

34:15-34

LEGISLATIVE FACT SHEET

on Occupational disease - no time limits

N.J.R.S. 34:15-34

(Amendment)

LAWS OF 1974

SENATE BILL

INTRODUCED Feb. 15, 1974

SPONSOR'S STATEMENT

ASSEMBLY COMMITTEE STATEMENT

SENATE COMMITTEE STATEMENT

FISCAL NOTE

AMENDED DURING PASSAGE

HEARING none discovered

VETO

Governor's statement on signing. YES See other side

CHAPTER 65 July 3, 1974

ASSEMBLY BILL 1236

BY Ruane and others

- YES NO
- YES NO
- YES NO
- YES NO
- YES NO

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SPONSOR'S STATEMENT to Assembly Bill No. 1236

Occupational diseases are often of such an insidious nature that they do not become evident until years after exposure to the cause thereof. This bill memorializes this fact by abrogating the burdensome and arbitrary time restrictions presently in effect within which a claim for compensation must be filed, and which in fact may easily lapse before even the symptoms of disease are evident. As herein prescribed, a claim would be permitted within 2 years after the claimant had actual knowledge of the nature of the disability and its relation to the employment.

ASSEMBLY, No. 1236

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 15, 1974

By Assemblymen RUANE, SINSIMER, JACKMAN and GALLO

Referred to Committee on Labor Relations

AN ACT concerning time for claiming compensation for occupational disease and amending R. S. 34:15-34.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. R. S. 34:15-34 is amended to read as follows:

2 34:15-34. **[**All claims for compensation for commensable occu-
3 pational disease shall be barred unless a petition is filed in dupli-
4 cate with the secretary of the division in Trenton, within 2 years
5 after the date on which the employee ceased to be exposed in the
6 course of employment with the employer to such occupational dis-
7 ease as hereinabove defined, or within 1 year after the employee
8 knew or ought to have known the nature of his disability and its
9 relation to his employment, whichever period is later in duration.
10 **In]** *Notwithstanding time limitation for the filing of claims for*
11 *compensation as set forth in sections 34:15-41 and 34:15-51, or*
12 *as set forth in any other section of this Title, there shall be no*
13 *time limitation upon the filing of claims for compensation for*
14 *compensable occupational disease, as hereinabove defined; pro-*
15 *vided, however, that where a claimant knew the nature of the*
16 *disability and its relation to the employment, all claims for com-*
17 *ensation for compensable occupational disease shall be barred*
18 *unless a petition is filed in duplicate with the secretary of the*
19 *division in Trenton within 2 years after the date on which the claim-*
20 *ant first had such knowledge; provided further, that in case an*
21 *agreement of compensation for compensable occupational disease*
22 *has been made between such employer and such claimant, then*
23 *an employee's claim for compensation shall be barred unless a*
24 *petition for compensation is duly filed with such secretary within*
25 *2 years after the failure of the employer to make payment pursuant*

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

26 to the terms of such agreement; or in case a part of the compen-
 27 sation has been paid by such employer, then within 2 years after
 28 the last payment of compensation.

29-38 **【Notwithstanding any provision of this section hereinabove set**
 39 **forth, all claims for compensation for compensable occupational**
 40 **disease hereunder shall be forever barred unless a petition is filed**
 41 **in duplicate with the secretary of the Division of Workmen's**
 42 **Compensation, in Trenton, within 5 years after the date on which**
 43 **the employee ceased to be exposed in the course of employment**
 44 **with the employer to such occupational disease; provided, how-**
 45 **ever, that in the event of death of an employee who has been paid**
 46 **compensation on account of a compensable occupational disease,**
 47 **a petition on behalf of dependents, as defined in R. S. 34:15-13f,**
 48 **shall be timely if filed within 2 years after the date of last payment**
 49 **to the employee notwithstanding such period of 2 years or any**
 50 **part thereof extends beyond the 5-year period hereinabove set**
 51 **forth.】**

52 A payment or agreement to pay by the insurance carrier shall,
 53 for the purpose of this section, be deemed a payment or agreement
 54 by the employer.

55 **【In any case wherein claim is made for radiation poisoning,**
 56 **siderosis, anthroacosis, silicosis, mercury poisoning, beryllium**
 57 **poisoning, chrome poisoning or lead poisoning, as an occupational**
 58 **disease more than 2 years after the date upon which the employee**
 59 **ceased to be exposed in the course of employment with exposure**
 60 **to such occupational disease, the aforesaid 5-year limitation shall**
 61 **not apply, excepting, however, that the claim petition must be filed**
 62 **in duplicate with the secretary of the Division of Workmen's Com-**
 63 **ensation within 1 year after the employee knew or ought to have**
 64 **known the nature of the claimed disability and its relation to his**
 65 **employment.】**

1 2. This act shall take effect immediately.

STATEMENT

Occupational diseases are often of such an insidious nature that they do not become evident until years after exposure to the cause thereof. This bill memorializes this fact by abrogating the burdensome and arbitrary time restrictions presently in effect within which a claim for compensation must be filed, and which in fact may easily lapse before even the symptoms of disease are evident. As herein prescribed, a claim would be permitted within 2 years after the claimant had actual knowledge of the nature of the disability and its relation to the employment.