

JAN 23 2009

## A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 386-82, Hawaii Revised Statutes, is amended to read as follows:

"§386-82 Claim for compensation; limitation of time. The right to compensation under this chapter shall be [barred unless] established by a written claim [therefor is] made to the director of labor and industrial relations [~~(1) within two years~~] after the date of injury and after the date at which the effects of the injury for which the employee is entitled to compensation have become manifest [~~, and (2) within five years after the date of the accident or occurrence which caused the injury.~~]

~~The foregoing limitations of time shall not apply to a claim for injury caused by compressed air or due to occupational exposure to, or contact with, arsenic, asbestos, benzol, beryllium, zirconium, cadmium, chrome, lead, fluorine, or other mineral or substance with carcinogenic properties, as incorporated in the Hawaii Occupational Safety and Health~~



1 ~~Standards, or to exposure to X rays, radium, ionizing radiation,~~  
2 ~~or radioactive substances, but such claim shall be barred unless~~  
3 ~~it is made to the director, in writing, within two years after~~  
4 ~~knowledge that the injury was proximately caused by, or resulted~~  
5 ~~from the nature of, the employment].~~ The claim may be made by  
6 the injured employee ~~[or]~~, the employee's dependents, or by some  
7 other person on the employee's or ~~[their]~~ the employee's  
8 dependents' behalf. The claim shall state in ordinary language  
9 the time, place, nature, and cause of the injury."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.  
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INTRODUCED BY:

Erzanne Chun Oakland

*[Signature]*

*Jul 14*

*[Signature]*



**Report Title:**

Workers' Compensation; Statute of Limitations; Abolish

**Description:**

Eliminates the statute of limitations for filing workers' compensation claims.

