

SESSION OF 2005

**SUPPLEMENTAL NOTE ON
SUBSTITUTE FOR HOUSE BILL NO. 2142**

As Recommended by House Committee on
Commerce and Labor

Brief*

Substitute for HB 2142 would amend the Workers Compensation Act as it relates to the date of accident. The bill would provide that in cases where the accident occurs as a result of a series of events, repetitive use, cumulative traumas or microtraumas, the date of accident shall be the date the authorized physician takes the employee off work due to the condition or restricts the employee from performing the work which is the cause of the condition. In the event the worker is not taken off work or restricted as above described, then the date of injury would be the earliest of the following dates:

- the date upon which the employee gives written notice to the employer of the injury; or
- the date the condition is diagnosed as work related, provided such fact is communicated in writing to the injured worker.

In cases where none of the above criteria are met, then the date of accident shall be determined by the administrative law judge based on all the evidence and circumstances; and in no event shall the date of accident be the date of, or the day before the regular hearing. These provisions would not preclude a worker's right to make a claim for aggravation of injuries under the Workers Compensation Act.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

Those who appeared in support of the original bill, which also dealt with an employer's maximum liability and attorney fees, included conferees on behalf of the Kansas Chamber of Commerce and Industry, the Kansas Grain and Feed Association as well as the Kansas Agribusiness Retailers Association.

Opposition to or concern with the original bill, either in whole or part, was expressed by conferees from the Kansas Trial Lawyers Association, the Kansas AFL-CIO, the Kansas State Nurses Association, the Kansas National Education Association as well as the Kansas Coalition for Workplace Safety, the American Association of Retired Persons, the Kansas Bar Association, the Kansas State Council of Fire Fighters, and citizens who were injured on the job.

Informational material was presented by a Workers Compensation Administrative Law Judge.

The fiscal note for the substitute bill was not available when the bill passed out of the House Committee.