



Substitute Senate Bill No. 353

Public Act No. 12-77

AN ACT CONCERNING THE STATE'S SECOND INJURY FUND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 31-323 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

When any person presents in writing to the commissioner a claim for compensation, either for injury sustained by [himself] such person arising out of and in the course of his or her employment or for injury resulting in the death of some person of whom [he] such person is an alleged dependent, [he] or when it appears to the commissioner that the claim may require payment from the Second Injury Fund, such person or the Second Injury Fund, as the case may be, may ask that a writ of attachment issue to secure the payment of the claim or claims for compensation [as may arise out of the injury] or for reimbursement for payments made or to be made by the Second Injury Fund. Unless it appears from the records of the commissioner that there has been a compliance with the provisions of section 31-284, which compliance is then effective, or that the Insurance Commissioner has approved a substitute system of compensation, benefit and insurance, the commissioner may issue a writ of attachment in the manner and form of writs of attachment in civil actions and shall be vested with the same jurisdiction as authorities authorized to issue writs of attachment in

Substitute Senate Bill No. 353

civil actions. If a writ is issued under this section and thereafter it appears to the satisfaction of the commissioner that there has been a compliance with the provisions of section 31-284, which compliance was then effective and applicable to the injury in question, or that the Insurance Commissioner has approved a substitute system of compensation, benefit and insurance, the commissioner may vacate the writ of attachment on the payment by the employer of the expense actually incurred under such writ of attachment. The commissioners are vested with the authority of the various courts to dissolve attachments made under this section and, on the dissolution of an attachment, may require the substitution of a bond in the same manner as any court upon the dissolution of attachments in civil actions.

Sec. 2. Section 31-353 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) If the Treasurer and an injured employee, or his legal representative, reach an agreement in regard to compensation payable under the provisions of this chapter, such agreement shall be submitted in writing to the commissioner for his approval and, upon approval, shall remain in effect until otherwise ordered by the commissioner.

(b) The Treasurer may make payment by way of [final] stipulated settlement in any matter concerning the fund [, including matters under section 31-355] under the provisions of this chapter, subject to the approval of the commissioner, whenever [it is for] such stipulated settlement is: (1) In the best interests of the injured employee, (2) in the best interests of the injured employee's dependents, or (3) for claims by an employer or insurer pursuant to section 31-306, 31-307a or 31-310.