

Senate Bill No. 623

CHAPTER 290

An act to add Sections 3733 and 4756 to the Labor Code, relating to workers' compensation, and making an appropriation therefor.

[Approved by Governor September 9, 2015. Filed with
Secretary of State September 9, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 623, Lara. Workers' compensation: benefits.

Existing law generally requires an employer to compensate, without regard to negligence, an employee for an injury sustained by the employee if the injury arose out of, and in the course of, employment, as specified. Existing law also establishes the Uninsured Employers Fund and the Subsequent Injuries Benefits Trust Fund, both continuously appropriated funds. In the event that an employer fails to pay compensation as required, then the employee may apply to be paid by the Director of Industrial Relations from the Uninsured Employers Benefits Trust Fund. In the event that a permanently, partially disabled employee receives a later, compensable injury resulting in additional permanent disability, then that employee shall receive compensation from the Subsequent Injuries Benefits Trust Fund.

This bill would provide that a person shall not be excluded from receiving benefits under the Uninsured Employers Fund or the Subsequent Injuries Benefits Trust Fund based on his or her citizenship or immigration status. The bill would provide that these provisions are declaratory of existing law.

By increasing the number of applicants eligible for a continuously appropriated fund, this bill would make an appropriation.

Appropriation: yes.

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

SECTION 1. Section 3733 is added to the Labor Code, to read:

3733. (a) The Legislature finds and declares that it is in the best interest of the State of California to provide a person, regardless of his or her citizenship or immigration status, with the benefits provided pursuant to this article, and therefore enacts this section pursuant to Section 1621(d) of Title 8 of the United States Code.

(b) A person shall not be prohibited from receiving compensation paid or payable from the Uninsured Employers Benefits Trust Fund solely because of his or her citizenship or immigration status.

(c) It is the intent of the Legislature to override Section 15740 of Article 1 of Subchapter 2.1.1 of Chapter 8 of Division 1 of Title 8 of the California Code of Regulations.

(d) The provisions of this section are declaratory of existing law.

SEC. 2. Section 4756 is added to the Labor Code, to read:

4756. (a) The Legislature finds and declares that it is in the best interest of the State of California to provide a person, regardless of his or her citizenship or immigration status, with the benefits provided pursuant to this article, and therefore enacts this section pursuant to Section 1621(d) of Title 8 of the United States Code.

(b) A person shall not be prohibited from receiving compensation paid or payable from the Subsequent Injuries Benefits Trust Fund solely because of his or her citizenship or immigration status.

(c) It is the intent of the Legislature to override Section 15740 of Article 1 of Subchapter 2.1.1 of Chapter 8 of Division 1 of Title 8 of the California Code of Regulations.

(d) The provisions of this section are declaratory of existing law.