

SUBSECTION (C) OF THIS SECTION APPLIES ONLY TO:

(1) THE EMPLOYER IN WHOSE EMPLOYMENT THE COVERED EMPLOYEE WAS LAST INJURIOUSLY EXPOSED TO THE HAZARDS OF THE OCCUPATIONAL DISEASE; AND

(2) THE INSURER LIABLE FOR THE RISK WHEN THE COVERED EMPLOYEE, WHILE EMPLOYED BY THE EMPLOYER, WAS LAST INJURIOUSLY EXPOSED TO THE HAZARDS OF THE OCCUPATIONAL DISEASE.

(C) LIABILITY OF EMPLOYER AND INSURER.

SUBJECT TO SUBSECTION (D) OF THIS SECTION AND EXCEPT AS OTHERWISE PROVIDED, AN EMPLOYER AND INSURER TO WHOM THIS SUBSECTION APPLIES SHALL PROVIDE COMPENSATION IN ACCORDANCE WITH THIS TITLE TO:

(1) A COVERED EMPLOYEE OF THE EMPLOYER FOR DISABILITY OF THE COVERED EMPLOYEE RESULTING FROM AN OCCUPATIONAL DISEASE; OR

(2) THE DEPENDENTS OF THE COVERED EMPLOYEE FOR DEATH OF THE COVERED EMPLOYEE RESULTING FROM AN OCCUPATIONAL DISEASE.

(D) LIMITATION ON LIABILITY.

AN EMPLOYER AND INSURER ARE LIABLE TO PROVIDE COMPENSATION UNDER SUBSECTION (C) OF THIS SECTION ONLY IF:

(1) THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OR DISABILITY:

(I) IS DUE TO THE NATURE OF AN EMPLOYMENT IN WHICH HAZARDS OF THE OCCUPATIONAL DISEASE EXIST AND THE COVERED EMPLOYEE WAS EMPLOYED BEFORE THE DATE OF DISABLEMENT; OR

(II) HAS MANIFESTATIONS THAT ARE CONSISTENT WITH THOSE KNOWN TO RESULT FROM EXPOSURE TO A BIOLOGICAL, CHEMICAL, OR PHYSICAL AGENT THAT IS ATTRIBUTABLE TO THE TYPE OF EMPLOYMENT IN WHICH THE COVERED EMPLOYEE WAS EMPLOYED BEFORE THE DATE OF DISABLEMENT; AND

(2) ON THE WEIGHT OF THE EVIDENCE, IT REASONABLY MAY BE CONCLUDED THAT THE OCCUPATIONAL DISEASE WAS INCURRED AS A RESULT OF THE EMPLOYMENT OF THE COVERED EMPLOYEE.

(E) FALSE REPRESENTATION — COMPENSATION PROHIBITED.