

Session 113 - (1999-2000)

H 4896 General Bill, By Delleney

Summary: Workers' Compensation, claimants against third parties; progressive disease disabling employee

A BILL TO AMEND SECTION 42-1-560, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO RIGHTS AND REMEDIES OF WORKERS' COMPENSATION CLAIMANTS AGAINST THIRD PARTIES, SO AS TO PROVIDE THAT, IN CASES INVOLVING A PROGRESSIVE DISEASE IN WHICH A CLAIM FOR WORKERS' COMPENSATION DOES NOT VEST UNTIL THE EMPLOYEE BECOMES DISABLED OR A CARRIER ADMITS LIABILITY, AND A THIRD PARTY ACTION IS LIKELY TO BE BARRED BY AN APPLICABLE STATUTE OF LIMITATIONS BEFORE THE EMPLOYEE'S CLAIM VESTS, AN EMPLOYEE, HIS PERSONAL REPRESENTATIVE, OR OTHER PERSON WHO HAS A RIGHT TO RECOVER DAMAGES FOR INJURY, LOSS OF SERVICE, OR DEATH FROM ANY PERSON OTHER THAN THE EMPLOYER, MAY INSTITUTE AN ACTION AT LAW AGAINST THIRD PARTIES BEFORE AN AWARD FOR THE DISEASE IS MADE AND PROSECUTE IT TO ITS FINAL DETERMINATION WITHOUT BEING BARRED FROM RECEIVING WORKERS' COMPENSATION BENEFITS FOR THE DISEASE WHEN THE CLAIM VESTS.

04/11/00 House Introduced and read first time HJ-9

04/11/00 House Referred to Committee on Labor, Commerce and Industry HJ-10