

Amendment No. 1 to SB0432

Johnson  
Signature of Sponsor

**AMEND Senate Bill No. 432\***

**House Bill No. 864**

By deleting all of the language after the enacting clause and substituting the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 6, Part 2, is amended by adding the following as a new section:

50-6-2\_\_.

(a) If an employee in this state who is subject to this chapter temporarily leaves this state incidental to the employee's employment and receives an accidental injury arising out of and in the course and scope of the employee's employment, the employee, or the employee's beneficiaries in the case of an injury that results in the employee's death, shall be entitled to the benefits of this chapter as if the employee was injured in this state.

(b) An employee from another state and the employee's employer are exempt from this chapter while the employee is temporarily in this state performing work for the employer if:

(1) The employer has furnished workers' compensation insurance coverage under the workers' compensation insurance or similar laws of the other state to cover the employee's employment while in this state;

(2) The extraterritorial provisions of this chapter are recognized in the other state; and

(3) Employees and employers who are covered in this state are likewise exempted from the application of the workers' compensation insurance or similar laws of the other state.

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(c) The benefits under the workers' compensation insurance or similar laws of the other state, or other remedies under similar law, are the exclusive remedy against the employer for any injury, whether resulting in death or not, received by the employee while temporarily working for that employer in this state.

(d) A certificate from the duly authorized officer of the appropriate department of another state certifying that the employer of the other state is insured in that state and has provided extraterritorial coverage insuring employees while working in this state is prima facie evidence that the employer carries such workers' compensation insurance.

(e) Whenever in any appeal or other litigation the construction of the laws of another jurisdiction is required, the courts shall take judicial notice of such construction of the laws of the other jurisdiction.

(f) When an employee has a claim under the workers' compensation insurance 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 such other workers' compensation law shall be credited against the compensation due under this chapter.

(g) For purposes of this section, an employee is considered to be temporarily in a state doing work for an employer if the employee is working for such employees employer in a state other than the state where such employee is

primarily employed for no more than fourteen (14) consecutive days, or no more than twenty-five (25) total days, during a calendar year.

SECTION 2. This act shall take effect upon becoming a law, and shall apply to any claim filed on or after such date regardless of the date of the injury, the public welfare requiring it.