

ASSEMBLY, No. 2978

STATE OF NEW JERSEY

INTRODUCED MAY 12, 1997

By Assemblymen KELLY and O'TOOLE

1 AN ACT concerning workers' compensation for members of paid fire
2 departments and supplementing chapter 15 of Title 34 of the
3 Revised Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. Any condition or impairment of health of any member of a paid
9 fire department caused by any disease of the respiratory system will be
10 held and presumed to be an occupational disease unless the contrary
11 be made to appear in rebuttal by satisfactory proof; if:

12 (a) The disease develops or first manifests itself during a period
13 while the member is an active member of the department;

14 (b) The disease develops or first manifests itself not later than the
15 90th day after the event medically determined to be the cause of the
16 disease; and

17 (c) The member underwent a medical examination upon entering
18 service with the fire department or not later than the 180th day
19 following the effective date of this act, and the examination failed to
20 disclose the presence of the disease.

21 Nothing in this section shall be construed as limiting, abridging or
22 reducing any rights or remedies available to a member pursuant to
23 R.S.34:15-34.

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25 2. This act shall take effect immediately.

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28 STATEMENT

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30 The bill establishes a rebuttable presumption that any condition or
31 impairment of health of any member of a paid fire department caused
32 by any disease of the respiratory system is an occupational disease for
33 the purposes of workers' compensation; if:

34 1. The disease develops or first manifests itself during a period
35 while the member is an active member of the department;

36 2. The disease develops or first manifests itself not later than 90
37 days after the event that causes the disease; and

1 3. The member underwent a medical examination upon entering
2 service with the fire department or not later than 180 days after the
3 effective date of this act, and the examination failed to disclose the
4 presence of the disease.

5 This bill provides members of paid fire departments with the same
6 workers' compensation coverage for respiratory occupational disease
7 as is currently provided to members of volunteer fire departments.

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12 Concerns workers' compensation for members of paid fire
13 departments.