Chapter 991 (SB1649 by Norris/HB1599 by Forgety)

- Establishes a work-based learning student grant program and provides that an employer who employs a student who is participating in work-based learning coordinated through the student's LEA or a state institution of higher education may provide workers' compensation insurance coverage to compensate a participating student for any injury that is covered under the Workers' Compensation Law. If an employer elects to provide workers' compensation insurance coverage to a participating student, then the LEA or state institution of higher education shall maintain liability insurance coverage to compensate the participating student for any injury that is not covered under the Workers' Compensation Law.

Governor Haslam signed Public Chapter 991 into law on May 21, 2018, and it became effective upon signing.