

342.185 Notice of accident -- Claim for compensation -- Limitation -- Cumulative trauma injury.

- (1) Except as provided in subsections (2) and (3) of this section, no proceeding under this chapter for compensation for an injury or death shall be maintained unless a notice of the accident shall have been given to the employer as soon as practicable after the happening thereof and unless an application for adjustment of claim for compensation with respect to the injury shall have been made with the department within two (2) years after the date of the accident, or in case of death, within two (2) years after the death, whether or not a claim has been made by the employee himself or herself for compensation. The notice and the claim may be given or made by any person claiming to be entitled to compensation or by someone in his or her behalf. If payments of income benefits have been made, the filing of an application for adjustment of claim with the department within the period shall not be required, but shall become requisite within two (2) years following the suspension of payments or within two (2) years of the date of the accident, whichever is later.
- (2) The right to compensation under this chapter resulting from work-related exposure to the human immunodeficiency virus shall be barred unless notice of the injurious exposure is given in accordance with subsection (1) of this section and unless an application for adjustment of claim for compensation shall have been made with the commissioner within five (5) years after the injurious exposure to the virus.
- (3) The right to compensation under this chapter resulting from work-related exposure to cumulative trauma injury shall be barred unless notice of the cumulative trauma injury is given within two (2) years from the date the employee is told by a physician that the cumulative trauma injury is work-related. An application for adjustment of claim for compensation with respect to the injury shall have been made with the department within two (2) years after the employee is told by a physician that the cumulative trauma injury is work-related. However, the right to compensation for any cumulative trauma injury shall be forever barred, unless an application for adjustment of claim is filed with the commissioner within five (5) years after the last injurious exposure to the cumulative trauma.

Effective: July 14, 2018

History: Amended 2018 Ky. Acts ch. 40, sec. 5, effective July 14, 2018. -- Amended 2010 Ky. Acts ch. 24, sec. 1795, effective July 15, 2010. -- Amended 1994 Ky. Acts ch. 181, Part 14, sec. 69, effective April 4, 1994. -- Amended 1982 Ky. Acts ch. 278, sec. 20, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 104, sec. 8, effective July 15, 1980. -- Amended 1974 Ky. Acts ch. 93, sec. 2. -- Amended 1972 Ky. Acts ch. 78, sec. 27. -- Amended 1960 Ky. Acts ch. 147, sec. 13, effective June 16, 1960. - - Amended 1948 Ky. Acts ch. 151, sec. 2. -- Amended 1944 Ky. Acts ch. 82, sec. 4. - - Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4914.

Legislative Research Commission Note (7/14/2018). This statute was amended in Section 5 of 2018 Ky. Acts ch. 40. Subsection (2) of Section 20 of that Act reads, "Sections 2, 4, and 5 and subsection (7) of Section 13 of this Act are remedial and shall apply to all claims irrespective of the date of injury or last exposure, provided that, as applied to any fully and finally adjudicated claim, the amount of indemnity ordered or awarded shall not be reduced and the duration of medical benefits shall

not be limited in any way."