

[(13)] (12) (11) [If the Commission finds that any compensation payment awarded pursuant to this article has not been paid, through the fault of the insurer or self-insurer, by the thirty-first day after the order therefor was issued or the payment was due, whichever is later, the Commission shall assess against the insurer or self-insurer a fine not to exceed 20 percent of the amount of the payment, which fine shall be remitted to the claimant.] WITHIN 15 10 15 DAYS AFTER EITHER THE DATE A COMPENSATION AWARD IS ISSUED OR THE DATE THE PAYMENT OF AN AWARD IS DUE, WHICHEVER IS THE LATER, THE EMPLOYER OR INSURER SHALL COMMENCE PAYMENT OF THE COMPENSATION TO THE EMPLOYEE. IF THE COMMISSION FINDS THAT THE EMPLOYER OR INSURER HAS FAILED WITHOUT GOOD CAUSE TO COMMENCE PAYMENT WITHIN 15 10 15 DAYS, THE COMMISSION SHALL ASSESS AGAINST THE EMPLOYER OR INSURER A FINE NOT TO EXCEED 20 PERCENT OF THE AMOUNT OF THE PAYMENT. IF THE COMMISSION FINDS THAT THE EMPLOYER OR INSURER HAS FAILED WITHOUT GOOD CAUSE TO COMMENCE PAYMENT WITHIN 30 20 30 days, the commission shall assess against the employer or insurer a fine not to exceed 40 percent of the amount of the payment. The commission shall cause the employer or insurer to remit A THE FINE TO THE EMPLOYEE.

39-

(D) -- WITHIN -- 21 -- DAYS -- AFTER -- A -- CLAIM -- FOR -- COMPENSATION -- FOR -- INJURIES -- UNDER -- THIS -- ARTICLE -- HAS -- BEEN -- FILED -- WITH -- THE -- COMMISSION, THE -- EMPLOYER -- OR -- INSURER -- SHALL -- EITHER -- COMMENCE -- PAYMENT -- OF -- TEMPORARY -- TOTAL -- DISABILITY -- BENEFITS -- OR -- SHALL -- FILE -- ISSUES -- CONTESTING -- THE -- COMPENSABILITY -- OF -- THE -- CLAIM. -- THE -- EMPLOYER -- OR -- INSURER -- MAY -- NOT -- RECEIVE -- COMPENSATION -- PAID -- UNDER -- THIS -- SUBSECTION. -- AN -- EMPLOYER -- OR -- AN -- INSURER'S -- PAYMENT -- BEFORE -- AN -- AWARD -- MAY -- NOT -- BE -- CONSIDERED -- A -- WAIVER -- OF -- RIGHTS -- TO -- CONTEST -- THE -- CLAIM -- AT -- A -- LATER -- DATE. -- IF -- THE -- COMMISSION -- FINDS -- THAT -- THE -- EMPLOYER -- OR -- INSURER -- HAS -- WITHOUT -- GOOD -- CAUSE -- NEITHER -- COMMENCED -- PAYMENT -- OF -- TEMPORARY -- TOTAL -- DISABILITY -- BENEFITS -- NOR -- FILED -- ISSUES -- CONTESTING -- THE -- COMPENSABILITY -- OF -- THE -- CLAIM -- WITHIN -- 21 -- DAYS -- AFTER -- A -- CLAIM -- HAS -- BEEN -- FILED, -- THE -- COMMISSION -- MAY -- ASSESS -- AGAINST -- THE -- EMPLOYER -- OR -- INSURER -- A -- FINE -- NOT -- TO -- EXCEED -- 20 -- PERCENT -- OF -- THE -- AMOUNT -- OF -- THE -- PAYMENT. -- IF -- THE -- COMMISSION -- FINDS -- THAT -- THE -- EMPLOYER -- OR -- INSURER -- HAS -- WITHOUT -- GOOD -- CAUSE -- NEITHER -- COMMENCED -- PAYMENT -- OF -- TEMPORARY -- TOTAL -- DISABILITY -- BENEFITS -- NOR -- FILED -- ISSUES -- CONTESTING -- THE -- COMPENSABILITY -- OF -- THE -- CLAIM -- WITHIN -- 30 -- DAYS -- AFTER -- A -- CLAIM -- HAS -- BEEN -- FILED, -- THE -- COMMISSION -- MAY -- ASSESS -- AGAINST -- THE -- EMPLOYER -- OR -- INSURER -- A -- FINE -- NOT -- TO -- EXCEED -- 40 -- PERCENT -- OF -- THE -- AMOUNT -- OF -- THE -- PAYMENT. -- THE -- COMMISSION -- SHALL -- CAUSE -- THE -- EMPLOYER -- OR -- INSURER -- TO -- REMIT -- A -- FINE -- TO -- THE -- EMPLOYEE.

39B.

IN DETERMINING THE AMOUNT OF ANY FINANCIAL PENALTY OR FINE TO BE IMPOSED UNDER THIS ARTICLE, THE COMMISSION SHALL CONSIDER IN A FAIR AND EQUITABLE MANNER THE FOLLOWING: