



# HOUSE BILL No. 5086

November 2, 1999, Introduced by Reps. Basham, Bovin, Hanley, Bogardus, Neumann, Vaughn, Clarke and Schermesser and referred to the Committee on Employment Relations, Training and Safety.

A bill to amend 1969 PA 317, entitled  
"Worker's disability compensation act of 1969,"  
by amending section 852 (MCL 418.852), as added by 1985 PA 103.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 852. (1) The liability of a carrier or fund regarding  
2 a claim under this act shall be determined by the ~~hearing ref-~~  
3 ~~eree or~~ worker's compensation magistrate ~~—, as applicable,—~~ at  
4 the time of the award of benefits.

5       (2) IF THE WORKER'S COMPENSATION MAGISTRATE DETERMINES THAT  
6 A CLAIMANT IS ENTITLED TO AN AWARD OF BENEFITS, THE MAGISTRATE  
7 SHALL ORDER THE CARRIER OR FUND THAT IS LIABLE TO PAY THE FOLLOW-  
8 ING AMOUNTS:

9       (A) THE WEEKLY WAGE LOSS BENEFITS FROM THE DATE OF INJURY TO  
10 THE DATE OF THE AWARD, WITH INTEREST AT 12%, AND CONTINUING  
11 THEREAFTER FOR THE PERIOD AS DETERMINED BY THE MAGISTRATE.

1 (B) ALL MEDICAL BILLS, INCLUDING ANY REHABILITATION COSTS,  
2 NOT PREVIOUSLY PAID THAT ARE RELATED TO THE CLAIM.

3 (C) ALL OTHER COSTS, INCLUDING ATTORNEY FEES SUBJECT TO  
4 SECTION 858, INCURRED BY THE CLAIMANT TO REINSTATE HIS OR HER  
5 BENEFITS.

6 (3) ~~-(2)-~~ If a carrier or fund originally determined to be  
7 liable pursuant to subsection (1) is subsequently determined to  
8 not be liable or not to the same extent as originally determined,  
9 that carrier or fund shall be reimbursed by the liable party or  
10 parties with interest at 12% per annum.