

SENATE BILL NO. 218

INTRODUCED BY THAYER

BY REQUEST OF THE DIVISION OF WORKERS' COMPENSATION

IN THE SENATE

JANUARY 23, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR & EMPLOYMENT RELATIONS.
	FIRST READING.
FEBRUARY 8, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 9, 1989	POSTED ON CONSENT CALENDAR.
	ENGROSSING REPORT.
FEBRUARY 10, 1989	CONSENT CALENDAR, QUESTIONS AND ANSWERS.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 10, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LABOR.
FEBRUARY 20, 1989	FIRST READING.
MARCH 10, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 11, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 94; NOES, 3.
	RETURNED TO SENATE.

MARCH 14, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. 218
2 INTRODUCED BY *Boyle*
3 BY REQUEST OF THE DIVISION OF WORKERS' COMPENSATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DIVISION
6 OF WORKERS' COMPENSATION TO WAIVE THE STATUTE OF LIMITATION
7 ON PRESENTMENT OF A CLAIM UPON A SHOWING OF LATENT INJURY OR
8 EQUITABLE ESTOPPEL; AND AMENDING SECTION 39-71-601, MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 39-71-601, MCA, is amended to read:

12 "39-71-601. Statute of limitation on presentment of
13 claim -- waiver. (1) In case of personal injury or death,
14 all claims ~~shall~~ must be forever barred unless presented in
15 writing to the employer, the insurer, or the division, as
16 the case may be, within 12 months from the date of the
17 happening of the accident, either by the claimant or someone
18 legally authorized to act for him in his behalf.

19 (2) The division may, ~~upon a reasonable showing by the~~
20 ~~claimant--of-lack-of-knowledge-of-disability,~~ waive the time
21 requirement up to an additional 24 months upon a reasonable
22 showing by the claimant of:

23 (a) lack of knowledge of disability;

24 (b) latent injury; or

25 (c) equitable estoppel."

1 NEW SECTION. **Section 2.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

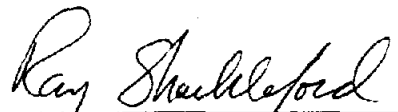
In compliance with a written request, there is hereby submitted a Fiscal Note for SB218, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

"An Act to allow the Division of Workers' Compensation to waive the statute of limitation on presentment of a claim upon a showing of latent injury or equitable estoppel; and amending Section 39-71-601, MCA."

FISCAL IMPACT:

There is no fiscal impact.

 1/28/89
RAY SHACKLEFORD, BUDGET DIRECTOR DATE
OFFICE OF BUDGET AND PROGRAM PLANNING

 1/28/89
GENE THAYER, PRIMARY SPONSOR DATE

Fiscal Note for SB218, as introduced

SB 218

APPROVED BY COMMITTEE
ON LABOR & EMPLOYMENT
RELATIONS

1 *Senate* BILL NO. 218
2 INTRODUCED BY *Stacy*
3 BY REQUEST OF THE DIVISION OF WORKERS' COMPENSATION
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DIVISION
6 OF WORKERS' COMPENSATION TO WAIVE THE STATUTE OF LIMITATION
7 ON PRESENTMENT OF A CLAIM UPON A SHOWING OF LATENT INJURY OR
8 EQUITABLE ESTOPPEL; AND AMENDING SECTION 39-71-601, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 39-71-601, MCA, is amended to read:

12 "39-71-601. Statute of limitation on presentment of
13 claim -- waiver. (1) In case of personal injury or death,
14 all claims ~~shall~~ must be forever barred unless presented in
15 writing to the employer, the insurer, or the division, as
16 the case may be, within 12 months from the date of the
17 happening of the accident, either by the claimant or someone
18 legally authorized to act for him in his behalf.

19 (2) The division may ~~upon a reasonable showing by the~~
20 ~~claimant--of-lack-of-knowledge-of-disability,~~ waive the time
21 requirement up to an additional 24 months upon a reasonable
22 showing by the claimant of:

23 (a) lack of knowledge of disability;

24 (b) latent injury; or

25 (c) equitable estoppel."

1 NEW SECTION. Section 2. Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

1 *Senate* BILL NO. 218
2 INTRODUCED BY *[Signature]*
3 BY REQUEST OF THE DIVISION OF WORKERS' COMPENSATION
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DIVISION
6 OF WORKERS' COMPENSATION TO WAIVE THE STATUTE OF LIMITATION
7 ON PRESENTMENT OF A CLAIM UPON A SHOWING OF LATENT INJURY OR
8 EQUITABLE ESTOPPEL; AND AMENDING SECTION 39-71-601, MCA."
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 **Section 1.** Section 39-71-601, MCA, is amended to read:

12 "39-71-601. Statute of limitation on presentment of
13 claim -- waiver. (1) In case of personal injury or death,
14 all claims ~~shall~~ must be forever barred unless presented in
15 writing to the employer, the insurer, or the division, as
16 the case may be, within 12 months from the date of the
17 happening of the accident, either by the claimant or someone
18 legally authorized to act for him in his behalf.

19 (2) The division may ~~upon a reasonable showing by the~~
20 ~~claimant--of-lack-of-knowledge-of-disability;~~ waive the time
21 requirement up to an additional 24 months upon a reasonable
22 showing by the claimant of:

23 (a) lack of knowledge of disability;

24 (b) latent injury; or

25 (c) equitable estoppel."

1 NEW SECTION. **Section 2.** Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

-End-

SENATE BILL NO. 218

INTRODUCED BY THAYER

BY REQUEST OF THE DIVISION OF WORKERS' COMPENSATION

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DIVISION OF WORKERS' COMPENSATION TO WAIVE THE STATUTE OF LIMITATION ON PRESENTMENT OF A CLAIM UPON A SHOWING OF LATENT INJURY OR EQUITABLE ESTOPPEL; AND AMENDING SECTION 39-71-601, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 39-71-601, MCA, is amended to read:

"39-71-601. Statute of limitation on presentment of claim -- waiver. (1) In case of personal injury or death, all claims ~~shall~~ must be forever barred unless presented in writing to the employer, the insurer, or the division, as the case may be, within 12 months from the date of the happening of the accident, either by the claimant or someone legally authorized to act for him in his behalf.

(2) The division may ~~upon a reasonable showing by the claimant~~ ~~of lack of knowledge of disability~~, waive the time requirement up to an additional 24 months upon a reasonable showing by the claimant of:

(a) lack of knowledge of disability;

(b) latent injury; or

(c) equitable estoppel."

NEW SECTION. Section 2. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

-End-