

AMENDMENTS TO HOUSE BILL NO. 1234

Sponsor: REPRESENTATIVE COX

Printer's No. 1351

1 Amend Bill, page 2, line 7, by inserting after "injury."

2 The limitation with respect to a disease under this
3 paragraph having to occur within three years of the last date of
4 exposure shall not apply to claims filed under subsection (g)
5 (1).

6 Amend Bill, page 3, line 26, by striking out "limitation" and
7 inserting

8 limitations with respect to a disease under subsection (c)
9 (1) having to occur within three years of the last date of
10 exposure, and

11 Amend Bill, page 4, line 1, by striking out "any disease" and
12 inserting

13 a disease under subsection (c) (1) or (2)

14 Amend Bill, page 4, lines 5 and 6, by striking out "or the
15 disease is detectable"

16 Amend Bill, page 4, by inserting between lines 8 and 9

17 (2) The following shall apply to claims made under this
18 subsection, where the last date of employment in the occupation
19 or industry to which a claimant was exposed to the hazards of
20 disease occurred prior to the effective date of this paragraph:

21 (i) A self-insured employer shall pay compensable claims
22 under this subsection in accordance with this act.

23 (ii) An insurer shall not be liable for a compensable claim
24 under this subsection that was not compensable prior to the
25 effective date of this paragraph as the result of the limitation
26 with respect to a disease under subsection (c) (1) having to
27 occur within three years of the last date of exposure or the
28 limitation under subsection (c) (2) with respect to disability or
29 death resulting from an occupational disease having to occur
30 within three hundred weeks after the last date of employment in
31 an occupation or industry to which a claimant was exposed to the

1 hazards of disease.

2 (iii) An insured employer who receives a notice or petition
3 for a compensable claim under this subsection, which the insurer
4 is not required to pay under subparagraph (ii), may refer the
5 claim to the Workers' Compensation Security Fund, established
6 under the act of July 1, 1937 (P.L.2532, No.470), known as the
7 Workers' Compensation Security Fund Act. An employer who refers
8 a claim shall immediately report the claim to the Workers'
9 Compensation Security Fund and send written notice by certified
10 mail to the claimant, the insurer and the Workers' Compensation
11 Security Fund within forty-five days of receipt of the notice or
12 petition, or within forty-five days from the time the employer
13 was informed by the insurer that the insurer is not required to
14 pay the claim under subparagraph (ii). The notice shall include
15 all claim information received by the employer, contact
16 information for the claimant and any other information required
17 by the Workers' Compensation Security Fund.

18 (iv) The Workers' Compensation Security fund shall pay
19 compensable claims submitted under subparagraph (iii) in
20 accordance with this act, if the employer has provided notice
21 under subparagraph (iii) and the claim is compensable under this
22 subsection. The Workers' Compensation Security Fund shall not be
23 required to pay any claim that is not authorized under this
24 subsection or any claim under this subsection where the last
25 date of employment in the occupation or industry to which a
26 claimant was exposed to the hazards of disease occurred on or
27 after the effective date of this paragraph, unless required by
28 the Workers' Compensation Security Fund Act. The Workers'
29 Compensation Security Fund may establish regulations, policies
30 and procedures for the submission of claims under subparagraph
31 (iii), including the form of the notice, and the administration
32 of claims.

33 (v) The Insurance Commissioner shall include in his regular
34 report to the Governor a statement of the expenses of
35 administering claims paid under this subsection, along with the
36 information required under section 14 of the Workers'
37 Compensation Security Fund Act.

38 Amend Bill, page 4, line 9, by striking out "(2)" and
39 inserting

40 (3)

41 Amend Bill, page 4, line 20, by inserting after "remedy"
42 against a claimant's employer

43 Amend Bill, page 4, line 22, by striking out "as an
44 occupational disease"

45 Amend Bill, page 4, line 29, by striking out "retroactively"