

SENATE BILL NO. 116

INTRODUCED BY M. BLASDEL

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A FALSE STATEMENT ~~ON AN EMPLOYMENT APPLICATION IN AN EMPLOYER-PROVIDED QUESTIONNAIRE~~ UNDER CERTAIN CIRCUMSTANCES IS A BASIS FOR BARRING WORKERS' COMPENSATION BENEFITS; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. False statement on employment ~~application or questionnaire~~ --**

**definition.** (1) A false statement made by an employee in ~~either an employment application or an employer-provided~~ WRITTEN questionnaire calling for the disclosure of an employee's medical condition THAT IS RELEVANT TO THE ESSENTIAL FUNCTIONS OF THE JOB following ~~an~~ A CONDITIONAL offer of employment; ~~in a case in which the medical condition affects the essential functions of the employee's job;~~ bars all wage-loss or medical benefits under this chapter if all of the following conditions are met:

(a) the employee knowingly or willfully, by omission or commission, makes a false representation regarding the employee's physical condition THAT IS RELEVANT TO THE ESSENTIAL FUNCTIONS OF THE JOB;

(b) the employer relies on the false representation and that reliance is a contributing factor in the hiring of the employee; and

(c) there is a causal connection between the ~~false representation~~ FALSELY REPRESENTED CONDITION and the injury OR OCCUPATIONAL DISEASE for which wage-loss or medical benefits are claimed.

(2) The employee has the right to petition the workers' compensation court AFTER SATISFYING THE MEDIATION REQUIREMENTS OF THIS CHAPTER if the employee disagrees with a decision to terminate benefits or bar benefits as provided under subsection (1).

~~(3) As used in this section, the term "essential functions of the employee's job" means the basic job duties that an employee is required to perform, with or without reasonable accommodation.~~

**NEW SECTION. Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 39, chapter 71, part 1, and the provisions of Title 39, chapter 71, part 1, apply to [section 1].



