

Regular Session, 2012

HOUSE BILL NO. 672

BY REPRESENTATIVE EDWARDS

WORKERS COMPENSATION: Provides relative to the prescriptive period for certain injuries

1 AN ACT

2 To amend and reenact R.S. 23:1209(A)(3), relative to workers' compensation; to provide for
3 the prescriptive period for certain injuries; to increase the prescriptive period; and
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1209(A)(3) is hereby amended and reenacted to read as follows:

7 §1209. Prescription; timeliness of filing; dismissal for want of prosecution

8 A.

9 * * *

10 (3) When the injury does not result at the time of or develop immediately
11 after the accident, the limitation shall not take effect until expiration of one year from
12 the time the injury develops, but in all such cases the claim for payment shall be
13 forever barred unless the proceedings have ~~been~~ begun within ~~two~~ three years from
14 the date of the accident.

15 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Edwards

HB No. 672

Abstract: Provides for a prescriptive period for claiming workers' compensation benefits in cases involving injuries that develop after the accident or injury.

Present law provides that all claims for payments shall be forever barred unless within one year after the accident or death the parties have agreed upon the payments or filed a formal claim.

Present law provides that in cases where payments have been made, the limitations shall not take effect until the expiration of one year from the time of making the last payment, or three years after the last payment in certain disability cases.

Present law provides that in cases when the injury does not develop immediately, the limitation shall not take effect until one year from the time the injury develops, and that the claim for payment shall be forever barred unless the proceedings have begun within two years from the date of the accident.

Proposed law changes present law to provide that the claim for payment shall be forever barred unless the proceedings have begun within three years from the date of the accident.

(Amends R.S. 23:1209(A)(3))