

FIRST REGULAR SESSION

SENATE BILL NO. 443

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CHAPPELLE-NADAL.

Read 1st time February 20, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1986S.011

AN ACT

To repeal section 287.430, RSMo, and to enact in lieu thereof one new section relating to the statute of limitations for certain claims under workers' compensation laws.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 287.430, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 287.430, to read as follows:

287.430. Except for a claim for recovery filed against the second injury
2 fund **or a claim based on any injury caused by exposure to radiological**
3 **materials or equipment**, no proceedings for compensation under this chapter
4 shall be maintained unless a claim therefor is filed with the division within two
5 years after the date of injury or death, or the last payment made under this
6 chapter on account of the injury or death, except that if the report of the injury
7 or the death is not filed by the employer as required by section 287.380, the claim
8 for compensation may be filed within three years after the date of injury, death,
9 or last payment made under this chapter on account of the injury or death. The
10 filing of any form, report, receipt, or agreement, other than a claim for
11 compensation, shall not toll the running of the periods of limitation provided in
12 this section. The filing of the report of injury or death three years or more after
13 the date of injury, death, or last payment made under this chapter on account of
14 the injury or death, shall not toll the running of the periods of limitation provided
15 in this section, nor shall such filing reactivate or revive the period of time in
16 which a claim may be filed. A claim against the second injury fund shall be filed
17 within two years after the date of the injury or within one year after a claim is
18 filed against an employer or insurer pursuant to this chapter, whichever is later.
19 **A claim based on any injury caused by exposure to radiological**

20 **materials or equipment shall be filed within thirty years after the date**
21 **of the injury.** In all other respects the limitations shall be governed by the law
22 of civil actions other than for the recovery of real property, but the appointment
23 of a conservator shall be deemed the termination of the legal disability from
24 minority or disability as defined in chapter 475. The statute of limitations
25 contained in this section is one of extinction and not of repose.

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Bill

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