

## LEGISLATIVE BILL 144

Approved by the Governor March 3, 1977

Introduced by Brennan, 9

AN ACT to amend sections 48-133 and 48-137, Reissue Revised Statutes of Nebraska, 1943, relating to workmen's compensation; to change the time for filing claims and the statute of limitations; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 48-133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-133. No proceedings for compensation for an injury under this act shall be maintained unless a notice of the injury shall have been given to the employer as soon as practicable after the happening thereof; ~~and unless the claim for compensation with respect to such injury shall have been made within six months after the occurrence of the same; or in case of death of the employee, or in event of his or his dependent's physical or mental incapacity, within six months after death or the removal of such physical or mental incapacity;~~ Provided, that all disputed claims for compensation or benefits shall be first submitted to the compensation court. The notice shall be in writing, and shall state in ordinary language the time, place, and cause of the injury. It shall be signed by the person injured, or by a person in his behalf, or in the event of his death, by his legal representative or by a person in his behalf. The notice shall be served upon the employer or an agent thereof. Such service may be made by delivering the notice to the person on whom it is to be served, or leaving it at his residence or place of business, or by sending it by registered mail addressed to the person or corporation on whom it is to be served at his last-known residence or place of business. A notice given under the provisions of this section shall not be held invalid or insufficient by reason of any inaccuracy in stating the time, place or cause of the injury, unless it is shown that it was the intention to mislead, and the employer, or the insurance company carrying such risk, as the case may be, was in fact misled thereby. Want of such written notice shall not be a bar to proceedings under this act, if it be shown that the employer had notice or knowledge of the injury.

Sec. 2. That section 48-137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-137. In case of personal injury, all claims for compensation shall be forever barred unless, within one-year two years after the accident, the parties shall have agreed upon the compensation payable under this act, or unless, within one-year two years after the accident, one of the parties shall have filed a petition as provided in section 48-173. In case of death, all claims for compensation shall be forever barred unless, within one-year two years after the death, the parties shall have agreed upon the compensation under this act, or unless within one-year two years after the death, one of the parties shall have filed a petition as provided in section 48-173. ~~Where;--however;~~ When payments of compensation have been made in any case, such limitation shall not take effect until the expiration of one--year two years from the time of the making of the last payment. In the event of legal disability of an injured employee or his dependent such limitation shall not take effect until the expiration of one-year two years from the time of removal of such legal disability.

Sec. 3. That original sections 48-133 and 48-137, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 4. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.