

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 576 be amended to read as follows:

- 1 Page 16, line 17, strike "an affidavit" and insert "**a certificate**".
- 2 Page 16, line 27, strike "an affidavit" and insert "**a certificate**".
- 3 Page 21, line 22, strike "an affidavit" and insert "**a certificate**".
- 4 Page 21, line 33, strike "an affidavit" and insert "**a certificate**".
- 5 Page 23, line 31, after "unless" insert "**an employee makes a claim**
- 6 **for compensation not later than two (2) years after the date of the**
- 7 **diagnosis of, or the**".
- 8 Page 23, line 32, after "disablement" delete ",".
- 9 Page 23, line 32, strike "as defined in subsection (e), occurs within
- 10 two (2) years".
- 11 Page 23, strike lines 33 through 42.
- 12 Page 24, strike lines 1 through 34, begin a new line blocked left and
- 13 insert:
- 14 "**or death from, an occupational disease, whichever is later.**
- 15 **(g) In all cases of an occupational disease in which disablement**
- 16 **or death occurred before July 1, 2011, and a claim for**
- 17 **compensation payable for or on account of the occupational disease**
- 18 **was barred by this section (before the section was amended in 2011**
- 19 **in the first regular session of the 117th general assembly), the claim**
- 20 **for compensation may be filed after June 30, 2011, and before July**
- 21 **2, 2012.**".
- 22 Page 41, between lines 19 and 20, begin a new paragraph and insert:
- 23 "SECTION 16. IC 22-3-7-32, AS AMENDED BY P.L.99-2007,

1 SECTION 184, IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2011]: Sec. 32. (a) No proceedings for
3 compensation under this chapter shall be maintained unless notice has
4 been given to the employer of **the diagnosis of, or the disablement or**
5 **death** arising from, an occupational disease as soon as practicable after
6 the date of **diagnosis, disablement, or death**. No defect or inaccuracy
7 of such notices shall be a bar to compensation unless the employer
8 proves that he is unduly prejudiced in such proceedings by such defect
9 or inaccuracy.

10 (b) The notice provided for in subsection (a) shall state the name
11 and address of the employee and the nature and cause of the
12 occupational disease and disablement or death therefrom, and shall be
13 signed by the employee with a disability or by someone in the
14 employee's behalf, or by one (1) or more of the dependents, in case of
15 death, or by some person in their behalf. Such notice may be served
16 personally upon the employer or upon any foreman, superintendent, or
17 manager of the employer to whose orders the employee with a
18 disability or deceased employee was required to conform or upon any
19 agent of the employer upon whom a summons in a civil action may be
20 served under the laws of the state or may be sent to the employer by
21 registered letter, addressed to the employer's last known residence or
22 place of business.

23 (c) No proceedings by an employee for compensation under this
24 chapter shall be maintained unless claim for compensation shall be
25 filed by the employee with the worker's compensation board within two
26 (2) years after the date of the **diagnosis of, or disablement or death**
27 **from, an occupational disease, whichever is later.**

28 (d) No proceedings by dependents of a deceased employee for
29 compensation for death under this chapter shall be maintained unless
30 claim for compensation shall be filed by the dependents with the
31 worker's compensation board within two (2) years after the date of
32 death.

33 (e) No limitation of time provided in this chapter shall run against
34 any person who is mentally incompetent or a minor dependent, so long
35 as the person has no guardian or trustee."

36 Renumber all SECTIONS consecutively.

(Reference is to ESB 576 as printed March 29, 2011.)

Representative Tyler