

AMENDED IN ASSEMBLY AUGUST 20, 1998

AMENDED IN SENATE APRIL 14, 1998

SENATE BILL

No. 1965

Introduced by Senator Peace

February 19, 1998

An act to amend Sections 4646 and 5100.6 of the Labor Code, relating to workers' compensation vocational rehabilitation services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1965, as amended, Peace. Vocational rehabilitation services.

Existing law generally allows the parties in interest relative to a claim for workers' compensation to agree to a compromise settlement concerning any liability that is claimed to exist on account of injury or death, and allows the Workers' Compensation Appeals Board to commute the compensation payable to a worker to a lump sum under certain conditions. However, settlement or commutation is not permitted with respect to vocational rehabilitation services, except upon a finding by a workers' compensation referee that there are good faith issues that, if resolved against the employee, would defeat the employee's right to compensation.

This bill would also allow a settlement or commutation with respect to benefits for vocational rehabilitation services, other than prospective vocational rehabilitation services.

This bill would state that its provisions are declaratory of existing law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 4646 of the Labor Code is
2 amended to read:

3 4646. Settlement or commutation of prospective
4 vocational rehabilitation services shall not be permitted
5 under Chapter 2 (commencing with Section 5000) or
6 Chapter 3 (commencing with Section 5100) of Part 3
7 except upon a finding by a workers' compensation judge
8 that there are good faith issues which, if resolved against
9 the employee, would defeat the employee's right to all
10 compensation under this division.

11 SEC. 2. Section 5100.6 of the Labor Code is amended
12 to read:

13 5100.6. Notwithstanding the provisions of Section
14 5100, the appeals board shall not permit the commutation
15 or settlement of prospective compensation or indemnity
16 payments or other benefits to which the employee is
17 entitled under vocational rehabilitation.

18 SEC. 3. *The amendments of Sections 4646 and 5100.6*
19 *of the Labor Code made by this act do not constitute a*
20 *change in, but are declaratory of, existing law.*

