

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.] 1 YEAR AFTER THE EMPLOYEE KNOWS OR HAS REASON TO BELIEVE HE IS SUFFERING FROM AN OCCUPATIONAL DISEASE. IN CASE OF DEATH FROM AN OCCUPATIONAL DISEASE, WRITTEN NOTICE OF DEATH SHALL BE GIVEN TO THE EMPLOYER WITHIN 1 YEAR.

(2) THE FAILURE TO GIVE NOTICE IS A BAR TO ANY CLAIM UNDER THIS ARTICLE UNLESS EXCUSED BY THE COMMISSION. THE COMMISSION SHALL EXCUSE THE FAILURE TO GIVE NOTICE WHEN (I) IT FINDS SUFFICIENT REASON; OR (II) THE EMPLOYER HAS NOT BEEN PREJUDICED BY THE FAILURE TO GIVE NOTICE. THE BURDEN IS ON THE EMPLOYER TO SHOW THAT HE HAS BEEN PREJUDICED BY THE LACK OF NOTICE.

(3) FAILURE TO GIVE NOTICE IS WAIVED UNLESS OBJECTION IS MADE AT A HEARING ON THE CLAIM PRIOR TO ANY AWARD OR DECISION.

(4) ~~Actual knowledge-~~ REASON-TO-BELIEVE--OR 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 [two (2)] 3 2 years-~~t-~~, or in the case of a pulmonary dust disease within three years, ~~-j-~~ from the date of disablement or death, or the date when the employee or his dependents first ~~-f-has actual knowledge-~~ HAVE--REASON--TO--BELIEVE---OR KNOWLEDGE THAT [such] THE disablement was caused by the employment[, or death, as the case may be], the right to compensation for [such] THE disease shall be forever barred; provided, however, that the failure to file a claim within the time limited herein [shall be deemed] IS waived unless objection to [such] THE failure be made at a hearing on [such] THE claim before any award or decision [thereon] IS MADE. Notice or claim [shall be deemed] IS waived in case of disability or death where the employer or insurance carrier makes compensation payments therefor, or within the time above limited, OR 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 shall not be applicable to claims for disease caused by ionizing radiation, in such cases 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 filed within two years of such actual knowledge.]