

AMENDED IN SENATE AUGUST 21, 2000

AMENDED IN SENATE AUGUST 7, 2000

AMENDED IN SENATE JUNE 8, 2000

AMENDED IN ASSEMBLY APRIL 13, 2000

AMENDED IN ASSEMBLY MARCH 30, 2000

AMENDED IN ASSEMBLY MARCH 23, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2043

Introduced by Assembly Member Maddox

February 18, 2000

An act to amend Section 5402 of, and to add Section 3212.9 to, the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2043, as amended, Maddox. Workers' compensation: injuries.

~~(1)~~—Under existing law, a person injured in the course of employment is generally entitled to receive workers' compensation on account of that injury. Existing law provides that, in the case of certain firefighting and law enforcement personnel, the term "injury" includes various medical conditions that are developed or manifested during a period while the person is in that service, and establishes a disputable presumption in this regard.

This bill would provide that in the case of certain local firefighting and law enforcement personnel, the term “injury” also includes meningitis that develops or manifests itself during a period while the person is in that service.

~~(2) Existing law, for purposes of workers’ compensation, provides that certain injuries of peace officers and certain other employees are presumed to arise out of and in the course of employment. Existing law also presumes that an injury is compensable under the workers’ compensation laws if liability is not rejected within 90 days after the filing of the claim form, unless the presumption is rebutted by evidence discovered after the 90-day period.~~

~~This bill would provide that for these claims of injury that are presumed to arise out of and in the course of employment the injury is presumed compensable if liability is not rejected within 60 days after the filing of the claim form, unless the presumption is rebutted by evidence discovered after the 60-day period.~~

This bill would make other technical changes.

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 3212.9 is added to the Labor
2 Code, to read:
3 3212.9. In the case of a member of a police
4 department of a city, county, or city and county, or a
5 member of the sheriff’s office of a county, or a county
6 probation officer, or an inspector or investigator in a
7 district attorney’s office of any county whose principal
8 duties consist of active law enforcement service, when
9 that person is employed on a regular, full-time salary, or
10 in the case of a member of a fire department of any city,
11 county, or district, or other public or municipal
12 corporation or political subdivision, or any county
13 forestry or firefighting department or unit, when those
14 members are employed on a regular full-time salary,
15 excepting those whose principal duties are clerical or
16 otherwise do not clearly fall within the scope of active law



1 enforcement or firefighting, such as stenographers,
2 telephone operators, and other officeworkers, the term
3 “injury” includes meningitis that develops or manifests
4 itself during a period while that person is in the service
5 of that department, office, or unit. The compensation that
6 is awarded for the meningitis shall include full hospital,
7 surgical, medical treatment, disability indemnity, and
8 death benefits as provided by the provisions of this
9 division.

10 The meningitis so developing or manifesting itself shall
11 be presumed to arise out of and in the course of the
12 employment. This presumption is disputable and may be
13 controverted by other evidence, but unless so
14 controverted, the appeals board is bound to find in
15 accordance with it. This presumption shall be extended
16 to a person following termination of service for a period
17 of three calendar months for each full year of the requisite
18 service, but not to exceed 60 months in any circumstance,
19 commencing with the last date actually worked in the
20 specified capacity.

21 SEC. 2. Section 5402 of the Labor Code is amended to
22 read:

23 5402. (a) Knowledge of an injury, obtained from any
24 source, on the part of an employer, his or her managing
25 agent, superintendent, foreman, or other person in
26 authority, or knowledge of the assertion of a claim of
27 injury sufficient to afford opportunity to the employer to
28 make an investigation into the facts, is equivalent to
29 service under Section 5400.

30 (b) If liability is not rejected within 90 days after the
31 date the claim form is filed under Section 5401, the injury
32 shall be presumed compensable under this division. The
33 presumption of this subdivision is rebuttable only by
34 evidence discovered subsequent to the 90-day period.

35 ~~(c) If the claim of injury is for an injury that is~~
36 ~~presumed to arise out of and in the course of employment,~~
37 ~~including, but not limited to, those presumptions~~
38 ~~contained in Sections 3212, 3212.1, 3212.2, 3212.3, 3212.4,~~
39 ~~3212.5, 3212.6, 3212.7, and 3213, and liability is not rejected~~
40 ~~within 60 days after the date the claim form is filed under~~



1 ~~Section 5401, the injury shall be presumed compensable~~
2 ~~under this division. The presumption of this subdivision~~
3 ~~is rebuttable only by evidence discovered subsequent to~~
4 ~~the 60-day period.~~

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