

## SUMMARY OF STATE PROVISIONS – WORKERS’ COMPENSATION

Prepared by Michael J. Simpson

1. **New York State** – §18 of the Workers’ Compensation Act – 30 days to give notice to Employer
2. **Iowa** – Statute 85.23 – 90 days – “Unless the Employer or the Employer’s representative shall have actual knowledge of the occurrence of an injury received within 90 days of the date of the occurrence of the injury, or unless the employee or someone on the employee’s behalf or a dependent or someone on the dependent’s behalf shall give notice thereof to the Employer within 90 days from the date of the occurrence of the injury, no compensation shall be allowed.”
3. **D.C.** – 30 days
4. **New Hampshire** – Statute 281-A:19 – 2 Years – “Claims for benefits under this chapter shall be barred unless notice of injury is given to the Employer within 2 years from the date of the injury; provided, however, that if the nature of the injury and its possible relationship to the employment are not known to the employee, the time for filing notice shall not begin to run until the earlier of the following: I. The date the employee knows or by reasonable diligence should know, of the nature of the injury and its possible relationship to the employment; or II. In the event of death, the date any dependent knows or by reasonable diligence should know, of the nature of the injury and its possible relationship to the employee’s employment.”
5. **Ohio** – Revised Code §40123.84 – 2 Years
6. **Texas** – Texas Labor Code, §409.001 – 30 days notice for injured worker to notify Employer
7. **Virginia** – §65.2-600 – 30 day notice requirement
8. **Federal Longshoreman’s Act** – 30 day notice provision
9. **Florida** – Statute §440.185(1) – 30 days
10. **Indiana** – Code 22-3-3-1 – 30 days (but Employer has to show prejudice if notice given by employee after more than 30 days)
11. **Pennsylvania** – §311 of the Penn. WC Act, 21 days notice period, if you fail to provide notice within 21 days, you have 120 days to give notice but you forfeit your right to benefits before notice is given.
12. **Wyoming** – WS27-14-502(a) – 3 day notice requirement

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13. **North Carolina** – §97-22 – 30 day notice requirement “unless reasonable excuse is made to the satisfaction of the industrial commission for not giving such notice and the commission is satisfied that the Employer has not been prejudiced thereby.”
14. **Utah** – Worker must notify Employer within 180 days of injury.
15. **Vermont** – 21 V.S.A. §656 – Notice of injury “as soon as practicable after the injury occurred.” A claim for compensation has to be made within 6 months. “A proceeding under the provisions of this Chapter for compensation shall not be maintained unless a notice of the injury has been given to the Employer as soon as practicable after the injury occurred, and unless a claim for compensation with respect to an injury has been made within 6 months after the date of the injury; or, in case of death, within 6 months after death, unless the Claimant had made a claim for compensation prior to death.”
16. **Connecticut** – §31-294b - Notice must be given “immediately” after injury. If Claimant fails to give timely notice the Commissioner may reduce compensation “proportionately to any prejudice” sustained by Employer, with burden of proof on Employer to affirmatively prove prejudice.
17. **Colorado** – 4 days from date of acute injury to given written notice of injury to Employer if notice is given late can forfeit 1 day of TTD for each day of late reporting. If can show good cause for late reporting or if signage required by statute is not properly posted then Judge can waive.
18. **Louisiana** – LARS 23:1301 – 30 day notice requirement. Lack of timely notice is not a bar to a claim unless the Employer can show it was prejudiced by the untimely notice.
19. **Georgia** - 30 day statutory notice requirement.
20. **Mississippi** - 30 day notice requirement not enforced unless Employer can show “prejudice” from late notice.
21. **Missouri** - Revised Statute Missouri §287.420, 30 day notice requirement - failure excused by showing of lack of prejudice to Employer.
22. **Illinois** - Worker’s Compensation Act, 45 day notice requirement
23. **Montana** - Oral notice of the injury must be given within 30 days, written notice must be given within one year.

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