

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT:

The Committee on **Commerce** recommends **SB 73** be amended on page 4, in line 19, by striking "sixth" and inserting "fourth"; in line 21, after "therein" by inserting ", until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be determined by using the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein"; in line 25, by striking "sixth" and inserting "fourth"; in line 26, after "impairment" by inserting "until January 1, 2015, but for injuries occurring on and after January 1, 2015, shall be combined pursuant to the sixth edition of the American medical association guides to the evaluation of permanent impairment,";

On page 6, in line 2, by striking "sixth" and inserting "fourth"; in line 4, after "therein" by inserting ", until January 1, 2015, but for injuries occurring on and after January 1, 2015, based on the sixth edition of the American medical association guides to the evaluation of permanent impairment, if the impairment is contained therein";

On page 7, in line 3, by striking all following the period; by striking all in lines 4 and 5;

On page 9, following line 8, by inserting:

"Sec. 5. K.S.A. 2012 Supp. 44-520 is hereby amended to read as follows: 44-520. (a) (1) Proceedings for compensation under the workers compensation act shall not be maintainable unless notice of injury by accident or repetitive trauma is given to the employer by the earliest of the following dates:

(A) 30 calendar days from the date of accident or the date of injury by repetitive trauma;

(B) if the employee is working for the employer against whom benefits are being sought and such employee seeks medical treatment for any injury by accident or repetitive trauma, 20 calendar days from the date such medical treatment is sought; or

(C) if the employee no longer works for the employer against whom benefits are being sought, ~~20~~ 10 calendar days after the employee's last day of actual work for the employer.

Notice may be given orally or in writing.

(2) Where notice is provided orally, if the employer has designated an individual or department to whom notice must be given and such designation has been communicated in writing to the employee, notice to any other individual or department shall be insufficient under this section. If the employer has not designated an individual or department to whom notice must be given, notice must be provided to a supervisor or manager.

(3) Where notice is provided in writing, notice must be sent to a supervisor or manager at the employee's principal location of employment. The burden shall be on the employee to prove that such notice was actually received by the employer.

(4) The notice, whether provided orally or in writing, shall include the time, date, place, person injured and particulars of such injury. It must be apparent from the content of the notice that the employee is claiming benefits under the workers compensation act or has suffered a work-related injury.

(b) The notice required by subsection (a) shall be waived if the employee proves that: (1) The employer or the employer's duly authorized agent had actual knowledge of the injury; (2) the employer or the employer's duly authorized agent was unavailable to receive such notice within the applicable period as provided in paragraph (1) of subsection (a); or (3) the employee was physically unable to give such notice.

(c) For the purposes of calculating the notice period proscribed in subsection (a), weekends

shall be included.";

On page 16, in line 31, by striking all following the period; by striking all in lines 32 and 33; in line 35, after "44-510e," by inserting "44-520,";

And by renumbering sections accordingly;

On page 1, in the title, in line 3, after "disqualification;" by inserting "notice of injury requirements;" in line 6, after "44-510e," by inserting "44-520,"; and the bill be passed as amended.

\_\_\_\_\_Chairperson