

AMENDED IN SENATE AUGUST 20, 2012

AMENDED IN ASSEMBLY APRIL 19, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2451

Introduced by Assembly Member John A. Pérez
(Coauthor: Senator Vargas)

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 amended, 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 or peace officer from specified medical conditions or diseases, including cancer and tuberculosis, be commenced within one year from the date of death provide that certain proceedings related to the collection of death benefits of firefighters and peace officers may be commenced within, but no later than, 480 weeks from the date of injury, and in no event more than one year after the date of death, if specified criteria are met.~~

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:
3 5406. (a) Except as provided in Section 5406.5 or 5406.6, the
4 period within which may be commenced proceedings for the
5 collection of the benefits provided by Article 4 (commencing with
6 Section 4700) of Chapter 2 of Part 2 is one year from *any of the*
7 *following*:
8 ~~(a)~~
9 (1) The date of death where death occurs within one year from
10 date of ~~injury~~; *or injury*.
11 ~~(b)~~
12 (2) The date of last furnishing of any benefits under Chapter 2
13 (commencing with Section 4550) of Part 2, ~~where if~~ death occurs
14 more than one year from the date of ~~injury~~; *or injury*.
15 ~~(c)~~
16 (3) The date of death, ~~where if~~ death occurs more than one year
17 after the date of injury and compensation benefits have been
18 furnished.
19 ~~No such proceedings may~~
20 (b) Except as provided in subdivision (c), proceedings under
21 subdivision (a) shall not be commenced more than one year after
22 the date of death, nor more than 240 weeks from the date of injury.
23 (c) (1) Proceedings described in subdivision (a) may be
24 commenced within, but no later than, 480 weeks from the date of
25 injury, and in no event more than one year after the date of death,
26 if all of the following criteria are met:
27 (A) The proceedings are brought for the collection of benefits
28 by, or on behalf of, a person who was a dependent on the date of
29 death. The extent of dependency shall be determined in accordance
30 of the facts as they existed at the time of death of the employee.
31 (B) The injury causing death is one of the following:
32 (i) An injury as defined in Section 3212.1 to a person described
33 in Section 3212.1.
34 (ii) An injury as defined in Section 3212.6 to a person described
35 in Section 3212.6.

1 (iii) *An injury as defined in Section 3212.8 to a person described*
2 *in Section 3212.8.*

3 (C) *The date of injury is during the person's active service in*
4 *applicable capacities described in Section 3212.1, 3212.6, or*
5 *3212.8.*

6 (2) *This subdivision shall not apply to claims for the collection*
7 *of benefits pursuant to Article 4 (commencing with Section 4700)*
8 *of Chapter 2 of Part 2 that have already been adjudicated, or*
9 *otherwise finalized, or for which the commencement period lapsed*
10 *on or before December 31, 2012.*

11 SECTION 1. ~~Section 5406 of the Labor Code is amended to~~
12 ~~read:~~

13 ~~5406. (a) Except as provided in Section 5406.5, 5406.6, or~~
14 ~~5406.8, the period within which may be commenced proceedings~~
15 ~~for the collection of the benefits provided by Article 4~~
16 ~~(commencing with Section 4700) of Chapter 2 of Part 2 is one~~
17 ~~year from any of the following:~~

18 ~~(1) The date of death if death occurs within one year from date~~
19 ~~of injury.~~

20 ~~(2) The date of last furnishing of any benefits under Chapter 2~~
21 ~~(commencing with Section 4550) of Part 2, if death occurs more~~
22 ~~than one year from the date of injury.~~

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

25 ~~(b) Proceedings under subdivision (a) shall not be commenced~~
26 ~~more than one year after the date of death, nor more than 240~~
27 ~~weeks from the date of injury.~~

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

29 ~~5406.8. In the case of the death of a firefighter or peace officer~~
30 ~~from an injury, as defined in Section 3212, 3212.1, 3212.6, or~~
31 ~~3212.8, the period within which proceedings may be commenced~~
32 ~~for the collection of the benefits provided by Article 4~~
33 ~~(commencing with Section 4700) of Chapter 2 of Part 2 is one~~
34 ~~year from the date of death.~~