



AN ACT AUTHORIZING A BENEFITS ADMINISTRATOR TO RECEIVE PAYMENTS ON BEHALF OF A MINOR CHILD OR AN INCOMPETENT PERSON; AUTHORIZING THE WORKERS' COMPENSATION JUDGE TO APPOINT A BENEFITS ADMINISTRATOR; AMENDING SECTIONS 39-71-742 AND 39-71-2905, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-71-742, MCA, is amended to read:

"39-71-742. Who may receive payment. (1) A payment due to a child under 18 years of age or to a person adjudged incompetent must be made to the parent, ~~or the appointed guardian,~~ the appointed conservator, or the appointed benefits administrator, and the written receipt for the payment must acquit the employer, the insurer, or the department of further liability.

(2) A payment due to a member of the highway patrol receiving the salary benefit provided in 44-1-511 must be made to the department of justice to offset the salary benefit until the member is no longer eligible to receive the salary benefit.

(3) In other cases, payment must be made to the person entitled to the payment or to the person's authorized representative.

(4) For the purposes of subsection (1), the term "benefits administrator" means a person appointed by the workers' compensation judge as provided in 39-71-2905 to pursue benefits or receive payments on behalf of a child under 18 years of age or to a person adjudged incompetent."

Section 2. Section 39-71-2905, MCA, is amended to read:

"39-71-2905. Petition to workers' compensation judge -- time limit on filing. (1) If a claimant, an insurer, an employer alleged to be an uninsured employer, or the uninsured employers' fund has a dispute

concerning any benefits under this chapter, it may petition the workers' compensation judge for a determination of the dispute after satisfying dispute resolution requirements otherwise provided in this chapter. In addition, the district court that has jurisdiction over a pending action under 39-71-515 may request the workers' compensation judge to determine the amount of recoverable damages due to the employee. The judge, after a hearing, shall make a determination of the dispute in accordance with the law as set forth in this chapter. If the dispute relates to benefits due to a claimant under this chapter, the judge shall fix and determine any benefits to be paid and specify the manner of payment. After parties have satisfied dispute resolution requirements provided elsewhere in this chapter, the workers' compensation judge has exclusive jurisdiction to make determinations concerning disputes under this chapter, except as provided in 39-71-317 and 39-71-516. The penalties and assessments allowed against an insurer under this chapter are the exclusive penalties and assessments that can be assessed by the workers' compensation judge against an insurer for disputes arising under this chapter.

(2) A petition for a hearing before the workers' compensation judge must be filed within 2 years after benefits are denied.

(3) A claimant, an insurer, or the uninsured employers' fund may petition the workers' compensation judge for the appointment of a benefits administrator. A party is not required to satisfy the dispute resolution requirements provided in this chapter prior to petitioning for a benefits administrator. The workers' compensation judge has jurisdiction to appoint and terminate appointment of a benefits administrator."

Section 3. Effective date. [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,
SB 338, originated in the Senate.

Secretary of the Senate

President of the Senate

Signed this _____ day
of _____, 2025.

Speaker of the House

Signed this _____ day
of _____, 2025.

SENATE BILL NO. 338

INTRODUCED BY G. HERTZ

AN ACT AUTHORIZING A BENEFITS ADMINISTRATOR TO RECEIVE PAYMENTS ON BEHALF OF A MINOR CHILD OR AN INCOMPETENT PERSON; AUTHORIZING THE WORKERS' COMPENSATION JUDGE TO APPOINT A BENEFITS ADMINISTRATOR; AMENDING SECTIONS 39-71-742 AND 39-71-2905, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.