

Subject Workers' compensation

Bill H.F. 3228

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Overview

This act is the recommendations of the Workers' Compensation Advisory Council.

Article 1: Workers' Compensation

This article is the original recommendations of the Workers' Compensation Advisory Council.

Section Description – Article 1: Workers' Compensation

- 1 Employee.**
Changes the definition of “employee” for the purposes of workers’ compensation to clarify the inclusion of workers performing direct support services under several specific types of arrangements.

Effective date: This section became effective May 23, 2025.
- 2 Executive officer of a corporation.**
Adds a citation to the definition of an “executive officer of a corporation.”

Effective date: This section became effective May 23, 2025.
- 3 Employments excluded.**
Adds citations to references to “an executive officer.”

Effective date: This section became effective May 23, 2025.
- 4 Medical, psychological, chiropractic, podiatric, surgical, hospital.**
Requires the employer to pay for the reasonable value of nursing services provided by a member of the employee’s household, not just the employee’s family, in cases of permanent total disability.

Effective date: This section became effective May 23, 2025.

Section Description – Article 1: Workers’ Compensation

5 Time limitations.

Clarifies that the time limit for actions or proceedings by an injured employee to determine or recover compensation is three years after a written report of the injury is made to the commissioner of labor and industry, but not to exceed six years from the date of the accident.

Effective date: This section became effective May 23, 2025.

6 Nonassignability.

Raises the amount of a claim for compensation owed to an injured employee or dependents that is exempt from seizure or sale for the payment of any debt or liability from \$1,000,000 per claim or award to \$10,000,000.

Effective date: This section is effective for dates of injury on or after October 1, 2025.

7 Written motion.

Creates an exception to intervenor interests being extinguished if a motion to intervene is not timely filed, for when a member of the employee’s family or household is supplying nursing services in a case of permanent total disability.

Effective date: This section became effective May 23, 2025.

8 Service and filing of notice; cost of transcript.

Removes the requirement to file a copy of the original notice of appeal, with proof of service, with the commissioner of labor and industry.

Effective date: This section became effective May 23, 2025.

9 Repealer.

Repeals the penalty for failure to make payment or report to the special workers’ compensation fund.

Effective date: This section became effective May 23, 2025.

Article 2: Other Insurance Policies

This article is additional recommendations of the Workers’ Compensation Advisory Council related to zero estimated exposure policies and owner- and contractor-controlled insurance programs.

Section Description – Article 2: Other Insurance Policies

1 [79.101] Attestation required.

Clarifies scope and definitions of the section. Requires insurers who offer zero estimated exposure policies to require applicants for such policies to make a specific attestation to the applicant’s absence of employees and duty to report any hiring of employees to the insurer.

Effective date: This section is effective for policies issued or renewed on or after January 1, 2026.

2 [79.102] Owner- and contractor-controlled insurance programs.

Requires that owner- and contractor-controlled insurance programs be approved by the commissioner of commerce and separate policies issued to each eligible entity involved in the program. Sets requirements for commissioner approval of policies, including that the policy cover a specific project that has an aggregate value in excess of \$100,000,000 and generates at least \$500,000 in annual written workers’ compensation premiums in Minnesota. Lists information that must be provided to the commissioner and must be updated every three months. Excludes from participation in such an insurance program any contractor or subcontractor that has a zero estimated exposure policy for its work on the project. Regulates policy forms and rates and requires the project sponsor or general contractor to collect and maintain payroll records and post job site notices on how to make claims under the policy. Stipulates that all participants in such an insurance program must be given a copy of the policy that covers that employer’s employees. Authorizes the commissioner to conduct audits and investigations related to compliance with this section.

Effective date: This section becomes effective January 1, 2026.

3 Zero estimated exposure policy.

Defines “zero estimated exposure policy.”

Effective date: This section became effective May 23, 2025.

4 Employment and insurance data.

Specifies that workers’ compensation insurance coverage data is required to be reported by an insurer and includes, for a zero estimate exposure policy, the employer’s total estimated exposure amount and reported construction classification codes.

Effective date: This section becomes effective January 1, 2026.

Section Description – Article 2: Other Insurance Policies

5 Policies with zero estimated exposure.

Requires employers in the construction field with a zero estimated exposure policy to notify in writing and provide a copy of the policy to all entities the employer directly contracts with. Stipulates that entities who receive these notifications must maintain a record of the notification and copy of the policy for three years.

Effective date: This section becomes effective January 1, 2026.



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