

# SENATE . . . . No. 309

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To accompany the petition of Roy F. Williams, vice president, Associated Industries of Massachusetts, that provision be made for a reasonable statute of limitations under the workmen's compensation law. The Judiciary.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Four.

### AN ACT PROVIDING FOR A REASONABLE STATUTE OF LIMITATIONS UNDER THE WORKMEN'S COMPENSATION LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 152 of the General Laws is  
2 hereby amended by striking out section 41, as most  
3 recently amended by section 2 of chapter 326 of the  
4 acts of 1923, and inserting in place thereof the follow-  
5 ing section:—

6 *Section 41.* No proceeding for compensation for an  
7 injury shall be maintained unless a notice thereof shall  
8 have been given to the insurer or insured as soon as  
9 practicable after the happening thereof, and unless  
10 the claim for compensation with respect to such in-  
11 jury has been made within two years after its oc-  
12 currence; or, in case of the death of the employee,  
13 or in the event of his physical or mental incapacity,  
14 within six months after death or the removal of such  
15 incapacity; or, in case an action against a third person  
16 is discontinued as provided in section fifteen, within  
17 thirty days after such discontinuance. The word  
18 "occurrence" as used in this section in cases of oc-  
19 cupational disease means that date upon which the  
20 employee first suffered disability therefrom.

1 SECTION 2. Said chapter 152 is hereby further  
2 amended by striking out section 49, as most recently  
3 amended by chapter 125 of the acts of 1923, and in-  
4 serting in place thereof the following section:—

5 *Section 49.* The claim for compensation shall be  
6 in writing, and shall state the time, place, cause and  
7 nature of the injury. It shall be signed by the person  
8 injured, or, in the event of his death, by his legal  
9 representative, or by a person to whom payments  
10 may be due, or by a person in behalf of any of them,  
11 and shall be filed with the department. A claim for  
12 compensation shall not be held invalid or insufficient  
13 by reason of any inaccuracy in stating the time,  
14 place, cause or nature of the injury unless it is shown  
15 that it was the intention to mislead and that the in-  
16 surer was in fact misled thereby. Failure to make a  
17 claim within the time fixed by section forty-one shall  
18 bar proceedings under this chapter. If the insurer  
19 has executed an agreement in regard to compensation  
20 with the employee or made any payment for com-  
21 pensation under this chapter, claim for further com-  
22 pensation shall be made within five years of the date  
23 of the last payment of compensation.