

■ Legislative Update

■ Motor Vehicle Claims

■ 2017

Act Summary

Workers' Compensation Claims Involving Motor Vehicle Accidents

- Effective with dates of injury on or after July 1, 2017.
- Requires workers' compensation claims to be charged to the Surplus Fund Account in lieu of to a state fund employer's experience in certain circumstances when a claim is based on a motor vehicle accident involving a third party.
- Allows a state fund employer who believes that a claim may qualify to be charged to the Surplus Fund Account under the act to file a request with the Administrator of Workers' Compensation for a determination.
- Employer must file **AC-28** (Request To Charge the Surplus Fund for Non-At-Fault Motor Vehicle Accident).
- Requires the Administrator to make the determination within 180 days after the Administrator receives the request.
- If approved by the Bureau of Workers' Compensation, any amount collected by the Administrator through the subrogation process for compensation or benefits that was charged to the Surplus Fund Account will be credited to the Surplus Fund Account and not applied to an individual employer's account.
- **Eligible to Participate** – Private State Fund Employers and Public Employer Taxing Districts in the State Fund with active coverage and current on all payments.
- **Not Eligible to Participate** – Self-Insured Employers and State Agencies.



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