

Introduced: 3/6/79
Referred: Labor & Management
and Judiciary

1 IN THE HOUSE

BY HAYES

2 HOUSE BILL NO. 347

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to worker's compensation."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 23.30.100(d) is repealed and re-enacted to read:

9 (d) Failure to give notice does not bar a claim under this chapter
10 if

11 (1) the employee reasonably believed the injury would not
12 require medical care or result in disability compensable under this
13 chapter; and

14 (2) the employee gives notice not later than seven business
15 days after first receiving medical care.

16 * Sec. 2. AS 23.30.100 is amended by adding new subsections to read:

17 (e) The failure to give the notice required in (a) of this section
18 is waived unless objection to the failure is raised before the board at
19 the first hearing of a claim for compensation for the injury or death.

20 (f) Notwithstanding the provisions of (d) of this section, notice
21 of a claim for an injury must be made not later than 90 days after the
22 date of the injury. This subsection does not apply to a claim for
23 compensation for an occupational disease.

24 * Sec. 3. AS 23.30.105(a) is amended to read:

25 (a) The right to compensation [FOR DISABILITY] under this chapter
26 is barred unless a claim for it is filed within one year [TWO YEARS]
27 after the date of injury [EMPLOYEE HAS KNOWLEDGE OF THE NATURE OF HIS
28 DISABILITY AND ITS RELATION TO HIS EMPLOYMENT AND AFTER DISABLEMENT].
29 However, the maximum time for filing a [THE] claim [IN ANY EVENT OTHER

1 THAN] arising out of an occupational disease shall be one year [FOUR
2 YEARS] from the date the employee first has knowledge of the nature of
3 his disease and its relation to his employment [OF INJURY], and the
4 right to compensation for death is barred unless a claim [THEREFOR] is
5 filed within one year after the death. Except that if payment of com-
6 pensation has been made without an award on account of the injury or
7 death, a claim may be filed within one year [TWO YEARS] after the date
8 of the last payment. [IT IS ADDITIONALLY PROVIDED THAT, IN THE CASE OF
9 LATENT DEFECTS PERTINENT TO AND CAUSING COMPENSABLE DISABILITY, THE
10 INJURED EMPLOYEE HAS FULL RIGHT TO CLAIM AS SHALL BE DETERMINED BY THE
11 BOARD, TIME LIMITATIONS NOTWITHSTANDING.]

12 * Sec. 4. AS 23.30.220(2) is repealed and re-enacted to read:

13 (2) the average weekly wage is the wage earned, including
14 income from self-employment, in the 52 weeks immediately before the date
15 of injury divided by 52;