

ACT 114

H.B. NO. 544

A Bill for an Act Relating to Industrial Carcinogens.

Be It Enacted by the Legislature of the State of Hawaii:

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

“Sec. 386-82 Claim for compensation; limitation of time. The right to compensation under this chapter shall be barred unless a written claim therefor is made to the director of labor and industrial relations (1) within two years 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, flourine [sic], or other mineral or substance with carcinogenic properties, as incorporated in the Hawaii Occupational Safety and Health Standards, or to exposure to X-rays, radium, ionizing radiation, or radioactive substances, but such claim shall be barred unless it is made to the director, in writing, within two years after knowledge that the injury was proximately caused by, or resulted from the nature of, the employment. The claim

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may be made by the injured employee or his dependents or by some other person on his or their behalf. The claim shall state in ordinary language the time, place, nature, and cause of the injury.”

SECTION 2. New statutory material is underscored.*

SECTION 3. This Act shall take effect upon approval and shall apply to claims for workers' compensation benefits pending on its effective date.

(Approved May 25, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.