

Hall of the House of Representatives
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of House Bill No. 1488

""THE SILICOSIS COMPENSATION FAIRNESS ACT.""

Amendment No. 1 to House Bill No. 1488.

Amend House Bill No. 1488 as originally introduced:

Page 4, delete lines 2 through 11, and substitute the following:

"(iv) The medical doctor receives or received payment for the diagnosis, examination, and treatment of the exposed person from that person or that person's health care plan, and such payment is not subject to reimbursement by or on behalf of anyone providing legal services to the exposed person; and

(v) The medical doctor's diagnosis, examination, testing, screening or treatment of the exposed person was not, directly or indirectly, premised upon and did not require the exposed person to retain the legal services of an attorney or law firm."

AND

Page 4, line 21, delete "Pneumoconiosis" and substitute "Pneumoconioses"

AND

Page 11, delete lines 30 through 36

AND

Page 12, delete lines 1 through 20

AND

Page 12, delete lines 23 through 26, and substitute the following:

"(a) The period of limitations shall not begin to run until the exposed person discovers, or through the exercise of reasonable diligence should have discovered, that the person has a physical impairment resulting from silica or mixed dust exposure.

(b) Nothing in this chapter shall be construed to revive or extend limitations with respect to any claim for silica-related impairment that was otherwise time-barred as a matter of applicable law as of the date this



chapter becomes law."

AND

Page 13, delete line 5 through 6, and substitute the following:
"exposed person regularly violated an established safety standard that was in effect at the time of the exposure."

AND

Page 13, line 8, delete "removed" and substitute "remove"

AND

Page 13, delete line 12, and substitute the following:
"the evidence that the premises owner knew or should have known of the potential"

AND

Page 13, delete lines 21 through 22, and substitute the following:
"premises owner directed the activity that resulted in the injury or knew or should have known of the dangerous conditions existing on the property"

AND

Page 13, line 31, add the following:
"(f) "Established Safety Standard" means that, for the years after 1971, the concentration of silica or mixed dust in the breathing zone of the person does not exceed the maximum allowable exposure limits for the eight (8) hour time-weighted average airborne concentration, as promulgated by the Occupational Safety and Health Administration (OSHA), in effect at the time of the exposure."

The Amendment was read _____
By: Representative Pace
LMG/KSW - 02-21-2007 10:56 _____
LMG139 Chief Clerk