

1 AN ACT relating to health care insurance waiting periods.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 337 IS CREATED TO  
4 READ AS FOLLOWS:

5 **(1) No employer shall establish a waiting period for the commencement of medical**  
6 **coverage under its healthcare insurance plan.**

7 **(2) Employer sponsored healthcare insurance plans shall begin coverage of new**  
8 **employees on the first day of the new hire's employment.**

9 ➔Section 2. KRS 337.990 is amended to read as follows:

10 The following civil penalties shall be imposed, in accordance with the provisions in KRS  
11 336.985, for violations of the provisions of this chapter:

12 (1) Any firm, individual, partnership, or corporation that violates KRS 337.020 shall be  
13 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than  
14 one thousand dollars (\$1,000) for each offense. Each failure to pay an employee the  
15 wages when due him under KRS 337.020 shall constitute a separate offense.

16 (2) Any employer who violates KRS 337.050 shall be assessed a civil penalty of not  
17 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

18 (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not  
19 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)  
20 for each offense and shall make full payment to the employee by reason of the  
21 violation. Each failure to pay an employee the wages as required by KRS 337.055  
22 shall constitute a separate offense.

23 (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not  
24 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)  
25 and shall also be liable to the affected employee for the amount withheld, plus  
26 interest at the rate of ten percent (10%) per annum.

27 (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil

1 penalty of not less than one hundred dollars (\$100) nor more than one thousand  
2 dollars (\$1,000) for each offense and shall make full payment to the employee by  
3 reason of the violation.

4 (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty  
5 of not less than one hundred dollars (\$100) nor more than one thousand dollars  
6 (\$1,000) for each offense and each day that the failure continues shall be deemed a  
7 separate offense.

8 (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS  
9 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the  
10 commissioner or the commissioner's authorized representative in the performance  
11 of his or her duties under KRS 337.295, or fails to keep and preserve any records as  
12 required under KRS 337.320 and 337.325, or falsifies any record, or refuses to  
13 make any record or transcription thereof accessible to the commissioner or the  
14 commissioner's authorized representative shall be assessed a civil penalty of not less  
15 than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). A  
16 civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for any  
17 subsequent violation of KRS 337.285(4) to (9) and each day the employer violates  
18 KRS 337.285(4) to (9) shall constitute a separate offense and penalty.

19 (8) Any employer who pays or agrees to pay wages at a rate less than the rate applicable  
20 under KRS 337.275 and 337.285, or any wage order issued pursuant thereto shall be  
21 assessed a civil penalty of not less than one hundred dollars (\$100) nor more than  
22 one thousand dollars (\$1,000).

23 (9) Any employer who discharges or in any other manner discriminates against any  
24 employee because the employee has made any complaint to his or her employer, to  
25 the commissioner, or to the commissioner's authorized representative that he or she  
26 has not been paid wages in accordance with KRS 337.275 and 337.285 or  
27 regulations issued thereunder, or because the employee has caused to be instituted

1 or is about to cause to be instituted any proceeding under or related to KRS  
2 337.385, or because the employee has testified or is about to testify in any such  
3 proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345,  
4 and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than  
5 one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

6 (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not  
7 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).

8 (11) A person shall be assessed a civil penalty of not less than one hundred dollars  
9 (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or  
10 in any other manner discriminates against an employee because the employee has:

11 (a) Made any complaint to his or her employer, the commissioner, or any other  
12 person; or

13 (b) Instituted, or caused to be instituted, any proceeding under or related to KRS  
14 337.420 to 337.433; or

15 (c) Testified, or is about to testify, in any such proceedings.

16 **(12) An employer who violates the requirements of Section 1 of this Act shall:**

17 **(a) Be assessed a civil penalty of not less than one hundred dollars (\$100) nor**  
18 **more than one thousand dollars (\$1,000) for each day a newly hired**  
19 **employee worked without medical coverage under the employer's health**  
20 **insurance plan; and**

21 **(b) Be liable to the employee for any medical expenses incurred by the new**  
22 **employee during an employer-imposed waiting period.**