

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 497, Page 11, Section 287.510, Line 8, by inserting after all of said section
2 and line the following:

3
4 "287.655. 1. Any claim before the division may be dismissed for failure to prosecute or
5 upon motion of the employer, as provided herein, in accordance with rules and regulations
6 promulgated by the commission. Such notice shall be made in a manner determined by the division,
7 except that for the employee such notice shall be by certified or registered mail unless the employee
8 to whom notice is directed is represented by counsel and counsel is also given such notice. To
9 dismiss a claim the administrative law judge shall enter an order of dismissal which shall be deemed
10 an award and subject to review and appeal in the same manner as provided for other awards in this
11 chapter.

12 2. Within one hundred eighty days of the filing of the claim, if the matter has not already
13 been set for a division hearing, the employer may file a motion to dismiss the matter. The employer
14 may file the motion to dismiss to specifically raise one or more of the following arguments:

15 (1) That the employee did not notify the employer in a timely manner or file the claim in a
16 timely manner under sections 287.420 and 287.430;

17 (2) That the employee was not performing work for the employer at the time when the
18 alleged injury occurred;

19 (3) That the employer is not liable due to the employee's intoxication from use of alcohol or
20 controlled substances under section 287.120; or

21 (4) That the claimant was not employed by the employer when the alleged incident
22 occurred."; and

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.

Action Taken _____ Date _____