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*2013 Ariz. ALS 34, \*; 2013 Ariz. Sess. Laws 34; 2013 Ariz. Ch. 34; 2013 Ariz. SB 1148*

ARIZONA ADVANCE LEGISLATIVE SERVICE  
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ARIZONA 51ST LEGISLATURE - FIRST REGULAR SESSION

CHAPTER 34

SENATE BILL 1148

2013 Ariz. ALS 34; 2013 Ariz. Sess. Laws 34; 2013 Ariz. Ch. 34; 2013 Ariz. **SB 1148**

**BILL TRACKING SUMMARY FOR THIS DOCUMENT**

**SYNOPSIS:** AN ACT REPEALING SECTION 23-904, ARIZONA REVISED STATUTES; AMENDING TITLE 23, CHAPTER 6, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING A NEW SECTION 23-904; RELATING TO WORKERS' COMPENSATION.

**NOTICE:**

[A> Text within these symbols is added <A]

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To view the next section, type .np\* TRANSMIT.  
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Be it enacted by the Legislature of the State of Arizona:

**[\*1]** Section 1. Repeal

Section 23-904, Arizona Revised Statutes, is repealed.

**[\*2]** Sec. 2. Title 23, chapter 6, article 1, Arizona Revised Statutes, is amended by adding a new section 23-904, to read:

[A] 23-904. Arizona worker injuries in other state; injury to foreign worker in this state; evidence of insurance; judicial notice of other state's laws <A]

[A] A. IF A WORKER WHO HAS BEEN HIRED OR IS REGULARLY EMPLOYED IN THIS STATE RECEIVES A PERSONAL INJURY BY ACCIDENT ARISING OUT OF AND IN THE COURSE OF THE WORKER'S EMPLOYMENT, THE WORKER IS ENTITLED TO COMPENSATION ACCORDING TO THE LAWS OF THIS STATE EVEN IF THE INJURY WAS RECEIVED OUTSIDE THIS STATE. <A]

[A] B. IF A WORKER WHO IS EMPLOYED IN THIS STATE AND IS SUBJECT TO THIS CHAPTER TEMPORARILY LEAVES THIS STATE INCIDENTAL TO THAT EMPLOYMENT AND RECEIVES AN INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOYMENT, THE WORKER, OR BENEFICIARIES OF THE WORKER IF THE INJURY RESULTS IN DEATH, IS ENTITLED TO THE BENEFITS OF THIS CHAPTER AS THOUGH THE WORKER WERE INJURED IN THIS STATE. <A]

[A] C. A WORKER FROM ANOTHER STATE AND THE EMPLOYER OF THE WORKER IN THAT OTHER STATE ARE EXEMPT FROM THIS CHAPTER WHILE THAT WORKER IS TEMPORARILY IN THIS STATE DOING WORK FOR AN EMPLOYER IF ALL OF THE FOLLOWING ARE TRUE: <A]

[A] 1. THE EMPLOYER HAS FURNISHED WORKERS' COMPENSATION INSURANCE COVERAGE UNDER THE WORKERS' COMPENSATION INSURANCE OR SIMILAR LAWS OF A STATE OTHER THAN ARIZONA SO AS TO COVER THAT WORKER'S EMPLOYMENT WHILE IN THIS STATE. <A]

[A] 2. THE EXTRATERRITORIAL PROVISIONS OF THIS CHAPTER ARE RECOGNIZED IN THAT OTHER STATE. <A]

[A] 3. EMPLOYERS AND WORKERS WHO ARE COVERED IN THIS STATE ARE LIKEWISE EXEMPTED FROM THE APPLICATION OF THE WORKERS' COMPENSATION INSURANCE ACT OR SIMILAR LAWS OF THE OTHER STATE. <A]

[A] 4. THE BENEFITS UNDER THE WORKERS' COMPENSATION INSURANCE ACT OR SIMILAR LAWS OF THE OTHER STATE, OR OTHER REMEDIES UNDER A SIMILAR ACT OR LAWS, ARE THE EXCLUSIVE REMEDY AGAINST THE EMPLOYER FOR ANY INJURY, WHETHER RESULTING IN DEATH OR NOT, RECEIVED BY THE WORKER WHILE TEMPORARILY WORKING FOR THAT EMPLOYER IN THIS STATE. <A]

[A] D. A CERTIFICATE FROM A DULY AUTHORIZED OFFICER OF THE COMMISSION, THE DEPARTMENT OF INSURANCE OR A SIMILAR DEPARTMENT OF ANOTHER STATE CERTIFYING THAT THE EMPLOYER IN THE OTHER STATE IS INSURED IN THAT STATE IS PRIMA FACIE EVIDENCE THAT THE EMPLOYER CARRIES THAT WORKERS' COMPENSATION INSURANCE. <A]

[A] E. IF IN ANY APPEAL OR OTHER LITIGATION THE CONSTRUCTION OF THE LAWS OF ANOTHER STATE IS REQUIRED, THE COURTS SHALL TAKE JUDICIAL NOTICE OF THE LAWS OF THE OTHER STATE. <A]

[A] F. FOR PURPOSES OF THIS SECTION, A WORKER IS DEEMED TO BE TEMPORARILY IN A STATE DOING WORK FOR AN EMPLOYER IF, DURING THE THREE HUNDRED SIXTY-FIVE DAYS IMMEDIATELY PRECEDING EITHER THE WORKER'S DATE OF INJURY OR, IN THE CASE OF AN OCCUPATIONAL DISEASE OR CUMULATIVE TRAUMA CLAIM, THE WORKER'S LAST DATE OF INJURIOUS EXPOSURE, THE WORKER PERFORMS FEWER THAN NINETY CONTINUOUS DAYS OF REQUIRED SERVICES IN THE STATE UNDER THE DIRECTION AND CONTROL OF THE EMPLOYER. <A]

[A] G. IF A WORKER HAS A CLAIM UNDER THE WORKERS' COMPENSATION LAWS OF ANOTHER STATE, TERRITORY, PROVINCE OR FOREIGN NATION FOR THE SAME INJURY OR OCCUPATIONAL DISEASE AS THE CLAIM FILED IN THIS STATE, THE TOTAL AMOUNT OF COMPENSATION PAID OR AWARDED UNDER THE OTHER STATE'S WORKERS' COMPENSATION LAWS SHALL BE CREDITED AGAINST THE COMPENSATION DUE UNDER THE WORKERS'

COMPENSATION LAWS OF THIS STATE. THE WORKER IS ENTITLED TO THE FULL AMOUNT OF COMPENSATION DUE UNDER THE LAWS OF THIS STATE. IF COMPENSATION UNDER THE LAWS OF THIS STATE IS MORE THAN THE COMPENSATION UNDER THE LAWS OF THE OTHER STATE, OR COMPENSATION PAID THE WORKER UNDER THE LAWS OF THE OTHER STATE IS RECOVERED FROM THE WORKER, THE INSURER SHALL PAY ANY UNPAID COMPENSATION TO THE WORKER UP TO THE AMOUNT REQUIRED BY THE CLAIM UNDER THE LAWS OF THIS STATE. <A]

[A> H. CLAIMS MADE AFTER THE EFFECTIVE DATE OF THIS SECTION ARE SUBJECT TO THIS SECTION REGARDLESS OF THE DATE OF INJURY. <A]

**HISTORY:**

Approved by the Governor April 3, 2013

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