

2018 -- S 2602

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LC004653  
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION -  
GENERAL PROVISIONS

Introduced By: Senators Lombardi, McCaffrey, Jabour, Nesselbush, and Conley

Date Introduced: March 01, 2018

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 28-29-17 and 28-29-19 of the General Laws in Chapter 28-29  
2 entitled "Workers' Compensation - General Provisions" are hereby amended to read as follows:

3 **28-29-17. Waiver of common law rights -- Notice of claim of common law right.**

4 Employees or corporate officers of an employer, or managers, managing members or  
5 members of a limited liability company subject to or who have elected to become subject to the  
6 provisions of chapters 29 -- 38 of this title as provided in § 28-29-8 shall be held to have waived  
7 his or her right of action at common law to recover damages for personal injuries if he or she has  
8 not given his or her employer [and its workers' compensation insurance carrier](#) at the time of the  
9 contract of hire or appointment notice in writing that he or she claims that right and within ten  
10 (10) days after that has filed a copy of the notice with the director, or, if the contract of hire or  
11 appointment was made before the employer became subject to or elected to become subject to the  
12 provisions of those chapters, the employee, or corporate officer, or manager, managing member  
13 or member of a limited liability company must have given notice and filed it with the director [and](#)  
14 [its workers' compensation insurance carrier](#) within ten (10) days after the filing by the employer  
15 who is subject to or who has elected to become subject to the provisions of those chapters of the  
16 written statement as provided. That waiver shall continue in force for the term of one year, and  
17 after that, without further act on his or her part, for successive terms of one year each, unless the  
18 employee, or corporate officer, or manager, managing member or member of a limited liability

1 company, at least sixty (60) days prior to the expiration of the first or any succeeding year files  
2 with the director [and its workers' compensation insurance carrier](#) a notice in writing to the effect  
3 that he or she desires to claim his or her right of action at common law and within ten (10) days  
4 thereafter gives notice of this to his or her employer.

5 **28-29-19. Waiver of claim of common law rights.**

6 (a) Any employee, or corporate officer, or manager, managing member or member of a  
7 limited liability company, or the parent or guardian of any minor employee, who has given notice  
8 to the employer [and its workers' compensation insurance carrier](#) that he or she claimed his or her  
9 right of action at common law may waive that claim by filing a notice in writing with the director  
10 and the employer or his or her agent [and its workers' compensation insurance carrier](#) which shall  
11 take effect five (5) days after the filing with the director.

12 (b) Any person who is appointed a corporate officer between January 1, 1999 and  
13 December 31, 2001 and was not previously an employee of the corporation may elect to become  
14 subject to chapters 29 -- 38 of this title upon filing a notice in writing with the director which  
15 notice takes effect five (5) days after the filing of his or her notice.

16 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

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RELATING TO LABOR AND LABOR RELATIONS - WORKERS' COMPENSATION -  
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1           This act would require notice of claims of common law right to be given to an employer  
2 and the employer's workers' compensation insurance carrier and clarifies liability of employers  
3 and their insurers for workers' compensation claims.

4           This act would take effect upon passage.

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