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By: **Delegate Comeau**

Introduced and read first time: February 9, 1998

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Limitation of Actions**

3 FOR the purpose of providing a limitation as to when a covered employee or the  
4 dependents of a covered employee, after termination of employment, may file a  
5 certain workers' compensation claim for disablement or death resulting from an  
6 occupational disease; and generally relating to workers' compensation benefits.

7 BY repealing and reenacting, with amendments,  
8 Article - Labor and Employment  
9 Section 9-711  
10 Annotated Code of Maryland  
11 (1991 Volume and 1997 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Labor and Employment**

15 9-711.

16 (a) If a covered employee suffers a disablement or death as a result of an  
17 occupational disease, the covered employee or the dependents of the covered employee  
18 shall file a claim with the Commission within 2 years, or in the case of pulmonary  
19 dust disease within 3 years, after the date:

20 (1) of disablement or death; or

21 (2) when the covered employee or the dependents of the covered  
22 employee first had actual knowledge that the disablement was caused by the  
23 employment, BUT NO MORE THAN 5 YEARS AFTER THE EMPLOYMENT HAS  
24 TERMINATED WITH THE EMPLOYER.

25 (b) Unless waived under subsection (c) of this section, failure to file a claim in  
26 accordance with subsection (a) of this section bars a claim under this title.

1 (c) The defense of failure to file a claim in accordance with subsection (a) of  
2 this section is waived if the employer or its insurer:

3 (1) fails to raise the defense of the failure to file the claim at a hearing on  
4 the claim before the Commission makes any award or decision;

5 (2) pays compensation for the disability or death resulting from the  
6 occupational disease; or

7 (3) by its affirmative conduct leads the covered employee or other  
8 claimant to reasonably believe that the requirement of filing a claim has been waived.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 1998.