

# State of South Dakota

EIGHTY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2008

400P0281

## HOUSE BILL NO. 1035

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to revise the definition of an employer's actual knowledge  
2 of injury for the purposes of workers' compensation claims.

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

4 Section 1. That § 62-7-10 be amended to read as follows:

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

12 (1) The employer or the employer's representative had actual knowledge, without the  
13 need of inquiry, of the injury; or

14 (2) The employer was given written notice after the date of the injury and the employee  
15 had good cause for failing to give written notice within the three business-day period,



1           which determination shall be liberally construed in favor of the employee.