

26.

(a) Written notice shall be given to the employer of an occupational disease by the employee or someone in his behalf within thirty (30) days after the employee has actual knowledge thereof and in case of death from such an occupational disease, written notice of such death shall also be given to the employer within thirty (30) days thereafter. The failure to give such notice unless excused by the Commission either on the ground that notice for some sufficient reason could not have been given, or on the ground that the State Accident Fund, insurance company, or employer, as the case may be, has not been prejudiced thereby, shall be a bar to any claim under this article, provided, however, that the burden of proving that it or he has been prejudiced by such failure on the part of the employee or by delay in giving such notice shall be upon the State Accident Fund, insurance company, or employer, as the case may be. Provided, also, failure to give either of such notices shall be deemed waived unless objection is made at a hearing on the claim prior to any award or decision thereon. Actual knowledge of an occupational disease and of exposure to the conditions causing it, by the employer in whose employment the employee was last injuriously exposed, or by the responsible superintendent in charge of the work, shall be deemed notice of its contraction. If no claim for disability or death from an occupational disease be filed with the Workmen's Compensation Commission within ~~one (1) year from the date of disablement or death,~~ TWO (2) YEARS FROM THE DATE OF DISABLEMENT OR THE DATE WHEN THE CLAIMANT FIRST HAS ACTUAL KNOWLEDGE SUCH DISABLEMENT WAS CAUSED BY HIS EMPLOYMENT, OR DEATH, as the case may be, the right to compensation for such disease shall be forever barred; provided, however, that the failure to file a claim within the time limited herein shall be deemed waived unless objection to such failure be made at a hearing on such claim before any award or decision thereon. Notice or claim shall be deemed waived in case of disability or death where the employer or insurance carrier makes compensation payments therefor, or within the time above limited, the employer or his insurance carrier by his or its conduct leads the employee or claimant reasonably to believe that notice or claim has been waived by his or its affirmative conduct. *The provisions of this subsection are SHALL not BE applicable to claims for disease caused by ionizing radiation, but in such cases of IF the employee, or his dependents in the case of employee's death, have actual knowledge of exposure AND DISABILITY DUE TO SUCH EXPOSURE, to ionizing radiation, such claim shall be fixed FILED within two years of such actual knowledge.*

39.

(a) When an employee is entitled to benefits under this article, he shall file with the Commission his application and the report of his physician, provided he was attended by a physician of his own selection, within sixty days after the date of his accidental injury, for which compensation is claimed, and failure to do so, unless excused by the Commission, either on the ground that the insurance carrier or the employer has not been prejudiced thereby, or for some other sufficient reason, shall be a bar to any claim under this article; provided, however, that failure of an employee to file a claim for