

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 26

SENATE BILL 1323

AN ACT

AMENDING TITLE 23, CHAPTER 6, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING
SECTION 23-941.02; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 6, article 3, Arizona Revised Statutes,
3 is amended by adding section 23-941.02, to read:

4 23-941.02. Vexatious litigants; designation; definitions

5 A. IN A WORKERS' COMPENSATION CASE BEFORE THE COMMISSION, ON THE
6 MOTION OF A PARTY, THE CHIEF ADMINISTRATIVE LAW JUDGE OR AN ADMINISTRATIVE
7 LAW JUDGE DESIGNATED BY THE CHIEF ADMINISTRATIVE LAW JUDGE MAY DESIGNATE A
8 PRO SE LITIGANT A VEXATIOUS LITIGANT. THE PRO SE LITIGANT SHALL RESPOND
9 WITHIN THIRTY DAYS AFTER THE MOTION. THE CHIEF ADMINISTRATIVE LAW JUDGE, OR
10 ADMINISTRATIVE LAW JUDGE IF DESIGNATED BY THE CHIEF ADMINISTRATIVE LAW JUDGE,
11 SHALL ISSUE AN ORDER WITHIN THIRTY DAYS AFTER THE PRO SE LITIGANT'S RESPONSE
12 IS RECEIVED OR THE TIME FOR RESPONSE HAS ELAPSED. THE VEXATIOUS LITIGANT
13 DESIGNATION APPLIES ONLY TO THE CLAIM AT ISSUE BEFORE THE ADMINISTRATIVE LAW
14 JUDGE.

15 B. A PRO SE LITIGANT WHO IS DESIGNATED A VEXATIOUS LITIGANT MAY NOT
16 FILE A NEW REQUEST FOR HEARING, PLEADING, MOTION OR OTHER DOCUMENT WITHOUT
17 PRIOR LEAVE OF THE ADMINISTRATIVE LAW JUDGE.

18 C. A PRO SE LITIGANT IS A VEXATIOUS LITIGANT IF THE COMMISSION FINDS
19 THE PRO SE LITIGANT ENGAGED IN VEXATIOUS CONDUCT. A DESIGNATION OF VEXATIOUS
20 LITIGANT IS SUSPENDED DURING THE PERIOD IN WHICH THE LITIGANT IS REPRESENTED
21 BY LEGAL COUNSEL.

22 D. FOR THE PURPOSES OF THIS SECTION:

23 1. "VEXATIOUS CONDUCT" INCLUDES ANY OF THE FOLLOWING:

24 (a) REPEATED FILING OF REQUESTS FOR HEARING, PLEADINGS, MOTIONS OR
25 OTHER DOCUMENTS SOLELY OR PRIMARILY FOR THE PURPOSE OF HARASSMENT.

26 (b) UNREASONABLY EXPANDING OR DELAYING COMMISSION PROCEEDINGS.

27 (c) BRINGING OR DEFENDING CLAIMS WITHOUT SUBSTANTIAL JUSTIFICATION.

28 (d) ENGAGING IN ABUSE OF DISCOVERY OR CONDUCT IN DISCOVERY THAT HAS
29 RESULTED IN THE IMPOSITION OF SANCTIONS AGAINST THE PRO SE LITIGANT.

30 (e) A PATTERN OF MAKING UNREASONABLE, REPETITIVE AND EXCESSIVE
31 REQUESTS FOR INFORMATION.

32 (f) REPEATED FILING OF DOCUMENTS OR REQUESTS FOR RELIEF THAT HAVE BEEN
33 THE SUBJECT OF PREVIOUS RULINGS BY THE COMMISSION IN THE SAME CLAIM.

34 2. "WITHOUT SUBSTANTIAL JUSTIFICATION" HAS THE SAME MEANING PRESCRIBED
35 IN SECTION 12-349.

APPROVED BY THE GOVERNOR MARCH 14, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 15, 2016.