



2022 South Dakota Legislature

Senate Bill 70

Introduced by: **Senator Nesiba**

1 **An Act to modify the amount of time to report an injury for workers' compensation.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 62-7-10 be AMENDED:**

4 **62-7-10.** An employee who claims compensation for an injury shall ~~immediately,~~
 5 ~~or as soon thereafter as practical,~~ notify the employer of the occurrence of the injury.
 6 ~~Written~~ provide written notice of the injury ~~shall be provided~~ to the employer no later than
 7 ~~three business~~ thirty days after its occurrence. The notice need not be in any particular
 8 form but must advise the employer of when, where, and how the injury occurred. Failure
 9 to give notice as required by this section prohibits a claim for compensation under this
 10 title unless the employee or the employee's representative can show:

- 11 (1) The employer or the employer's representative had actual knowledge of the injury;
 12 or
 13 (2) The employer was given written notice after the date of the injury and the employee
 14 had good cause for failing to give written notice within the ~~three business~~ thirty-day
 15 period, which determination shall be liberally construed in favor of the employee.