

**5220.2780 FAILURE TO PAY UNDER ORDER; PENALTY.**

Subpart 1. **Basis.** Where payment of compensation or expenses is not made within 14 days following an order as required by Minnesota Statutes, section 176.221, subdivisions 6a and 8, the division may assess the penalties provided in Minnesota Statutes, section 176.221, subdivision 3 or 3a, however, the division shall not issue a penalty under this part unless payment is made after the 30th day following a final order. A penalty may be issued, however, for a payment after the 14th day and through the 30th day following a settlement award under Minnesota Statutes, section 176.521. Payments made after the 14th day must include interest to the payee.

Subp. 2. **Amount.** The penalty available under Minnesota Statutes, section 176.221, subdivision 3 or 3a, shall be assessed where there has been a failure to pay under an order which has not been appealed. If the payor chooses not to appeal the order, payments made more than 14 days after the order is served and filed are late. Each day after the 14th day is considered a day late. Penalties under Minnesota Statutes, section 176.221, subdivision 3a, shall be assessed as follows:

- A. one to 15 days late, \$500;
- B. 16 to 30 days late, \$1,000;
- C. 31 to 60 days late, \$1,500; and
- D. over 60 days late, \$2,000.

Subp. 3. **Payable to.** The penalty is payable to the commissioner for deposit in the assigned risk safety account.

**Statutory Authority:** *MS s 14.388; 175.17; 175.171; 176.129; 176.138; 176.221; 176.225; 176.231; 176.238; 176.83; 176.84*

**History:** *11 SR 1530; 16 SR 2520; 17 SR 3361; 18 SR 2546; 23 SR 1484; 35 SR 2015*

**Published Electronically:** *July 6, 2011*