

SENATE BILL NO. 195—SENATOR CARLTON

MARCH 10, 2009

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions governing workers' compensation.
(BDR 53-1077)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to industrial insurance; revising provisions relating to the denial or acceptance of a claim for compensation; revising provisions relating to examinations and permanent partial disabilities; increasing certain death benefits; revising provisions relating to the imposition of administrative fines and benefit penalties for certain violations; establishing continuous care coverage as a line of insurance for which a producer may be licensed; revising provisions for the issuance of a certificate of registration as an administrator; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes the duty of an insurer to accept or deny a claim for compensation. (NRS 616C.065) **Section 2** of this bill provides that the failure of an insurer to indicate the acceptance or denial of a claim for a part of the body or condition does not constitute a denial or acceptance thereof.

Section 3 of this bill requires that the Fifth Edition, rather than the most recent edition, of the American Medical Association's *Guides to the Evaluation of Permanent Impairment* must be applied in all examinations for a permanent partial disability.

Section 4 of this bill revises provisions governing the denial of compensation due to discharge from employment for misconduct.

Existing law authorizes a hearing officer and appeals officer to order a medical examination of an injured employee to determine the injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied. (NRS 616C.330, 616C.360) **Sections 5 and 6** of this bill authorize a hearing officer or appeals officer to consider the opinion of an examining physician



or chiropractor, in addition to the opinion of an authorized treating physician or chiropractor, in determining the compensation payable to the injured employee.

Section 7 of this bill revises existing law to allow factors other than the degree of physical impairment of the whole man to be considered in calculating the entitlement to compensation for a permanent partial disability involving injury or disease caused by stress.

Section 9 of this bill increases the maximum amount of burial expenses that may be paid as a death benefit from \$5,000 to \$10,000, plus the cost of transporting the remains of the deceased employee.

Section 10 of this bill revises provisions governing the imposition of administrative fines for certain violations by an insurer, organization for managed care, health care provider, third-party administrator or employer.

Sections 11 and 16 of this bill define and establish continuous care coverage as a line of insurance for which a producer may be licensed. Such coverage includes health insurance and may include insurance for workers' compensation only when issued jointly with and supplemental to the policy of health insurance. **Section 14** of this bill specifically provides for the imposition of an administrative fine for a violation of this limitation on the issuance of a policy of workers' compensation insurance sold by a producer of continuous care coverage.

Section 15 of this bill requires the Commissioner of Insurance to obtain final approval from the Department of Business and Industry before issuing a certificate of registration as an administrator. **Section 1.5** of this bill requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations setting forth the qualifications needed to obtain such final approval.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 616A.070 is hereby amended to read as follows:

616A.070 "Benefit penalty" means an additional amount of money that is payable to a claimant if the Administrator has determined that a violation of any of the provisions of paragraphs (a) to (e), inclusive, ~~(f) to (h)~~ **(i)** of subsection 1 of NRS 616D.120 has occurred.

Sec. 1.5. NRS 616A.400 is hereby amended to read as follows:

616A.400 The Administrator shall:

1. Prescribe by regulation the time within which adjudications and awards must be made.

2. Regulate forms of notices, claims and other blank forms deemed proper and advisable.

3. Prescribe by regulation the methods by which an insurer may approve or reject claims, and may determine the amount and nature of benefits payable in connection therewith.

4. Prescribe by regulation the method for reimbursing an injured employee for expenses necessarily incurred for travel more



1 than 20 miles one way from his residence or place of employment to
2 his destination as a result of an industrial injury.

3 5. Determine whether an insurer has provided adequate
4 facilities in this State to administer claims and for the retention of a
5 file on each claim.

6 6. Evaluate the services of private carriers provided to
7 employers in:

8 (a) Controlling losses; and

9 (b) Providing information on the prevention of industrial
10 accidents or occupational diseases.

11 7. Conduct such investigations and examinations of insurers as
12 he deems reasonable to determine whether any person has violated
13 the provisions of chapters 616A to 616D, inclusive, or chapter 617
14 of NRS or to obtain information useful to enforce or administer
15 these chapters.

16 8. *Prescribe by regulation the qualifications for final*
17 *approval by the Division of an applicant for a certificate of*
18 *registration as an administrator pursuant to subsection 3 of NRS*
19 *683A.08524. The regulations must set forth qualifications which*
20 *provide for the final approval of those applicants whose approval*
21 *is in the best interests of the people of this State.*

22 9. Except with respect to any matter committed by specific
23 statute to the regulatory authority of another person or agency, adopt
24 such other regulations as he deems necessary to carry out the
25 provisions of chapters 616A to 617, inclusive, of NRS.

26 **Sec. 2.** NRS 616C.065 is hereby amended to read as follows:

27 616C.065 1. Except as otherwise provided in NRS 616C.136,
28 within 30 days after the insurer has been notified of an industrial
29 accident, every insurer shall:

30 (a) Accept a claim for compensation, notify the claimant or the
31 person acting on behalf of the claimant that the claim has been
32 accepted and commence payment of the claim; or

33 (b) Deny the claim and notify the claimant or the person acting
34 on behalf of the claimant and the Administrator that the claim has
35 been denied.

36 2. Payments made by an insurer pursuant to this section are not
37 an admission of liability for the claim or any portion of the claim.

38 3. Except as otherwise provided in this subsection, if an insurer
39 unreasonably delays or refuses to pay the claim within 30 days after
40 the insurer has been notified of an industrial accident, the insurer
41 shall pay upon order of the Administrator an additional amount
42 equal to three times the amount specified in the order as refused or
43 unreasonably delayed. This payment is for the benefit of the
44 claimant and must be paid to him with the compensation assessed
45 pursuant to chapters 616A to 617, inclusive, of NRS. The provisions



* S B 1 9 5 R 2 *

1 of this section do not apply to the payment of a bill for accident
2 benefits that is governed by the provisions of NRS 616C.136.

3 4. The insurer shall notify the claimant or the person acting on
4 behalf of the claimant that a claim has been accepted or denied
5 pursuant to subsection 1 by:

6 (a) Mailing its written determination to the claimant or the
7 person acting on behalf of the claimant; and

8 (b) If the claim has been denied, in whole or in part, obtaining a
9 certificate of mailing.

10 5. The failure of the insurer to obtain a certificate of mailing as
11 required by paragraph (b) of subsection 4 shall be deemed to be a
12 failure of the insurer to mail the written determination of the denial
13 of a claim as required by this section.

14 6. *The failure of the insurer to indicate the acceptance or*
15 *denial of a claim for a part of the body or condition does not*
16 *constitute a denial or acceptance thereof.*

17 7. Upon request, the insurer shall provide a copy of the
18 certificate of mailing, if any, to the claimant or the person acting on
19 behalf of the claimant.

20 ~~7.1~~ 8. For the purposes of this section, the insurer shall mail
21 the written determination to:

22 (a) The mailing address of the claimant or the person acting on
23 behalf of the claimant that is provided on the form prescribed by the
24 Administrator for filing the claim; or

25 (b) Another mailing address if the claimant or the person acting
26 on behalf of the claimant provides to the insurer written notice of
27 another mailing address.

28 ~~8.1~~ 9. As used in this section, "certificate of mailing" means a
29 receipt that provides evidence of the date on which the insurer
30 presented its written determination to the United States Postal
31 Service for mailing.

32 **Sec. 3.** NRS 616C.110 is hereby amended to read as follows:

33 616C.110 1. For the purposes of NRS 616B.557, 616B.578,
34 616B.587, 616C.490 and 617.459 ~~1~~

35 ~~—(a) Not~~, *not* later than August 1, 2003, the Division shall adopt
36 regulations incorporating the American Medical Association's
37 Guides to the Evaluation of Permanent Impairment, 5th edition, by
38 reference. The regulations:

39 ~~[(1)] (a) Must become effective on October 1, 2003; and~~
40 ~~—(2) Must be applied to all examinations for a permanent~~
41 ~~partial disability that are conducted on or after October 1, 2003,~~
42 ~~regardless of the date of the injury, until regulations incorporating~~
43 ~~the 6th edition by reference have become effective pursuant to~~
44 ~~paragraph (b).~~



~~(b) Beginning with the 6th edition and continuing for each edition thereafter, the Division shall adopt regulations incorporating the most recent edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment by reference. The regulations:~~

~~(1) Must become effective not later than 18 months after the most recent edition is published by the American Medical Association; and~~

~~(2) provide that the American Medical Association's Guides to the Evaluation of Permanent Impairment, Fifth Edition, must be applied to all examinations; and~~

(b) Must be applied to all examinations for a permanent partial disability that are conducted on or after the effective date of the regulations, regardless of the date of injury . ~~[until regulations incorporating the next edition by reference have become effective pursuant to this paragraph.]~~

2. After adopting the regulations required pursuant to subsection 1, the Division may amend those regulations as it deems necessary, except that the amendments to those regulations:

(a) Must be consistent with the ~~[edition]~~ *Fifth Edition* of the American Medical Association's Guides to the Evaluation of Permanent Impairment ; ~~[most recently adopted by the Division:]~~

(b) Must not incorporate any contradictory matter from any other edition of the American Medical Association's Guides to the Evaluation of Permanent Impairment; and

(c) Must not consider any factors other than the degree of physical impairment of the whole man in calculating the entitlement to compensation.

3. If the ~~[edition]~~ *Fifth Edition* of the American Medical Association's Guides to the Evaluation of Permanent Impairment ~~[most recently adopted by the Division]~~ contains more than one method of determining the rating of an impairment, the Administrator shall designate by regulation the method from that edition which must be used to rate an impairment pursuant to NRS 616C.490.

Sec. 4. NRS 616C.232 is hereby amended to read as follows:

616C.232 1. If an injured employee is discharged from his employment as a result of misconduct, an insurer may deny compensation to the injured employee because of that discharge for misconduct only if the insurer proves by a preponderance of the evidence that:

(a) The injured employee was discharged from his employment solely for his misconduct and not for any reason relating to his claim for compensation; and



(b) It is the injured employee's discharge from his employment for misconduct, and not his injury, that is the sole cause for the injured employee's inability to return to work with the preinjury employer.

2. An insurer waives its rights under subsection 1 if the insurer does not make a determination to deny or suspend compensation to the injured employee within 70 days after the date on which the insurer learns that the injured employee has been discharged for misconduct.

3. Discharge from employment for reasons other than gross misconduct does not limit an injured employee's entitlement to receive benefits for temporary total disability.

Sec. 5. NRS 616C.330 is hereby amended to read as follows:

616C.330 1. The hearing officer shall:

(a) Except as otherwise provided in subsection 2 of NRS 616C.315, within 5 days after receiving a request for a hearing, set the hearing for a date and time within 30 days after his receipt of the request at a place in Carson City, Nevada, or Las Vegas, Nevada, or upon agreement of one or more of the parties to pay all additional costs directly related to an alternative location, at any other place of convenience to the parties, at the discretion of the hearing officer;

(b) Give notice by mail or by personal service to all interested parties to the hearing at least 15 days before the date and time scheduled; and

(c) Conduct hearings expeditiously and informally.

2. The notice must include a statement that the injured employee may be represented by a private attorney or seek assistance and advice from the Nevada Attorney for Injured Workers.

3. If necessary to resolve a medical question concerning an injured employee's condition or to determine the necessity of treatment for which authorization for payment has been denied, the hearing officer may order an independent medical examination, which must not involve treatment, and refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the hearing officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians and chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and injured employee otherwise agree to a rating physician



* S B 1 9 5 R 2 *

1 or chiropractor. The insurer shall pay the costs of any medical
2 examination requested by the hearing officer.

3 4. *The hearing officer may consider the opinion of an*
4 *examining physician or chiropractor, in addition to the opinion of*
5 *an authorized treating physician or chiropractor, in determining*
6 *the compensation payable to the injured employee.*

7 5. If an injured employee has requested payment for the cost of
8 obtaining a second determination of his percentage of disability
9 pursuant to NRS 616C.100, the hearing officer shall decide whether
10 the determination of the higher percentage of disability made
11 pursuant to NRS 616C.100 is appropriate and, if so, may order the
12 insurer to pay to the employee an amount equal to the maximum
13 allowable fee established by the Administrator pursuant to NRS
14 616C.260 for the type of service performed, or the usual fee of that
15 physician or chiropractor for such service, whichever is less.

16 ~~{5-}~~ 6. The hearing officer shall order an insurer, organization
17 for managed care or employer who provides accident benefits for
18 injured employees pursuant to NRS 616C.265 to pay to the
19 appropriate person the charges of a provider of health care if the
20 conditions of NRS 616C.138 are satisfied.

21 ~~{6-}~~ 7. The hearing officer may allow or forbid the presence of
22 a court reporter and the use of a tape recorder in a hearing.

23 ~~{7-}~~ 8. The hearing officer shall render his decision within 15
24 days after:

25 (a) The hearing; or

26 (b) He receives a copy of the report from the medical
27 examination he requested.

28 ~~{8-}~~ 9. The hearing officer shall render his decision in the most
29 efficient format developed by the Chief of the Hearings Division of
30 the Department of Administration.

31 ~~{9-}~~ 10. The hearing officer shall give notice of his decision to
32 each party by mail. He shall include with the notice of his decision
33 the necessary forms for appealing from the decision.

34 ~~{10-}~~ 11. Except as otherwise provided in NRS 616C.380, the
35 decision of the hearing officer is not stayed if an appeal from that
36 decision is taken unless an application for a stay is submitted by a
37 party. If such an application is submitted, the decision is
38 automatically stayed until a determination is made on the
39 application. A determination on the application must be made within
40 30 days after the filing of the application. If, after reviewing the
41 application, a stay is not granted by the hearing officer or an appeals
42 officer, the decision must be complied with within 10 days after the
43 refusal to grant a stay.



Sec. 6. NRS 616C.360 is hereby amended to read as follows:

616C.360 1. A stenographic or electronic record must be kept of the hearing before the appeals officer and the rules of evidence applicable to contested cases under chapter 233B of NRS apply to the hearing.

2. The appeals officer must hear any matter raised before him on its merits, including new evidence bearing on the matter.

3. If there is a medical question or dispute concerning an injured employee's condition or concerning the necessity of treatment for which authorization for payment has been denied, the appeals officer may:

(a) Order an independent medical examination and refer the employee to a physician or chiropractor of his choice who has demonstrated special competence to treat the particular medical condition of the employee, whether or not the physician or chiropractor is on the insurer's panel of providers of health care. If the medical question concerns the rating of a permanent disability, the appeals officer may refer the employee to a rating physician or chiropractor. The rating physician or chiropractor must be selected in rotation from the list of qualified physicians or chiropractors maintained by the Administrator pursuant to subsection 2 of NRS 616C.490, unless the insurer and the injured employee otherwise agree to a rating physician or chiropractor. The insurer shall pay the costs of any examination requested by the appeals officer.

(b) If the medical question or dispute is relevant to an issue involved in the matter before the appeals officer and all parties agree to the submission of the matter to an external review organization, submit the matter to an external review organization in accordance with NRS 616C.363 and any regulations adopted by the Commissioner.

4. *The appeals officer may consider the opinion of an examining physician or chiropractor, in addition to the opinion of an authorized treating physician or chiropractor, in determining the compensation payable to the injured employee.*

5. If an injured employee has requested payment for the cost of obtaining a second determination of his percentage of disability pursuant to NRS 616C.100, the appeals officer shall decide whether the determination of the higher percentage of disability made pursuant to NRS 616C.100 is appropriate and, if so, may order the insurer to pay to the employee an amount equal to the maximum allowable fee established by the Administrator pursuant to NRS 616C.260 for the type of service performed, or the usual fee of that physician or chiropractor for such service, whichever is less.

~~5-1~~ 6. The appeals officer shall order an insurer, organization for managed care or employer who provides accident benefits for



* S B 1 9 5 R 2 *

1 injured employees pursuant to NRS 616C.265 to pay to the
2 appropriate person the charges of a provider of health care if the
3 conditions of NRS 616C.138 are satisfied.

4 ~~[6-]~~ 7. Any party to the appeal or the appeals officer may order
5 a transcript of the record of the hearing at any time before the
6 seventh day after the hearing. The transcript must be filed within 30
7 days after the date of the order unless the appeals officer otherwise
8 orders.

9 ~~[7-]~~ 8. The appeals officer shall render his decision:

10 (a) If a transcript is ordered within 7 days after the hearing,
11 within 30 days after the transcript is filed; or

12 (b) If a transcript has not been ordered, within 30 days after the
13 date of the hearing.

14 ~~[8-]~~ 9. The appeals officer may affirm, modify or reverse any
15 decision made by the hearing officer and issue any necessary and
16 proper order to give effect to his decision.

17 **Sec. 7.** NRS 616C.490 is hereby amended to read as follows:

18 616C.490 1. Except as otherwise provided in NRS 616C.175,
19 every employee, in the employ of an employer within the provisions
20 of chapters 616A to 616D, inclusive, of NRS, who is injured by an
21 accident arising out of and in the course of employment is entitled to
22 receive the compensation provided for permanent partial disability.
23 As used in this section, "disability" and "impairment of the whole
24 man" are equivalent terms.

25 2. Within 30 days after receiving from a physician or
26 chiropractor a report indicating that the injured employee may have
27 suffered a permanent disability and is stable and ratable, the insurer
28 shall schedule an appointment with the rating physician or
29 chiropractor selected pursuant to this subsection to determine the
30 extent of the employee's disability. Unless the insurer and the
31 injured employee otherwise agree to a rating physician or
32 chiropractor:

33 (a) The insurer shall select the rating physician or chiropractor
34 from the list of qualified rating physicians and chiropractors
35 designated by the Administrator, to determine the percentage of
36 disability in accordance with the American Medical Association's
37 Guides to the Evaluation of Permanent Impairment as adopted and
38 supplemented by the Division pursuant to NRS 616C.110.

39 (b) Rating physicians and chiropractors must be selected in
40 rotation from the list of qualified physicians and chiropractors
41 designated by the Administrator, according to their area of
42 specialization and the order in which their names appear on the list
43 unless the next physician or chiropractor is currently an employee of
44 the insurer making the selection, in which case the insurer must



* S B 1 9 5 R 2 *

1 select the physician or chiropractor who is next on the list and who
2 is not currently an employee of the insurer.

3 3. If an insurer contacts the treating physician or chiropractor
4 to determine whether an injured employee has suffered a permanent
5 disability, the insurer shall deliver to the treating physician or
6 chiropractor that portion or a summary of that portion of the
7 American Medical Association's Guides to the Evaluation of
8 Permanent Impairment as adopted by the Division pursuant to NRS
9 616C.110 that is relevant to the type of injury incurred by the
10 employee.

11 4. At the request of the insurer, the injured employee shall,
12 before an evaluation by a rating physician or chiropractor is
13 performed, notify the insurer of:

14 (a) Any previous evaluations performed to determine the extent
15 of any of the employee's disabilities; and

16 (b) Any previous injury, disease or condition sustained by the
17 employee which is relevant to the evaluation performed pursuant to
18 this section.

19 ➔ The notice must be on a form approved by the Administrator and
20 provided to the injured employee by the insurer at the time of the
21 insurer's request.

22 5. Unless the regulations adopted pursuant to NRS 616C.110
23 provide otherwise, a rating evaluation must include an evaluation of
24 the loss of motion, sensation and strength of an injured employee if
25 the injury is of a type that might have caused such a loss. ~~No~~
26 *Except in the case of claims accepted pursuant to NRS 616C.180,*
27 *no* factors other than the degree of physical impairment of the whole
28 man may be considered in calculating the entitlement to
29 compensation for a permanent partial disability.

30 6. The rating physician or chiropractor shall provide the insurer
31 with his evaluation of the injured employee. After receiving the
32 evaluation, the insurer shall, within 14 days, provide the employee
33 with a copy of the evaluation and notify the employee:

34 (a) Of the compensation to which he is entitled pursuant to this
35 section; or

36 (b) That he is not entitled to benefits for permanent partial
37 disability.

38 7. Each 1 percent of impairment of the whole man must be
39 compensated by a monthly payment:

40 (a) Of 0.5 percent of the claimant's average monthly wage for
41 injuries sustained before July 1, 1981;

42 (b) Of 0.6 percent of the claimant's average monthly wage for
43 injuries sustained on or after July 1, 1981, and before June 18, 1993;



* S B 1 9 5 R 2 *

(c) Of 0.54 percent of the claimant's average monthly wage for injuries sustained on or after June 18, 1993, and before January 1, 2000; and

(d) Of 0.6 percent of the claimant's average monthly wage for injuries sustained on or after January 1, 2000.

➤ Compensation must commence on the date of the injury or the day following the termination of temporary disability compensation, if any, whichever is later, and must continue on a monthly basis for 5 years or until the claimant is 70 years of age, whichever is later.

8. Compensation benefits may be paid annually to claimants who will be receiving less than \$100 a month.

9. Where there is a previous disability, as the loss of one eye, one hand, one foot, or any other previous permanent disability, the percentage of disability for a subsequent injury must be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury.

10. The Division may adopt schedules for rating permanent disabilities resulting from injuries sustained before July 1, 1973, and reasonable regulations to carry out the provisions of this section.

11. The increase in compensation and benefits effected by the amendment of this section is not retroactive for accidents which occurred before July 1, 1973.

12. This section does not entitle any person to double payments for the death of an employee and a continuation of payments for a permanent partial disability, or to a greater sum in the aggregate than if the injury had been fatal.

Sec. 8. (Deleted by amendment.)

Sec. 9. NRS 616C.505 is hereby amended to read as follows:

616C.505 If an injury by accident arising out of and in the course of employment causes the death of an employee in the employ of an employer, within the provisions of chapters 616A to 616D, inclusive, of NRS, the compensation is known as a death benefit and is payable as follows:

1. In addition to any other compensation payable pursuant to chapters 616A to 616D, inclusive, of NRS, burial expenses are payable in an amount not to exceed ~~[\$5,000.]~~ *\$10,000, plus the cost of transporting the remains of the deceased employee.* When the remains of the deceased employee and the person accompanying the remains are to be transported to a mortuary or mortuaries, the charge of transportation must be borne by the insurer.

2. Except as otherwise provided in subsection 3 and NRS 616C.507, to the surviving spouse of the deceased employee, 66 2/3 percent of the average monthly wage is payable until his death or



* S B 1 9 5 R 2 *

1 remarriage, with 2 years' compensation payable in one lump sum
2 upon remarriage.

3 3. If there is a surviving spouse and any surviving children of
4 the deceased employee who are not the children of the surviving
5 spouse, the compensation otherwise payable pursuant to subsection
6 2 must be paid as follows until the entitlement of all children of the
7 deceased employee to receive compensation pursuant to this
8 subsection ceases:

9 (a) To the surviving spouse, 50 percent of the death benefit is
10 payable until his death or remarriage, with 2 years' compensation
11 payable in one lump sum upon remarriage; and

12 (b) To each child of the deceased employee, regardless of
13 whether the child is the child of the surviving spouse, his
14 proportionate share of 50 percent of the death benefit and, except as
15 otherwise provided in subsection 12, if the child has a guardian, the
16 compensation he is entitled to receive may be paid to the guardian.

17 4. In the event of the subsequent death of the surviving spouse:

18 (a) Each surviving child of the deceased employee, in addition
19 to any amount the child may be entitled to pursuant to subsection 3,
20 must share equally the compensation theretofore paid to the
21 surviving spouse but not in excess thereof, and it is payable until the
22 youngest child reaches the age of 18 years.

23 (b) Except as otherwise provided in subsection 12, if the
24 children have a guardian, the compensation they are entitled to
25 receive may be paid to the guardian.

26 5. Upon the remarriage of a surviving spouse with children:

27 (a) The surviving spouse must be paid 2 years' compensation in
28 one lump sum and further benefits must cease; and

29 (b) Each child must be paid 15 percent of the average monthly
30 wage, up to a maximum family benefit of $66 \frac{2}{3}$ percent of the
31 average monthly wage.

32 ➔ The provisions of this subsection do not apply to the remarriage
33 of a surviving spouse of a deceased police officer or firefighter if the
34 provisions of NRS 616C.507 apply to the surviving spouse.

35 6. If there are any surviving children of the deceased employee
36 under the age of 18 years, but no surviving spouse, then each such
37 child is entitled to his proportionate share of $66 \frac{2}{3}$ percent of the
38 average monthly wage for his support.

39 7. Except as otherwise provided in subsection 8, if there is no
40 surviving spouse or child under the age of 18 years, there must be
41 paid:

42 (a) To a parent, if wholly dependent for support upon the
43 deceased employee at the time of the injury causing his death, 33
44 $\frac{1}{3}$ percent of the average monthly wage.



* S B 1 9 5 R 2 *

(b) To both parents, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, $66 \frac{2}{3}$ percent of the average monthly wage.

(c) To each brother or sister until he or she reaches the age of 18 years, if wholly dependent for support upon the deceased employee at the time of the injury causing his death, his proportionate share of $66 \frac{2}{3}$ percent of the average monthly wage.

8. The aggregate compensation payable pursuant to subsection 7 must not exceed $66 \frac{2}{3}$ percent of the average monthly wage.

9. In all other cases involving a question of total or partial dependency:

(a) The extent of the dependency must be determined in accordance with the facts existing at the time of the injury.

(b) If the deceased employee leaves dependents only partially dependent upon his earnings for support at the time of the injury causing his death, the monthly compensation to be paid must be equal to the same proportion of the monthly payments for the benefit of persons totally dependent as the amount contributed by the deceased employee to the partial dependents bears to the average monthly wage of the deceased employee at the time of the injury resulting in his death.

(c) The duration of compensation to partial dependents must be fixed in accordance with the facts shown, but may not exceed compensation for 100 months.

10. Compensation payable to a surviving spouse is for the use and benefit of the surviving spouse and the dependent children, and the insurer may, from time to time, apportion such compensation between them in such a way as it deems best for the interest of all dependents.

11. In the event of the death of any dependent specified in this section before the expiration of the time during which compensation is payable to him, funeral expenses are payable in an amount not to exceed ~~[\$5,000.]~~ **\$10,000.**

12. If a dependent is entitled to receive a death benefit pursuant to this section and is less than 18 years of age or incompetent, the legal representative of the dependent shall petition for a guardian to be appointed for that dependent pursuant to NRS 159.044. An insurer shall not pay any compensation in excess of \$3,000, other than burial expenses, to the dependent until a guardian is appointed and legally qualified. Upon receipt of a certified letter of guardianship, the insurer shall make all payments required by this section to the guardian of the dependent until the dependent is emancipated, the guardianship terminates or the dependent reaches the age of 18 years, whichever occurs first, unless paragraph (a) of subsection 13 is applicable. The fees and costs related to the



guardianship must be paid from the estate of the dependent. A guardianship established pursuant to this subsection must be administered in accordance with chapter 159 of NRS, except that after the first annual review required pursuant to NRS 159.176, a court may elect not to review the guardianship annually. The court shall review the guardianship at least once every 3 years. As used in this subsection, "incompetent" has the meaning ascribed to it in NRS 159.019.

13. Except as otherwise provided in paragraphs (a) and (b), the entitlement of any child to receive his proportionate share of compensation pursuant to this section ceases when he dies, marries or reaches the age of 18 years. A child is entitled to continue to receive compensation pursuant to this section if he is:

(a) Over 18 years of age and incapable of supporting himself, until such time as he becomes capable of supporting himself; or

(b) Over 18 years of age and enrolled as a full-time student in an accredited vocational or educational institution, until he reaches the age of 22 years.

14. As used in this section, "surviving spouse" means a surviving husband or wife who was married to the employee at the time of the employee's death.

Sec. 10. NRS 616D.120 is hereby amended to read as follows:

616D.120 1. Except as otherwise provided in this section, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant to fail to report an accidental injury or occupational disease;

(b) Without justification, persuaded a claimant to:

(1) Settle for an amount which is less than reasonable;

(2) Settle for an amount which is less than reasonable while a hearing or an appeal is pending; or

(3) Accept less than the compensation found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 617, inclusive, of NRS;

(c) Refused to pay or unreasonably delayed payment to a claimant of compensation or other relief found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the refusal or delay occurs:

(1) Later than 10 days after the date of the settlement agreement or stipulation;



(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or the Division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or the Division has been lifted;

(d) Refused to process a claim for compensation pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(e) Made it necessary for a claimant to initiate proceedings pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS for compensation or other relief found to be due him by a hearing officer, appeals officer, court of competent jurisdiction, written settlement agreement, written stipulation or the Division when carrying out its duties pursuant to chapters 616A to 616D, inclusive, or chapter 617 of NRS;

(f) Failed to comply with the Division's regulations covering the payment of an assessment relating to the funding of costs of administration of chapters 616A to 617, inclusive, of NRS;

(g) Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to NRS 616C.165; ~~for~~

(h) *Engaged in a pattern of untimely payments to injured employees; or*

(i) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 616A, 616B, 616C or 617 of NRS,

↳ the Administrator shall impose an administrative fine of \$1,500 for each initial violation, or a fine of \$15,000 for a second or subsequent violation.

2. Except as otherwise provided in chapters 616A to 616D, inclusive, or chapter 617 of NRS, if the Administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto, the Administrator may take any of the following actions:

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the Division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 616A, 616B, 616C or 617 of NRS, or any regulation adopted pursuant thereto.

↳ The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected. The provisions of this section do not authorize the



1 Administrator to modify or negate in any manner a determination or
2 any portion of a determination made by a hearing officer, appeals
3 officer or court of competent jurisdiction or a provision contained in
4 a written settlement agreement or written stipulation.

5 (b) Impose an administrative fine for:

6 (1) A second or subsequent violation for which a notice of
7 correction has been issued pursuant to paragraph (a); or

8 (2) Any other violation of this chapter or chapter 616A,
9 616B, 616C or 617 of NRS, or any regulation adopted pursuant
10 thereto, for which a notice of correction may not be issued pursuant
11 to paragraph (a).

12 ➤ The fine imposed must not be greater than \$375 for an initial
13 violation, or more than ~~[\$1,500]~~ **\$3,000** for any second or
14 subsequent violation.

15 (c) Order a plan of corrective action to be submitted to the
16 Administrator within 30 days after the date of the order.

17 3. If the Administrator determines that a violation of any of the
18 provisions of paragraphs (a) to (e), inclusive, ~~{or}~~ (h) **or (i)** of
19 subsection 1 has occurred, the Administrator shall order the insurer,
20 organization for managed care, health care provider, third-party
21 administrator or employer to pay to the claimant a benefit penalty:

22 (a) Except as otherwise provided in paragraph (b), in an amount
23 that is not less than \$5,000 and not greater than ~~[\$37,500;]~~ **\$50,000;**
24 or

25 (b) Of \$3,000 if the violation involves a late payment of
26 compensation or other relief to a claimant in an amount which is
27 less than \$500 or which is not more than 14 days late.

28 4. To determine the amount of the benefit penalty, the
29 Administrator shall consider the degree of physical harm suffered by
30 the injured employee or his dependents as a result of the violation of
31 paragraph (a), (b), (c), (d), (e) , ~~{or}~~ (h) **or (i)** of subsection 1, the
32 amount of compensation found to be due the claimant and the
33 number of fines and benefit penalties, other than a benefit penalty
34 described in paragraph (b) of subsection 3, previously imposed
35 against the insurer, organization for managed care, health care
36 provider, third-party administrator or employer pursuant to this
37 section. ~~[If this is the third violation within 5 years for which a
38 benefit penalty, other than a benefit penalty described in paragraph
39 (b) of subsection 3, has been imposed against the insurer,
40 organization for managed care, health care provider, third party
41 administrator or employer, the]~~ **The** Administrator shall also
42 consider the degree of economic harm suffered by the injured
43 employee or his dependents as a result of the violation of paragraph
44 (a), (b), (c), (d), (e) , ~~{or}~~ (h) **or (i)** of subsection 1. Except as
45 otherwise provided in this section, the benefit penalty is for the



1 benefit of the claimant and must be paid directly to him within 10
2 days after the date of the Administrator's determination. If the
3 claimant is the injured employee and he dies before the benefit
4 penalty is paid to him, the benefit penalty must be paid to his estate.
5 Proof of the payment of the benefit penalty must be submitted to the
6 Administrator within 10 days after the date of his determination
7 unless an appeal is filed pursuant to NRS 616D.140. Any
8 compensation to which the claimant may otherwise be entitled
9 pursuant to chapters 616A to 616D, inclusive, or chapter 617 of
10 NRS must not be reduced by the amount of any benefit penalty
11 received pursuant to this subsection. *To determine the amount of*
12 *the benefit penalty in cases of multiple violations occurring within*
13 *a certain period of time, the Administrator shall adopt regulations*
14 *which take into consideration:*

15 (a) *The number of violations within a certain number of years*
16 *for which a benefit penalty was imposed; and*

17 (b) *The number of claims handled by the insurer, organization*
18 *for managed care, health care provider, third-party administrator*
19 *or employer in relation to the number of benefit penalties*
20 *previously imposed within the period of time prescribed pursuant*
21 *to paragraph (a).*

22 5. In addition to any fine or benefit penalty imposed pursuant
23 to this section, the Administrator may assess against an insurer who
24 violates any regulation concerning the reporting of claims
25 expenditures or premiums received that are used to calculate an
26 assessment ~~§~~ an administrative penalty of up to twice the amount
27 of any underpaid assessment.

28 6. If:

29 (a) The Administrator determines that a person has violated any
30 of the provisions of NRS 616D.200, 616D.220, 616D.240,
31 616D.300, 616D.310 or 616D.350 to 616D.440, inclusive; and

32 (b) The Fraud Control Unit for Industrial Insurance of the Office
33 of the Attorney General established pursuant to NRS 228.420
34 notifies the Administrator that the Unit will not prosecute the person
35 for that violation,

36 ➔ the Administrator shall impose an administrative fine of not more
37 than \$15,000.

38 7. Two or more fines of \$1,000 or more imposed in 1 year for
39 acts enumerated in subsection 1 must be considered by the
40 Commissioner as evidence for the withdrawal of:

41 (a) A certificate to act as a self-insured employer.

42 (b) A certificate to act as an association of self-insured public or
43 private employers.

44 (c) A certificate of registration as a third-party administrator.



* S B 1 9 5 R 2 *

8. The Commissioner may, without complying with the provisions of NRS 616B.327 or 616B.431, withdraw the certification of a self-insured employer, association of self-insured public or private employers or third-party administrator if, after a hearing, it is shown that the self-insured employer, association of self-insured public or private employers or third-party administrator violated any provision of subsection 1.

9. If the Administrator determines that a vocational rehabilitation counselor has violated the provisions of NRS 616C.543, the Administrator may impose an administrative fine on the vocational rehabilitation counselor of not more than \$250 for a first violation, \$500 for a second violation and \$1,000 for a third or subsequent violation.

10. The Administrator may make a claim against the bond required pursuant to NRS 683A.0857 for the payment of any administrative fine or benefit penalty imposed for a violation of the provisions of this section.

Sec. 11. Chapter 681A of NRS is hereby amended by adding thereto a new section to read as follows:

“Continuous care coverage” is the issuance of a policy of insurance for workers’ compensation, as described in paragraph (c) of subsection 1 of NRS 681A.020, issued jointly with and supplemental to a policy for health insurance, as defined in NRS 681A.030, by one or more insurers covering the same individual for the same policy period.

Sec. 12. NRS 681A.010 is hereby amended to read as follows:

681A.010 1. As used in this Code, unless the context otherwise requires, the words and terms defined in NRS 681A.020 to 681A.080, inclusive, ~~[shall]~~ *and section 11 of this act* have the meanings ascribed to them in ~~[NRS 681A.020 to 681A.080, inclusive.]~~ *those sections.*

2. It is intended that certain insurance coverages may come within the definitions of two or more kinds of insurance as defined in this chapter, and the inclusion of such coverage within one definition shall not exclude it as to any other kind of insurance within the definition of which such coverage is likewise reasonably includable.


Sec. 13. NRS 681A.020 is hereby amended to read as follows:

681A.020 1. “Casualty insurance” includes:

(a) Vehicle insurance. Insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded or unloaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incidental to ownership, maintenance or use of any such vehicle, aircraft or



1 animal, together with insurance against accidental injury to natural
2 persons, irrespective of legal liability of the insured, including the
3 named insured, while in, entering, alighting from, adjusting,
4 repairing, cranking, or caused by being struck by a vehicle, aircraft
5 or draft or riding animal, if such insurance is issued as an incidental
6 part of insurance on the vehicle, aircraft or draft or riding animal.

7 (b) Liability insurance. Insurance against legal liability for the
8 death, injury or disability of any human being, or for damage to
9 property, including liability resulting from negligence in rendering
10 expert, fiduciary or professional services ,  and provisions of
11 medical, hospital, surgical, disability benefits to injured persons and
12 funeral and death benefits to dependents, beneficiaries or personal
13 representatives of persons killed, irrespective of legal liability of the
14 insured, when issued as an incidental coverage with or supplemental
15 to liability insurance.

16 (c) Workmen's *or workers'* compensation and employer's
17 liability. Insurance of the obligations accepted by, imposed upon or
18 assumed by employers under law for death, disablement or injury of
19 employees.

20 (d) Burglary and theft. Insurance against loss or damage by
21 burglary, theft, larceny, robbery, forgery, fraud, vandalism,
22 malicious mischief, confiscation, or wrongful conversion, disposal
23 or concealment, or from any attempt at any of the foregoing,
24 including supplemental coverage for medical, hospital, surgical and
25 funeral expense incurred by the named insured or any other person
26 as a result of bodily injury during the commission of a burglary,
27 robbery or theft by another, and , also, insurance against loss of or
28 damage to moneys, coins, bullion, securities, notes, drafts,
29 acceptances or any other valuable papers and documents, resulting
30 from any cause.

31 (e) Personal property floater. Insurance upon personal effects
32 against loss or damage from any cause.

33 (f) Glass. Insurance against loss or damage to glass, including its
34 lettering, ornamentation and fittings.

35 (g) Boiler and machinery. Insurance against any liability and
36 loss or damage to property or interest resulting from accidents to or
37 explosions of boilers, pipes, pressure containers, machinery or
38 apparatus, and to make inspection of and issue certificates of
39 inspection upon boilers, machinery and apparatus of any kind,
40 whether or not insured.

41 (h) Leakage and fire extinguishing equipment. Insurance against
42 loss or damage to any property or interest caused by the breakage or
43 leakage of sprinklers, hoses, pumps and other fire-extinguishing
44 equipment or apparatus, water pipes or containers, or by water
45 entering through leaks or openings in buildings, and insurance



1 against loss or damage to such sprinklers, hoses, pumps and other
2 fire-extinguishing equipment or apparatus.

3 (i) Credit and mortgage guaranty. Insurance against loss or
4 damage resulting from failure of debtors to pay their obligations to
5 the insured, and insurance of real property mortgage lenders against
6 loss by reason of nonpayment of the mortgage indebtedness.

7 (j) Elevator. Insurance against loss of or damage to any property
8 of the insured, resulting from the ownership, maintenance or use of
9 elevators, except loss or damage by fire, and to make inspection of
10 and issue certificates of inspection upon, elevators.

11 (k) Congenital defects. Insurance against congenital defects in
12 human beings.

13 (l) Livestock. Insurance against loss or damage to livestock, and
14 services of a veterinary for such animals.

15 (m) Entertainments. Insurance indemnifying the producer of any
16 motion picture, television, radio, theatrical, sport, spectacle,
17 entertainment, or similar production, event or exhibition against loss
18 from interruption, postponement or cancellation thereof due to
19 death, accidental injury or sickness of performers, participants,
20 directors or other principals.

21 (n) Miscellaneous. Insurance against any other kind of loss,
22 damage or liability properly a subject of insurance and not within
23 any other kind of insurance as defined in this chapter, if such
24 insurance is not disapproved by the Commissioner as being contrary
25 to law or public policy, including insurance for home protection
26 issued pursuant to NRS 690B.100 to 690B.180, inclusive.

27 2. Provision of medical, hospital, surgical and funeral benefits,
28 and of coverage against accidental death or injury, as incidental to
29 and part of other insurance as stated under paragraphs (a) (vehicle),
30 (b) (liability), (d) (burglary), (g) (boiler and machinery) ~~(h)~~ and (j)
31 (elevator) of subsection 1 shall for all purposes be deemed to be the
32 same kind of insurance to which it is so incidental, and is not subject
33 to provisions of this Code applicable to life and health insurances.

34 **Sec. 14.** Chapter 683A of NRS is hereby amended by adding
35 thereto a new section to read as follows:

36 *1. A person licensed as a producer of continuous care*
37 *coverage shall not sell, solicit or negotiate insurance for workers'*
38 *compensation unless:*

39 *(a) The person is licensed as a producer of casualty insurance;*
40 *or*

41 *(b) The policy of insurance for workers' compensation is sold*
42 *jointly with and supplemental to a policy of health insurance*
43 *covering the same individual for the same policy period.*



1 **2. A person who violates the provisions of subsection 1 is**
2 **subject to an administrative fine pursuant to subsection 3 of**
3 **NRS 683A.201.**

4 **Sec. 15.** NRS 683A.08524 is hereby amended to read as
5 follows:

6 683A.08524 1. Except as otherwise provided in subsection 2
7 **or 3**, the Commissioner shall issue a certificate of registration as
8 an administrator to an applicant who:

9 (a) Submits an application on a form prescribed by the
10 Commissioner;

11 (b) Has complied with the provisions of NRS 683A.08522; and

12 (c) Pays the fee for the issuance of a certificate of registration
13 prescribed in NRS 680B.010.

14 2. The Commissioner may refuse to issue a certificate of
15 registration as an administrator to an applicant if the Commissioner
16 determines that the applicant or any person who has completed an
17 affidavit pursuant to subsection 6 of NRS 683A.08522:

18 (a) Is not competent to act as an administrator;

19 (b) Is not trustworthy or financially responsible;

20 (c) Does not have a good personal or business reputation;

21 (d) Has had a license or certificate to transact insurance denied
22 for cause, suspended or revoked in this state or any other state;

23 (e) Has failed to comply with any provision of this chapter; or

24 (f) Is financially unsound.

25 **3. The Commissioner shall submit the information supplied**
26 **by an applicant pursuant to subsection 1 to the Division of**
27 **Industrial Relations of the Department of Business and Industry**
28 **for final approval in accordance with the regulations adopted**
29 **pursuant to subsection 8 of NRS 616A.400. Unless the Division**
30 **provides final approval for the applicant to the Commissioner, the**
31 **Commissioner shall not issue a certificate of registration as an**
32 **administrator to the applicant.**

33 **Sec. 16.** NRS 683A.261 is hereby amended to read as follows:

34 683A.261 1. Unless the Commissioner refuses to issue the
35 license under NRS 683A.451, he shall issue a license as a producer
36 of insurance to a person who has satisfied the requirements of NRS
37 683A.241 and 683A.251. A producer of insurance may qualify for a
38 license in one or more of the lines of authority permitted by statute
39 or regulation, including:

40 (a) Life insurance on human lives, which includes benefits from
41 endowments and annuities and may include additional benefits from
42 death by accident and benefits for dismemberment by accident and
43 for disability.

44 (b) Health insurance for sickness, bodily injury or accidental
45 death, which may include benefits for disability.



* S B 1 9 5 R 2 *

(c) Property insurance for direct or consequential loss or damage to property of every kind.

(d) Casualty insurance against legal liability, including liability for death, injury or disability and damage to real or personal property.

(e) Surety indemnifying financial institutions or providing bonds for fidelity, performance of contracts or financial guaranty.

(f) Variable annuities and variable life insurance, including coverage reflecting the results of a separate investment account.

(g) Credit insurance, including life, disability, property, unemployment, involuntary unemployment, mortgage life, mortgage guaranty, mortgage disability, guaranteed protection of assets, and any other form of insurance offered in connection with an extension of credit that is limited to wholly or partially extinguishing the obligation which the Commissioner determines should be considered as limited-line credit insurance.

(h) Personal lines, consisting of automobile and motorcycle insurance and residential property insurance, including coverage for flood, of personal watercraft and of excess liability, written over one or more underlying policies of automobile or residential property insurance.

(i) Fixed annuities as a limited line.

(j) Travel and baggage as a limited line.

(k) Rental car agency as a limited line.

(l) Continuous care coverage, which includes health insurance, as set forth in paragraph (b), and may include insurance for workers' compensation.

2. A license as a producer of insurance remains in effect unless revoked, suspended or otherwise terminated if a request for a renewal is submitted on or before the date for the renewal specified on the license, the fee for renewal and a fee established by the Commissioner of not more than \$15 for deposit in the Insurance Recovery Account are paid for each license and each authorization to transact business on behalf of a business organization licensed pursuant to subsection 2 of NRS 683A.251, and any requirement for education or any other requirement to renew the license is satisfied by the date specified on the license for the renewal. A producer of insurance may submit a request for a renewal of his license within 30 days after the date specified on the license for the renewal if the producer of insurance otherwise complies with the provisions of this subsection and pays, in addition to any fee paid pursuant to this subsection, a penalty of 50 percent of the renewal fee. A license as a producer of insurance expires if the Commissioner receives a request for a renewal of the license more than 30 days after the date



* S B 1 9 5 R 2 *

1 specified on the license for the renewal. A fee paid pursuant to this
2 subsection is nonrefundable.

3 3. A natural person who allows his license as a producer of
4 insurance to expire may reapply for the same license within 12
5 months after the date specified on the license for a renewal without
6 passing a written examination or completing a course of study
7 required by paragraph (c) of subsection 1 of NRS 683A.251, but a
8 penalty of twice the renewal fee is required for any request for a
9 renewal of the license that is received after the date specified on the
10 license for the renewal.

11 4. A licensed producer of insurance who is unable to renew his
12 license because of military service, extended medical disability or
13 other extenuating circumstance may request a waiver of the time
14 limit and of any fine or sanction otherwise required or imposed
15 because of the failure to renew.

16 5. A license must state the licensee's name, address, personal
17 identification number, the date of issuance, the lines of authority and
18 the date of expiration and must contain any other information the
19 Commissioner considers necessary. A resident producer of
20 insurance shall maintain a place of business in this State which is
21 accessible to the public and where he principally conducts
22 transactions under his license. The place of business may be in his
23 residence. The license must be conspicuously displayed in an area of
24 the place of business which is open to the public.

25 6. A licensee shall inform the Commissioner of each change of
26 location from which he conducts business as a producer of insurance
27 and each change of business or residence address, in writing or by
28 other means acceptable to the Commissioner, within 30 days after
29 the change. If a licensee changes the location from which he
30 conducts business as a producer of insurance or his business or
31 residence address without giving written notice and the
32 Commissioner is unable to locate the licensee after diligent effort,
33 he may revoke the license without a hearing. The mailing of a letter
34 by certified mail, return receipt requested, addressed to the licensee
35 at his last mailing address appearing on the records of the Division,
36 and the return of the letter undelivered, constitutes a diligent effort
37 by the Commissioner.

38 **Sec. 17.** 1. This section and section 3 of this act become
39 effective upon passage and approval.

40 2. Sections 11 to 14, inclusive, and 16 of this act become
41 effective on July 1, 2009.

42 3. Sections 1, 1.5, 2, 4 to 10, inclusive, and 15 of this act
43 become effective on October 1, 2009.

