

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 305

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO WORKER'S COMPENSATION AND RELATED LAWS; AMENDING
2 SECTION 72-804, IDAHO CODE, TO PROVIDE FOR ATTORNEY'S FEES AND
3 CERTAIN COSTS; AND DECLARING AN EMERGENCY.
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5 Be It Enacted by the Legislature of the State of Idaho:

6 SECTION 1. That Section 72-804, Idaho Code, be, and the same is hereby amended to
7 read as follows:

8 72-804. ATTORNEY'S FEES – PUNITIVE COSTS IN CERTAIN CASES. (1) If the
9 commission or any court before whom any proceedings are brought under this law determines
10 that the employer or his surety contested a claim for compensation made by an injured
11 employee or dependent of a deceased employee without reasonable ground, or that an employer
12 or his surety neglected or refused within a reasonable time after receipt of a written claim for
13 compensation to pay to the injured employee or his dependents the compensation provided by
14 law, or without reasonable grounds discontinued payment of compensation as provided by law
15 justly due and owing to the employee or his dependents, the employer shall pay reasonable
16 attorney fees in addition to the compensation provided by this law. In all such cases the fees of
17 attorneys employed by injured employees or their dependents shall be fixed by the commission.

18 (2) If an employer or his surety denies an injured worker's claim or request for medical
19 service(s), or terminates an injured worker's previously approved medical service(s), and
20 upon a hearing commenced before the commission such medical service(s) is found to be
21 compensable by the commission, then the employer or his surety shall pay the reasonable
22 attorney fees and costs of claimant in obtaining the requested medical service(s). In all such
23 cases, the fees and costs shall be fixed by the commission.

24 SECTION 2. An emergency existing therefor, which emergency is hereby declared to
25 exist, this act shall be in full force and effect on and after its passage and approval.