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Workers' Compensation

University of the Pacific; McGeorge School of Law

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Workers' Compensation

Workers' Compensation; contractor's licenses

Business and Professions Code §§ 7019.5, 7109.2, 7125.1, 7125.2, 7145.5 (new); § 7125 (amended).
AB 2282 (Eastin); 1990 STAT. Ch. 1386

Under existing law, a contractor¹ must be licensed by the Contractor's State License Board (Board).² The license number is then used for enforcement purposes.³ Chapter 1386 states that the registrar may refuse to issue, reinstate, reactivate or renew a license if the licensee has not resolved all outstanding liabilities with the certain state agencies.⁴

Beginning in January 1992, a contractor must file a Certificate of Workers' Compensation Insurance (Certificate) prior to the issuance, renewal, reinstatement, reactivation, or continued maintenance of a license.⁵ Under Chapter 1386, the certificate must be filed within ninety days of issuance.⁶ A contractor's license is automatically suspended if the contractor fails to maintain workers' compensation insurance.⁷

SKD

1. See CAL. BUS. & PROF. CODE § 7026 (West Supp. 1990) (definition of contractor).

2. *Id.* § 7028. Violation of section 7028 is a misdemeanor. *Id.*

3. *Id.* § 7030. The number must be included on all contracts, subcontracts, and advertisements. *Id.* § 7030.5.

4. *Id.* § 7145.5 (enacted by Chapter 1386) (the agencies include the Board, the Department of Industrial Relations, the Employment Development Department, and the Franchise Tax Board).

5. *Id.* § 7125.1 (enacted by Chapter 1386). The Certificate is not required if the contractor does not have any employees, or during the period in which the license is inactive. *Id.* The Board must inform the contractor of this requirement on the application for the license. *Id.* § 7125.1 (enacted by Chapter 1386).

6. *Id.* § 7125 (amended by Chapter 1386). Under prior law, a contractor was required to file with the registrar a Certificate of workers' compensation insurance within 10 days of issuance of the policy. 1943 Cal. Stat. Ch. 132, sec. 1, at 881 (enacting CAL. BUS. CODE § 7125) (amended by Chapter 1386).

7. *Id.* § 7109.2 (enacted by Chapter 1386). The registrar must notify the contractor that the license will be suspended within 30 days of the notice. *Id.* If the contractor is unlicensed, the registrar may issue a citation. *Id.*

Workers' Compensation; dependents' college scholarships

Labor Code § 4709 (amended).
AB 3033 (Johnson); 1990 STAT. Ch. 552

Under existing law, dependents¹ of certain peace officers² killed or injured in the line of duty³ are entitled to scholarships to California colleges.⁴ Chapter 552 expands the list of peace officers whose dependents may be eligible for these scholarships.⁵

SKD

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1. See CAL. LAB. CODE § 4709(e) (amended by Chapter 552) (definition of dependent).
 2. See *id.* § 4709(a), (b), (c) (amended by Chapter 552) (includes chiefs of police, police officers, and deputy sheriffs).
 3. See *id.* § 4709(a) (amended by Chapter 552) (the death or injury must be compensable under workers' compensation).
 4. *Id.* § 4709 (amended by Chapter 552). The dependent is required to attend an accredited two or four year college and the scholarship cannot exceed the stated limits. *Id.*
 5. *Id.* Those added to the list include: (1) Inspectors or investigators of district attorneys and designated Department of Justice personnel as defined in California Penal Code section 830.1; (2) state police officers, national guard members, university and state college police officers as defined in section 830.2; (3) various peace officers in state departments as defined in section 830.3; (4) transit police officers as defined in section 830.3; (5) welfare fraud or child support investigators and coroners as defined in section 830.35; (6) court service officers as defined in section 830.36; and (7) arson investigators as defined in section 860.37. *Id.*

Workers' Compensation; payments from injured employee

Labor Code § 3751 (amended).

AB 2695 (Johnston); 1990 STAT. Ch. 997

Support: Californians for Compensation Reform

Opposition: California Medical Association

Under existing law, an employer¹ cannot seek a contribution from an employee² to cover the costs of workers' compensation.³ Chapter 997 expands this prohibition so that no person⁴ can seek a contribution from an employee to cover these costs.⁵ Chapter 997 provides that it is a misdemeanor for a provider of medical services⁶ to attempt to collect money from an employee for the treatment of injuries when the service provider knows that the employee has filed a workers' compensation claim.⁷ The service provider is required to wait until the Workers' Compensation Appeals Board⁸ makes a final determination that the injury is not compensable before attempting to collect from the employee for the treatment.⁹

PLJ

1. See CAL. LAB. CODE § 3300 (West 1989) (definition of employer).

2. See *id.* § 3351 (definition of employee).

3. *Id.* § 3751 (amended by Chapter 997).

4. See *id.* § 3210 (definition of person).

5. *Id.* § 3751 (amended by Chapter 997).

6. See CAL. INS. CODE § 740 (West Supp. 1990) (list of professionals and treatments included in the definition of "provider of medical services").

7. CAL. LAB. CODE § 3751 (amended by Chapter 997). See *Bell v. Samaritan Medical Clinic, Inc.*, 60 Cal. App. 3d 486, 487, 489, 131 Cal. Rptr. 582, 583 (1976) (stating that a medical services provider treating an industrial injury cannot collect from an employee an amount in excess of the amount paid by the employer or the employer's workers' compensation carrier).

8. See CAL. LAB. CODE §§ 5300-5317 (West 1989) (procedures for appeal).

9. CAL. LAB. CODE § 3751 (amended by Chapter 997).