

Session 114 - (2001-2002)

S 0208 General Bill, By Hayes

Summary: Workers' compensation claimants against third parties when progressive disease disables employee before claim vests

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, AND TO PROVIDE THAT THE WORKERS' COMPENSATION COMMISSION HAS JURISDICTION IN SUCH CASES TO APPROVE SETTLEMENTS AND ATTORNEYS FEES IN CONNECTION WITH CLAIMS AND ACTIONS AGAINST THIRD PARTIES.

01/24/01 Senate Introduced and read first time SJ-11

01/24/01 Senate Referred to Committee on Judiciary SJ-11