

ASSEMBLY BILL

No. 2451

Introduced by Assembly Member John A. Pérez

February 24, 2012

An act to amend Section 5406 of, and to add Section 5406.8 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2451, as introduced, John A. Pérez. Workers' compensation: firefighters.

Existing law specifies the time period within which various proceedings may be commenced under provisions of law relating to workers' compensation. With certain exceptions, a proceeding to collect death benefits is required to be commenced within one year from the date of death or, in some cases, from the last furnishing of benefits. However, no proceedings may be commenced more than 240 weeks from the date of injury.

This bill would require that a proceeding to collect those benefits for the death of a firefighter from specified medical conditions or diseases, including cancer and tuberculosis, be commenced within one year from the date of death.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5406 of the Labor Code is amended to
2 read:

1 5406. (a) Except as provided in Section 5406.5 ~~or~~, 5406.6,
2 or 5406.8, the period within which may be commenced proceedings
3 for the collection of the benefits provided by Article 4
4 (commencing with Section 4700) of Chapter 2 of Part 2 is one
5 year from *any of the following*:

6 (a)

7 (1) The date of death ~~where if~~ death occurs within one year from
8 date of injury; ~~or~~.

9 (b)

10 (2) The date of last furnishing of any benefits under Chapter 2
11 (commencing with Section 4550) of Part 2, ~~where if~~ death occurs
12 more than one year from the date of injury; ~~or~~.

13 (c)

14 (3) The date of death, ~~where if~~ death occurs more than one year
15 after the date of injury and compensation benefits have been
16 furnished.

17 ~~No such proceedings may~~

18 (b) *Proceedings under subdivision (a) shall not* be commenced
19 more than one year after the date of death, nor more than 240
20 weeks from the date of injury.

21 SEC. 2. Section 5406.8 is added to the Labor Code, to read:

22 5406.8. In the case of the death of a firefighter from an injury,
23 as defined in Section 3212, 3212.1, 3212.6, or 3212.8, the period
24 within which proceedings may be commenced for the collection
25 of the benefits provided by Article 4 (commencing with Section
26 4700) of Chapter 2 of Part 2 is one year from the date of death.