

23.

(c) An employer shall not be liable for any compensation for an occupational disease unless such disease, except in case of silicosis, asbestosis or other pulmonary dust disease, shall be due to the nature of an employment in which the hazards of such disease actually exist, AND TO A REASONABLE DEGREE OF MEDICAL CERTAINTY IS ATTRIBUTABLE TO HIS TYPE OF EMPLOYMENT, [are characteristic of and peculiar to the trade, occupation, process, or employment,] and is actually incurred in his employment and unless disablement or death results within one (1) year after the last injurious exposure to such disease in such employment, or, in case of death, unless death follows continuous disability from such disease, commencing within the period above limited, for which compensation has been paid or awarded or claim made as provided in this article, and results within seven (7) years after such last exposure.

23.

(d) When disability or death of an employee shall be due to silicosis, asbestosis or other pulmonary dust disease, the employer shall be liable for compensation if such disease causing such disability or death shall be due to the nature of the employment in which the hazards of such disease actually exist, AND TO A REASONABLE DEGREE OF MEDICAL CERTAINTY IS ATTRIBUTABLE TO HIS TYPE OF EMPLOYMENT, [are characteristic of and peculiar to the trade, occupation, process, or employment,] and is actually incurred in his employment, provided such disability or death shall occur within five (5) years after the employee shall be found to be affected by silicosis, asbestosis, or other pulmonary dust disease.

24.

(b) [Compensation shall not be payable for partial disability due to silicosis, asbestosis or other pulmonary dust disease; provided, however, that if an employee has demonstrable evidence of silicosis, asbestosis or other pulmonary dust disease and his capacity for work has thereby been impaired to an extent not amounting to total permanent disability, compensation shall be payable in the amount of \$1,000.00, which payment shall be made in a lump sum or in periodic installments in the discretion of the Commission, and shall be a final payment and operate as a full release by the employee for compensation and for any claim against the employer or subsequent employers that the employee may have for silicosis, asbestosis or other pulmonary dust disease and irrespective of whether the employee thereafter continues in the same employment he would not have the right to receive any further compensation or make claim because of silicosis, asbestosis or other pulmonary dust disease against his employer or against any subsequent employer, subject, however, to the right of the employee to receive payment of compensation for permanent total disability and to dependents of such employee to receive compensation for his death as a direct result of silicosis, asbestosis or other pulmonary dust disease, provided said permanent total disability and/or death results within five years of the date of the original award entered in the case. In the event of total disability or death from silicosis, asbestosis or other pulmonary dust disease, compensation shall be payable to employees and their