



# Reciprocal Exemption Statutes\*

**Note:** Whenever an Ohio employer has employees leaving Ohio to perform temporary duties out of the state the employer is responsible for knowing the workers' compensation requirements of those jurisdictions. Each state has its own coverage requirements. Some states provide an exemption period during which they recognize Ohio coverage as exclusive for Ohio employees working temporarily there. On the other hand, some states require Ohio employers to obtain workers' compensation coverage under their laws for any work performed there, regardless of how brief. Generally, if a state does not specifically recognize BWC's State-Fund Insurance that state will take jurisdiction for an injury occurring in that state even if the worker is only traveling through a state when the injury occurs. If a jurisdiction does not recognize Ohio's extraterritorial coverage, an employer must comply with that jurisdiction's

requirements to avoid fines, stop-work orders and other penalties, including the actual cost of the claim brought under the laws of another state. If you are hiring residents of other states, to work primarily outside of Ohio, Ohio coverage is not appropriate and the reciprocal exemptions do not apply. Separate coverage should be secured.

**Disclaimer:** The intent of this document is for general information purposes only. We do not intend it to be a full and complete description of the law, nor as legal advice. The information below is subject to change. Therefore, we cannot guarantee it is the most current and correct information. Employers should consult an insurance professional, private counsel, or the workers' compensation agency in the other state to verify requirements of that state

Ohio border states	BWC coverage recognized?	Comments	State Statute
Indiana	Yes	Appears customary to recognize extraterritorial coverage	No statutory provision
West Virginia	Yes	For a period not exceeding 30 calendar days in any 365-day period	§ 85-8-7
Kentucky	No		§342.670
Pennsylvania	No		
Michigan	No		

## States that recognize BWC's State-Fund Insurance

Ohio border states	BWC coverage recognized?	Comments	State Statute
Arizona	Yes	Up to 90 continuous days	§23-904
California	Yes	Up to 90 continuous days	§3600.5
Florida	Yes No – construction	For 10 consecutive days or no more than 25 total days in a calendar year, except construction industry	§440.094
Georgia	No Yes – construction	90 consecutive days for construction industry	§ 34-9-121(b)(1)
Louisiana	Yes	Appears customary to recognize extraterritorial coverage	No statutory provision
Maine	Yes	Five consecutive days; 10 days in a 30-day period; or 30 in any 360-day period	Title 39-A §113
Maryland	Yes	Up to 90 consecutive days	§ 9-203
Mississippi	Yes	Up to 90 consecutive days	§ 71-3-109
Montana	Yes No – construction	Up to 90 consecutive days; all construction industry work requires Montana-specific coverage.	§ 39-71-402
Nevada	Yes No – construction	All construction projects require Nevada-specific coverage.	§ 616B.600
North Dakota (monopolistic)	Yes	Any employer whose employment results in significant contacts with North Dakota shall acquire coverage with North Dakota Workforce Safety & Insurance. An employer has significant contacts with North Dakota when any employee earns, or would have been expected to earn, 25 percent or more of his/her gross annual wage or income from that employer for services rendered within North Dakota, or if 25 percent of the employer's gross annual payroll is payable to employees for services rendered in North Dakota.	§ 65-08-01(4)
Oregon	Yes	Up to 90 consecutive days	& 656.126
Rhode Island	Yes		& 28-29-16
South Dakota	Yes	Up to 90 consecutive days	& 62-3-14
Tennessee	Yes	10 consecutive days or no more than 25 total days in a calendar year	& 50-6-115

## States that recognize BWC's State-Fund Insurance *continued*

Ohio border states	BWC coverage recognized?	Comments	State Statute
Texas	Yes	Appears customary to recognize extraterritorial coverage	No statutory provision
Utah	Yes	Up to 90 consecutive days	& 34A-2-406
Washington (monopolistic)	Yes No – construction	Yes, but employer must provide proof of coverage for all work performed in Washington. If the work requires a contractor's license then you will need to open a workers' compensation account and pay premiums in Washington.	
Wyoming (monopolistic)		Requires employers to submit out-of-state questionnaire to determine coverage requirements	

## States that DO NOT recognize BWC's State-Fund Insurance

Ohio border states	BWC coverage recognized?	Comments	State Statute
Alabama	No	Employer must list Alabama in Section 3C of its workers' compensation insurance, then up to 90 days.	Title 25 Chapters 5-35
Alaska	No		
Arkansas	No	Employer must list Arkansas in Section 3C of its workers' compensation insurance	
Colorado	No	Employer must list Colorado in Section 3C of its workers' compensation insurance.	
Connecticut	No		
Delaware	No		
Hawaii	No		§386-6
Idaho	No		
Illinois	No		
Iowa	No		
Kansas	No	Employer must list Kansas in Section 3C of its workers' compensation insurance.	

## States that DO NOT recognize BWC's State-Fund Insurance *continued*

Ohio border states	BWC coverage recognized?	Comments	State Statute
Massachusetts	No		
Minnesota	No		
Missouri	No		
Nebraska	No		
New Hampshire	No		
New Jersey	No		
New Mexico	No		
New York	No		
North Carolina	No		
Oklahoma	No		
South Carolina	No		
Vermont	No		
Virginia	No		
Washington D.C.	No		
Wisconsin	No		

\* A reciprocal exemption statute of State B will recognize the extraterritorial right of the workers' compensation insurance provision of State A only if State A recognizes the extraterritorial provisions of State B. The statutory language typically will provide:

(1) An employee who has been hired outside of this state and his or her employer shall be exempted from the provisions of this division while the employee is temporarily within this state doing work for his or her employer if the employer has furnished workers' compensation insurance coverage under the workers' compensation insurance or similar laws of a state other than California, so as to cover the employee's work while in this state if both of the following apply;

(A) The extraterritorial provisions of this division are recognized in the other state;

(B) The employers and employees who are covered in this state are likewise exempted from the application of the workers' compensation insurance or similar laws of the other state;

(2) In any case in which paragraph (1) is satisfied, the benefits under the workers' compensation insurance or similar laws of the other state, and other remedies under those laws, shall be the exclusive remedy against the employer for any injury, whether resulting in death or not, received by the employee while working for the employer in this state.