PLAINTIFF'S EXHIBIT

UC-3340

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VIRGINIA
Regular Session

Chapter 471, Laws 1975

House Bill No. 1256

An Act to amend and reenact §§ 65.1-52 as amended, and 65.1-87 of the Code of Virginia, relating to time for filing claims under the Workmen's Compensation Act.

Be it enacted by the General Assembly of Virginia:

1. That § § 65.1-52 as amended, and 65.1-87 of the Code of Virginia are amended and reenacted as follows:

§ 65.1-52. Limitation upon claim; "filed" and "injurious exposure" defined; diseases covered by limitation.—The right to compensation under this chapter shall be forever barred unless a claim be filed with the Industrial Commission within three years for coal worker's pneumoconiosis and ~~one year~~ *two years* for all other occupational diseases after a diagnosis of an occupational disease is first communicated to the employee or within five years from the date of the last injurious exposure in employment, whichever first occurs; and, *if death* results from the occupational disease within either of said periods, unless a claim therefor be filed with the Commission within three years after such death. The limitations imposed by this section as amended shall be applicable to occupational diseases contracted before and after July one, nineteen hundred sixty-two, and § 65.1-87 shall not apply to pneumoconiosis.

Provided that a claim for first or second stage pneumoconiosis must be made within ~~one year~~ *two years* of the date of the first communication to the employee that he has first or second stage pneumoconiosis in order to make any claim for those stages.

"Filed" as used anywhere in this chapter shall mean hand delivered to the Commission's office in Richmond; sent by the telegraph; or posted at any post office of the United States Postal Service by certified or registered mail. Filing by first-class mail shall be deemed completed only when the application actually reaches the Commission's offices in Richmond.

"Injurious exposure" as used in this section and in § 65.1-50 means an exposure to the causative hazard of such disease which is reasonably calculated to bring on the disease in question. Exposure to the causative hazard of pneumoconiosis for ninety work shifts shall be conclusively presumed to constitute injurious exposure. This limitation on time of filing will cover all occupational diseases, except:

Cataract of the eyes due to exposure to the heat and glare of molten glass or to radiant rays such as infrared;

Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye due to pitch, tar, soot, bitumen, anthracene, paraffin, mineral oil or their compounds, products or residues;

Radium disability or disability due to exposure to radioactive substances and X ray;

Ulceration due to chrome compound or to caustic chemical acids or alkalies and undulant fever caused by the industrial slaughtering and processing of livestock and handling of hides;

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Mesothelioma due to secondary exposure to asbestos.

In any case in which a claim is being made for benefits for a change of condition in an occupational disease (that is, advancing from one stage or category to another) the claim must be filed with the Commission within three years from the date for which compensation was last paid for an earlier stage of the disease.

§ 65.1-87. Time for filing claim.—The right to compensation under this Act shall be forever barred, unless a claim be filed with the Industrial Commission within ~~one year~~ *two years* after the accident, and, if death results from the accident, unless a claim therefor be filed with the Commission within one year thereafter.

Approved, March 20, 1975

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