

Workers' Compensation Extraterritorial/Reciprocity Statutes by State

State	Statute	Extraterritoriality ⁽¹⁾	Length	Reciprocity	Length ⁽¹⁾	Notes
Alabama	25-5-35	Yes (d) – Subject to 4-part test ⁽²⁾	Not specified	Yes/No – applied against Alabama benefits	Not in Statute	Employer may contractually agree w/employee which state's benefits apply (paragraph (c)).
Alaska	23.30.011	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes ⁽³⁾ /No (c) (1) – (6)	Not in Statute	Employer may contractually agree w/employee which state's benefits apply.
Arizona	23-904	Yes	90 Days (F.)	Yes ⁽³⁾ ⁽⁴⁾	90 Days (F.)	For reciprocity to apply, the "sending" state must recognize Arizona's WC protection (mutual reciprocity).
Arkansas	11-8-103 11-9-101	Yes	Not specified	No (See note "A")		A. Coverage must be provided by a carrier licensed in Arkansas. There may be some level of reciprocity, but not full.
California	3600.5	Yes	"Temporarily"	Yes ⁽³⁾ ⁽⁴⁾	"Temporarily"	"Temporarily" not defined in the statute.
Colorado	8-41-204	Yes	6 months Extendable	No		<ul style="list-style-type: none"> The 6-month limitation can be extended in writing to State. CO must be specifically listed as a 3.A. State (no reciprocity)
Connecticut	568-31-275 568-31-340	Yes (See Note "A")	Not Specified	Not necessary (See Note "B")	6 months (See note "B")	<p>A. Definition of "Employee" includes those who work "within or without" the state. Section 340 states protection extended to any location described or associated with described location</p> <p>B. Workers who reside out of the state and do not work within the state at least 50% of the time are NOT considered employees (per definition of "employee")</p>
Delaware	19-2303	Yes – Subject to 4-part test ⁽²⁾	Not Specified	Yes (See Note "A")		A. Employer may have to pay difference b/w home state and DE.
Florida	440.094	Yes	See Note "A"	Yes ⁽³⁾ ⁽⁴⁾	See Note "A" See Note "B"	<p>A. 10 Consecutive Days / No more than 25 in a calendar year</p> <p>B. Does not apply to those in a construction class. All workers in these classifications are considered "employees" and subject to FL work comp laws (no reciprocity for construction).</p>
Georgia	340-9-121 340-9-242	Yes	Not specified	Yes (See Note "A")	Not specified	A. Mutual reciprocity required in construction classifications
Hawaii	Title 21 Chap. 386-6, 386-10	Yes	Not specified	No		Out of state employers must file with the state.
Idaho	72-217 72-222	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes ⁽³⁾ ⁽⁴⁾	Not specified	State enters into specific reciprocal agreements (MT, NV, ND, OR, UT, WA, WY)
Illinois	820 ILCS 305	Yes	Not specified	No		If contract or hire is Illinois, doesn't matter where injury occurs. If the injury occurs in Illinois, it doesn't matter where the contract of hire was made.
Indiana	22-3-2-20 22-3-2-2 22-3-9-1	Yes	Not specified	Yes (See note "A")	Not specified	A. 22-3-9-1 states that an employer is not required to comply with the WC requirements until there are five employees.

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Iowa	Title III Chapters 85.71, 85.72, and 85.3	Yes – Subject to 5-part test ⁽⁵⁾	Not specified	No		<ul style="list-style-type: none"> Essentially the employee must work predominately in the state for Extraterritorial protection. See footnote ⁽⁵⁾. Any worker in the state is considered subject to its WC laws.
Kansas	44-506 44-508	Yes (See note “A”)	Not specified	No (See note “B”)		<p>A. The principle place or employment must be in the state or the contract of hire must be made in the state.</p> <p>B. Non-reciprocity based on definition of “employer”</p>
Kentucky	342.670	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes	Not specified	<ul style="list-style-type: none"> Employment contract needs to specify which state’s benefits apply. Employer may have to pay difference if not in employee contract.
Louisiana	23:1035.1	Yes (See note “A”)	Not specified	No (See note “B”)		<p>A. The principle place or employment must be in the state or the contract of hire must be made in the state.</p> <p>B. Reciprocity not specifically granted. Any benefits from another state are credited against benefit amounts mandated in Louisiana.</p>
Maine	39-A M.R.S.A. 113	See Notes	Not specified	Yes ^{(3) (4)}	No more than: <ul style="list-style-type: none"> 5 consecutive days; 10 days in 30-day period; or 30 days in 360-day period 	<ul style="list-style-type: none"> Extraterritoriality: There is nothing specified in statute regarding the extraterritoriality of the work comp protection. The presumption is that coverage does follow the worker since it is not specifically forbidden. The Extraterritorial extension of protection may be subject to the same limitations as the Reciprocity provisions.
Maryland	Labor and Employment 9-203	Yes	Not specified	Yes ^{(3) (4)}	Not specified	Reciprocity: Statute uses terms “intermittently” and “temporarily” but does not define them. The worker cannot be a resident of the state.
Massachusetts	Part I, Title XXI, Chapter 152, Sections 1 and 26	Yes	Not specified	No		Reciprocity: Based on the Section 1 definitions of “Employee” and “Employer,” reciprocity does not appear to be granted.
Michigan	418.845 418.846	Yes (See note “A”)	Not specified	No (See note “B”)		<p>A. The principle place or employment must be in the state or the contract of hire must be made in the state.</p> <p>B. Payments received from another state are credited against the benefits owed under Michigan WC laws.</p>
Minnesota	176.041 176.295	Yes	Not specified	Yes (See notes “A” and B)	Not specified	<p>A. Employee must not be eligible for the special compensation fund and cannot be a resident of the state.</p> <p>B. North Dakota employers are specifically excepted from the law and full reciprocity is extended to ND employers.</p>
Mississippi	71-3-109	Yes	6 Months (Extendable)	Yes ^{(3) (4)}	Not specified	
Missouri	Title XVIII Chap. 287 Sections: 020, 030, 060, and 110	Yes (See notes “A” and “B”)	13 weeks? (See note “C”)	No (See note “D”)		<p>A. The principle place or employment must be in the state or the contract of hire must be made in the state.</p> <p>B. The employer can contractually agree to another state’s benefits</p> <p>C. 287.110 seems to limit extraterritorial coverage to 13 weeks.</p> <p>D. WC not required until 5 or more employees; except construction – only 1 required.</p>
Montana	39-71-402	Yes	Not specified, “Temporarily”	Yes ^{(3) (4)} Except Construction	Not specified	Statute allows the state to enter into mutual reciprocal agreements to allow full reciprocity between the states. Construction workers are only

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						included in this agreement if specifically addressed in the agreement. States with reciprocal agreements (6 months): ID, ND (12 mos.), OR*, SD*, UT*, WA*, WY (* - Excluding construction)
Nebraska	48-115	Yes (See note "A")	Not specified	No (See note "B")		A. The principle place or employment must be in the state or the contract of hire must be made in the state. B. Definition of "employee" states that coverage applies to any employer doing work in the state.
Nevada	Title 53 Chap. 616B.600, 616C.190	Yes (See note "A")	6 Months (Extendable)	Yes ^{(3) (4)} Except Construction	Not specified	A. The principle place or employment must be in the state or the contract of hire must be made in the state.
New Hampshire	Title XXIII Chap 281-A:12 281-A:5-f	Yes (See note "A")	Not specified	Yes (See note "B")	Not specified	A. Extraterritorial protection applies only if: 1) the employee or the employee's dependents release the employer from all liability under any other law; 2) the employer is engaged in business in this state; 3) the contract of employment was made in this state; and 4) the contract of employment was not expressly for service exclusively outside of this state. B. According to statute, the WC laws do not apply to non-resident employers and employees doing business in the state.
New Jersey	34: 15-7 34: 15-36 34: 15-71	Yes (See note "A")	Not Specified	Yes (See note "B")	Not specified	A. By combination of statutory wording. Extraterritoriality not forbidden. B. If a contract of hire is made in NJ for work being done in NJ, reciprocity does not apply.
New Mexico	52-1-64 52-1-66 52-1-68 (See note "A")	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes - very limited (See note "B")	Not specified	A. Reciprocity: The state sets up mutual reciprocal agreements. B. No reciprocity for construction classes. If not in construction, reciprocity is granted if less than 3 employees are in the state.
New York	WKC Article 2, Chap. 10 Article 4, Chap. 50	Yes	Not specified	Yes (See note "A") (Listing in 3.C. is required and the carrier must be licensed in NY)	See note "B"	A. Reciprocity not extended to those within the construction industry. B. Reciprocity based on previous year. Reciprocity not extended to any other employer (see note "A" for construction) who had an employee physically in NY for: 1) at least 40 hours a week for more than 2 consecutive weeks; or 2) had employees in NY for 25 or more individual days (5 employees for 5 days = 25 individual days)
North Carolina	97-36	Yes (See note "A")	Not specified	Yes (See note "B")	Not specified	A. Extraterritoriality applies if: 1) the contract of employment was made in this State; 2) the employer's principal place of business is in this State; or 3) the employee's principal place of employment is within this State B. Based on the way the statute reads, it appears NC will extend reciprocity but not in full, applying the amount recovered from the workers domicile state as an offset against the amount due under NC law. NC law does not apply unless there are 3 or more employees.

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North Dakota	65-08	Yes – Subject to 4-part test ⁽²⁾ (See note “A”)	Not specified	Yes (See note “B”)	Not specified	A. Extraterritoriality extends to workers from another state hired as temporary workers in that state provided that state recognizes ND coverage. B. If the worker has “significant Contact” ⁽⁶⁾⁽⁷⁾ with ND, there is no reciprocity unless there is a reciprocal agreement in place with the employee’s state of domicile. WC must be purchased from the state when there is no reciprocity. ND has reciprocal agreements with seven states (nullifying the “significant contact” rule): ID, MT, OR, SD, UT, WA, WY
Ohio	Title XLI Chapter 4123	Yes	Not specified	Yes (See note “A”)	90 consecutive days (not cumulative)	A. The 90-day provision does not apply to states that have extraterritorial provisions shorter than 90 days (i.e. Florida, Maine, Tennessee, West Virginia).
Oklahoma	Title 85A					
Oregon	436-050-0055 656.126	Yes	Not specified	Yes ⁽³⁾⁽⁴⁾	Not specified	
Pennsylvania	Title 77 PS 411.2	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes/No (See note “A”)	Not specified	A. Reciprocity: Benefits from another state are applied against PA benefits. Worker can still apply for PA benefits. Employer and employee can contractually agree that the other state’s laws take precedence. If a certificate is filed by the sending state, then full reciprocity is allowed.
Rhode Island	28-29-9 28-29-16	Yes	Not specified	Yes	Not specified	
South Carolina	42-15-10	Yes	Not specified	Yes (See note “A”)	Not specified	A. Based on the way the statute reads, it appears SC will extend reciprocity but not in full, applying the amount recovered from the workers domicile state as an offset against the amount due under SC law. SC law does not apply unless there are 4 or more employees.
South Dakota	62-1-1 62-3-14 58-20-5	Yes (See note “A”)	Not specified	Yes ⁽³⁾⁽⁴⁾	Not specified	A. Extraterritoriality: Out of state coverage not specifically granted, but neither is it precluded.
Tennessee	50-6-115	Yes	“Temporarily” ⁽⁸⁾	Yes ⁽³⁾⁽⁴⁾	“Temporarily”	• “Temporarily”: No more than 14 consecutive days and no more than 25 days during the calendar year. The employee can be out of the state longer if certain provisions apply. See footnotes (8)
Texas	Labor Code, Title 5, Subtitle A, Chap. 406, Subchapter D (071 – 075)	Yes - “Significant contacts” required. (See note “A”). Or, TX is employer’s principle location (See note “B”). See note “C”	Less than 1 year (See note “A”)	Yes, if there is a reciprocal agreement (See note “D”). See note “E.”	Not specified	A. “Significant contacts” means the employee was hired in TX and: 1) was injured no later than 1 year from the date of hire; OR 2) has worked in TX at least 10 working days during the 12 months preceding the injury. B. “Principle location” is where: 1) the employer has a place of business at or from which the employee regularly works; OR 2) the

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						<p>employee resides and spends a substantial part of the employee's working time.</p> <p>C. Employees who travel frequently can contractually agree with the employer which state is the principle location.</p> <p>D. 406.074 allows TX to enter into agreements with other jurisdictions regarding conflicts of jurisdiction.</p> <p>E. If an injured worker pursues coverage under another state's WC laws the claim may not be covered under TX law. If pursuing TX benefits, any payment from another jurisdiction are credited against TX benefits.</p> <p>F. Work Comp is optional in TX.</p>
Utah	Title 34A, Chap. 2, Part 4, Sections 405 and 406	Yes	6 Months (Extendable)	Yes ⁽³⁾ ⁽⁴⁾	Not specified	States with reciprocal agreements with UT: CA, ID, MD, ND, OR, SD, TX, WA, WV, WY. Excluding Construction: MT, NV
Vermont	Title 21, Chap. 9, Section 616, 619, 620	Yes	Not specified	No		
Virginia	65.2-508	Yes (See notes "A" and "B")	Not specified	No		<p>A. For extraterritorial benefits to apply, either: 1) the contract of employment must be made in the state; or 2) the employer's place of business must be in VA.</p> <p>B. If the employee files under another state and recovers, the amount recovered is credited towards any amounts due under VA law.</p>
Washington	51.12.120	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes / No (See note "A")	Not specified when reciprocity allowed ⁽⁴⁾	A. Employers within the construction industry are not eligible for reciprocity unless a reciprocal agreement exists between the states. Reciprocal states related to construction are: ID, MT, ND, NV, OR, SD, UT, WY
West Virginia	Title 85, Chap. 23-2-1c 85-8-7 (Rules of Ins. Commissioner)	Yes (See note "A")	30 days total in a 365-day year (See note "A")	Yes	30 days total in a 365-day year - Can be extended (See note "A")	A. Employer and employee can contractually agree which state's benefits apply if out or in WV one more than a temporary basis (more than 30 days in a 365-day year). WV employees can contractually choose WV laws. Out of state workers can choose the "sending" state. Such contractual choices must be made prior to injury. ⁽³⁾
Wisconsin	102.03 102.28	Yes – Subject to 4-part test ⁽²⁾	Not specified	No (See note "A") See note "B"		<p>A. If three or more employees in the state, no reciprocity. If less than three, WC not required in the state unless more than \$500 paid during any calendar quarter.</p> <p>B. Statute allows the waiver of the work comp requirement if the employer (insured) can show the financial ability to pay any WC claim. This does not necessarily allow reciprocity, but depending on the benefit levels of the sending state, the insured might attempt to secure a waiver.</p>
Wyoming	27-14-204 27-14-301 27-14-302	Yes – Subject to 4-part test ⁽²⁾	Not specified	Yes See note "A" See note "B"	30 day increments (See	A. An out-of-state employer must report their presence to the state before beginning work (and may be required to from time to time). They must report: 1) nature of the work, 2) progress of the work, 3) location of work, and 4) number of employees.

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	27-14-303 27-14-304 27-14-306			See note "C"	notes "A" and "B")	B. Non-resident employers must register with the state and pay an advanced premium or provide other security (a contract cannot be effectuated until this is done). Such deposit is returned when operations cease. This requirement is waived if a certificate of WC is provided. C. Reciprocity: The state is allowed to set up reciprocal agreements.
Washington DC	Div. V, Title 32, Chap. 15 32-1503	Yes (See note "A")	Not specified (See note "A")	Yes	Not specified See note "B"	A. Extraterritoriality applies if the employment is principally localized in the District of Columbia B. Statute extends reciprocity when the nonresident worker is in DC "temporarily or intermittent" but does not define the terms.

⁽¹⁾ Extraterritoriality and Reciprocity are limited by the shortest grant of time. If extraterritorial provisions are shorter than the reciprocal allowances, coverage ceases when the "sending" state stipulates. If reciprocity allowances are shorter than the extraterritorial provisions, coverage ceases when the "receiving" state stipulates.

⁽²⁾ Four-Part Test:

1. Employment is principally localized in the subject state;
2. The employee is working under a contract of hire made in the subject state for employment not principally localized in any state;
3. The employee is working under a contract of hire made in the subject state for employment principally localized in another state whose workers' compensation law is not applicable to the employer; or
4. The employee is working under a contract of hire made in the subject state for employment outside the United States.

⁽³⁾ The employer must have work comp in state of domicile and it must extend protection to out-of-state employees (extraterritoriality).

⁽⁴⁾ Mutual reciprocity required

⁽⁵⁾ Iowa's 5-part test for Extraterritoriality:

1. The employer has a place of business in this state and the employee regularly works at or from that place of business, or the employer has a place of business in this state and the employee is domiciled in this state.
2. The employee is working under a contract of hire made in this state and the employee regularly works in this state.
3. The employee is working under a contract of hire made in this state and sustains an injury for which no remedy is available under the workers' compensation laws of another state.
4. The employee is working under a contract of hire made in this state for employment outside the United States.
5. The employer has a place of business in Iowa, and the employee is working under a contract of hire which provides that the employee's workers' compensation claims be governed by Iowa law.

⁽⁶⁾ Significant Contact means the majority of the employee's time is spent in that state. Three tests can be applied: 1) Where do they live; 2) Where do they primarily work; and 3) Where is the state of hire (where was the contract of hire made)? If two of the three apply, that constitutes significant contact.

⁽⁷⁾ North Dakota applies three specific tests to measure "Significant Contact":

1. Any employee earns or would have been expected to earn twenty-five percent or more of his gross annual wage or income from that employer from services rendered in this state; or
2. Twenty-five percent of the employer's gross annual payroll is payable to employees for services rendered in this state.
3. An employer hires an employee in this state for work in this state.

⁽⁸⁾ Tennessee Extraterritoriality: Extraterritorial protection extends to workers outside of Tennessee on longer than a "temporary" basis (as defined by the statute) if:

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1. The employment was principally localized within this state;
2. The contract of hire was made in this state; or
3. If at the time of the injury the injured worker was a Tennessee resident and there existed a substantial connection between this state and the particular employer and employee relationship.