

1 *House* BILL NO. *691*  
 2 INTRODUCED BY *William J. Sullivan*  
 3 *Kille*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PAYMENT  
 5 OF PARTIAL DISABILITY OR INDEMNITY BENEFITS; AND AMENDING  
 6 SECTION 92-709, R.C.M. 1947."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Disability benefits -- indemnity benefits  
10 -- election. (1) In addition to temporary total disability  
11 benefits allowed in this act, a worker whose injury results  
12 in partial disability is entitled to receive compensation  
13 under section 92-703.1 or indemnity benefits under section  
14 92-709.

15 (2) A worker who has elected to proceed under section  
16 92-709 may withdraw his election at any time and shall be  
17 entitled to compensation under section 92-703.1 during the  
18 remaining period of his disability, provided however, that  
19 he shall not be entitled to receive benefits under both  
20 sections during any month.

21 (3) A worker who has elected to proceed under section  
22 92-703.1 may withdraw his election at any time and is  
23 entitled to receive indemnity benefits under section 92-709,  
24 provided however, that he shall not be entitled to a greater  
25 benefit including compensation paid under section 92-703.1,

1 than he would have received if he had proceeded exclusively  
2 under section 92-709, and provided further that he shall not  
3 be entitled to receive benefits under both sections during  
4 any month.

5 Section 2. Section 92-709, R.C.M. 1947, is amended to  
6 read as follows:

7 "92-709. Compensation in case of specified injuries.

8 ~~(1) In case of the following specified injuries,~~  
9 ~~compensation for temporary total disability shall be paid at~~  
10 ~~the weekly rate provided in section 92-703.1, during the~~  
11 ~~healing period, but in no event shall the healing period for~~  
12 ~~loss of a member exceed twenty-six (26) weeks. In addition~~  
13 ~~thereto but in lieu of any other compensation provided by~~  
14 ~~this act, compensation~~ In addition to temporary total  
15 disability benefits allowed in this act, indemnity benefits

16 for loss of a member shall be paid at the weekly rate  
17 provided in section 92-703.1, and shall be paid for the  
18 following periods: For loss of:

- 19 One arm at or near shoulder.....280 weeks
- 20 One arm at the elbow.....240 weeks
- 21 One arm between wrist and elbow.....220 weeks
- 22 One hand.....200 weeks
- 23 One thumb and the metacarpal bone thereof..... 75 weeks
- 24 One thumb at the proximal joint..... 37 weeks
- 25 One thumb at the second distal joint..... 25 weeks

1 One first finger and the metacarpal bone thereof... 40 weeks  
 2 One first finger at the proximal joint..... 30 weeks  
 3 One first finger at the second joint..... 22 weeks  
 4 One first finger at the distal joint..... 15 weeks  
 5 One second finger and the metacarpal bone thereof.. 37 weeks  
 6 One second finger at the proximal joint..... 20 weeks  
 7 One second finger at the second joint..... 15 weeks  
 8 One second finger at the distal joint..... 8 weeks  
 9 One third finger and the metacarpal bone thereof... 25 weeks  
 10 One third finger at the proximal joint..... 15 weeks  
 11 One third finger at the second joint..... 10 weeks  
 12 One third finger at the distal joint..... 5 weeks  
 13 One fourth finger and the metacarpal bone thereof.. 15 weeks  
 14 One fourth finger at the proximal joint..... 11 weeks  
 15 One fourth finger at the second joint..... 8 weeks  
 16 One fourth finger at the distal joint..... 6 weeks  
 17 One leg at or near the hip joint as to preclude the use of  
 18 an artificial limb.....300 weeks  
 19 One leg at or above the knee where stump remains sufficient  
 20 to permit the use of an artificial limb.....200 weeks  
 21 One leg between knee and ankle.....190 weeks  
 22 One foot at the ankle.....180 weeks  
 23 One great toe with the metatarsal bone thereof..... 37 weeks  
 24 One great toe at the proximal joint..... 18 weeks  
 25 One great toe at the second joint..... 12 weeks

1 One toe other than the great toe with the metatarsal bone  
 2 thereof..... 16 weeks  
 3 One toe other than the great toe at the proximal joint.....  
 4 ..... 8 weeks  
 5 One toe other than the great toe at second or distal joint..  
 6 ..... 5 weeks  
 7 One eye by enucleation.....165 weeks  
 8 Total blindness of one eye.....140 weeks  
 9 Total loss of hearing, one ear..... 40 weeks  
 10 Total loss of hearing, both ears.....200 weeks  
 11 In all cases of permanent injury to a member less than loss  
 12 of the member compensation shall be paid for total temporary  
 13 disability, without limitation as to time under section  
 14 92-701.1. In addition thereto, indemnity benefits for  
 15 permanent disability to a member or members shall be  
 16 proportionate to loss or loss of use of the member or  
 17 members at the weekly rate provided in section 92-703.1. In  
 18 all other cases of permanent injury, less than total, not  
 19 included in the above schedule, the compensation for partial  
 20 disability shall bear such relation to the periods stated in  
 21 the above schedule as the disabilities bear to those  
 22 produced by the injuries named in the schedule or to partial  
 23 disability (500 weeks).  
 24 Loss of vision: Where central visual acuity does not  
 25 exceed 20/200 in the better eye with correcting lenses or

1 the widest diameter of the visual field subtends an angle no  
2 greater than 20 degrees, the same as for loss of the eye.

3 Total loss of use: Indemnity benefits for permanent  
4 total loss of use of a member shall be the same as for loss  
5 of the member.

6 Disfigurement: The division may award proper and  
7 equitable indemnity benefits for serious face, head, or neck  
8 disfigurement, not to exceed twenty-five hundred dollars  
9 (\$2,500) in addition to any other indemnity benefits payable  
10 under this section.

11 The loss of both hands, or both arms, or both feet, or  
12 both legs, or both eyes, or any two (2) thereof, in one (1)  
13 accident, in the absence of conclusive proof to the contrary  
14 shall constitute total disability, permanent in character.  
15 Provided, however, that the percentage of permanent  
16 disability caused by any single accident or injury shall be  
17 so computed as to cover the permanent disability caused by  
18 that particular injury without reference to any previous  
19 physical ailment or defect or to any injury previously  
20 suffered or any permanent disability caused thereby;  
21 provided, that no payment under this section shall be in  
22 lieu of the separate benefit of medical and hospital  
23 services; and of any benefits paid under section 92-701.1  
24 for temporary total disability."

-End-

HB691

---

STATE OF MONTANA

REQUEST NO. 255-75

FISCAL NOTE

Form BD-15

---

In compliance with a written request received March 8, 19 75, there is hereby submitted a Fiscal Note for House Bill 691 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

---

DESCRIPTION OF PROPOSED LEGISLATION:

An act relating to the payment of partial disability or indemnity payments under the Workmen's Compensation Act.

FISCAL IMPACT:

House Bill 691 allows an injured worker a choice between receiving benefits under the partial disability section of the Workmen's Compensation Act or under the indemnity benefits section. Such compensation payments are paid from the Agency Fund. The bill would increase the amount of compensation paid and therefore increase the premiums paid by employers. An actuarial evaluation would be necessary to determine the effect this bill would have on insurance rates.

  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: March 11, 1975

---

SECOND READING

MISSING

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*House* BILL NO. *691*  
INTRODUCED BY *Julius J. Dinkins*  
*Kelley*

A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PAYMENT OF PARTIAL DISABILITY OR INDEMNITY BENEFITS; AND AMENDING SECTION 92-709, R.C.M. 1947."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Disability benefits -- indemnity benefits -- election. (1) In addition to temporary total disability benefits allowed in this act, a worker whose injury results in partial disability is entitled to receive compensation under section 92-703.1 or indemnity benefits under section 92-709.

(2) A worker who has elected to proceed under section 92-709 may withdraw his election at any time and shall be entitled to compensation under section 92-703.1 during the remaining period of his disability, provided however, that he shall not be entitled to receive benefits under both sections during any month.

(3) A worker who has elected to proceed under section 92-703.1 may withdraw his election at any time and is entitled to receive indemnity benefits under section 92-709, provided however, that he shall not be entitled to a greater benefit including compensation paid under section 92-703.1,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

than he would have received if he had proceeded exclusively under section 92-709, and provided further that he shall not be entitled to receive benefits under both sections during any month.

Section 2. Section 92-709, R.C.M. 1947, is amended to read as follows:

"92-709. Compensation in case of specified injuries.

(1) In case of the following specified injuries, compensation for temporary total disability shall be paid at the weekly rate provided in section 92-703.1, during the healing period, but in no event shall the healing period for loss of a member exceed twenty-six (26) weeks, in addition thereto but in lieu of any other compensation provided by this act, compensation In addition to temporary total

disability benefits allowed in this act, indemnity benefits for loss of a member shall be paid at the weekly rate provided in section 92-703.1, and shall be paid for the following periods: For loss of:

- One arm at or near shoulder.....280 weeks
- One arm at the elbow.....240 weeks
- One arm between wrist and elbow.....220 weeks
- One hand.....200 weeks
- One thumb and the metacarpal bone thereof..... 75 weeks
- One thumb at the proximal joint..... 37 weeks
- One thumb at the second distal joint..... 25 weeks

1 One first finger and the metacarpal bone thereof... 40 weeks  
 2 One first finger at the proximal joint..... 30 weeks  
 3 One first finger at the second joint..... 22 weeks  
 4 One first finger at the distal joint..... 15 weeks  
 5 One second finger and the metacarpal bone thereof.. 37 weeks  
 6 One second finger at the proximal joint..... 20 weeks  
 7 One second finger at the second joint..... 15 weeks  
 8 One second finger at the distal joint..... 8 weeks  
 9 One third finger and the metacarpal bone thereof... 25 weeks  
 10 One third finger at the proximal joint..... 15 weeks  
 11 One third finger at the second joint..... 10 weeks  
 12 One third finger at the distal joint..... 5 weeks  
 13 One fourth finger and the metacarpal bone thereof.. 15 weeks  
 14 One fourth finger at the proximal joint..... 11 weeks  
 15 One fourth finger at the second joint..... 8 weeks  
 16 One fourth finger at the distal joint..... 6 weeks  
 17 One leg at or near the hip joint as to preclude the use of  
 18 an artificial limb.....300 weeks  
 19 One leg at or above the knee where stump remains sufficient  
 20 to permit the use of an artificial limb.....200 weeks  
 21 One leg between knee and ankle.....190 weeks  
 22 One foot at the ankle.....180 weeks  
 23 One great toe with the metatarsal bone thereof..... 37 weeks  
 24 One great toe at the proximal joint..... 18 weeks  
 25 One great toe at the second joint..... 12 weeks

1 One toe other than the great toe with the metatarsal bone  
 2 thereof..... 16 weeks  
 3 One toe other than the great toe at the proximal joint.....  
 4 ..... 8 weeks  
 5 One toe other than the great toe at second or distal joint..  
 6 ..... 5 weeks  
 7 One eye by enucleation.....165 weeks  
 8 Total blindness of one eye.....140 weeks  
 9 Total loss of hearing, one ear..... 40 weeks  
 10 Total loss of hearing, both ears.....200 weeks  
 11 In all cases of permanent injury to a member less than loss  
 12 of the member compensation shall be paid for total temporary  
 13 disability, without limitation as to time under section  
 14 92-701.1. In addition thereto, indemnity benefits for  
 15 permanent disability to a member or members shall be  
 16 proportionate to loss or loss of use of the member or  
 17 members at the weekly rate provided in section 92-703.1. In  
 18 all other cases of permanent injury, less than total, not  
 19 included in the above schedule, the compensation for partial  
 20 disability shall bear such relation to the periods stated in  
 21 the above schedule as the disabilities bear to those  
 22 produced by the injuries named in the schedule or to partial  
 23 disability (500 weeks).  
 24 Loss of vision: Where central visual acuity does not  
 25 exceed 20/200 in the better eye with correcting lenses or

1 the widest diameter of the visual field subtends an angle no  
2 greater than 20 degrees, the same as for loss of the eye.

3 Total loss of use: Indemnity benefits for permanent  
4 total loss of use of a member shall be the same as for loss  
5 of the member.

6 Disfigurement: The division may award proper and  
7 equitable indemnity benefits for serious face, head, or neck  
8 disfigurement, not to exceed twenty-five hundred dollars  
9 (\$2,500) in addition to any other indemnity benefits payable  
10 under this section.

11 The loss of both hands, or both arms, or both feet, or  
12 both legs, or both eyes, or any two (2) thereof, in one (1)  
13 accident, in the absence of conclusive proof to the contrary  
14 shall constitute total disability, permanent in character.  
15 Provided, however, that the percentage of permanent  
16 disability caused by any single accident or injury shall be  
17 so computed as to cover the permanent disability caused by  
18 that particular injury without reference to any previous  
19 physical ailment or defect or to any injury previously  
20 suffered or any permanent disability caused thereby;  
21 provided, that no payment under this section shall be in  
22 lieu of the separate benefit of medical and hospital  
23 services and of any benefits paid under section 92-701.1  
24 for temporary total disability."

-End-

HB 691



1 HOUSE BILL NO. 691  
 2 INTRODUCED BY JAMES MOORE, QUILICI, SLOAN, KIMBLE  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO THE PAYMENT  
 5 OF PARTIAL DISABILITY OR INDEMNITY BENEFITS; AND AMENDING  
 6 SECTION 92-709, R.C.M. 1947."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 9 Section 1. Disability benefits -- indemnity benefits  
 10 -- election. (1) In addition to temporary total disability  
 11 benefits allowed in this act, a worker whose injury results  
 12 in partial disability is entitled to receive compensation  
 13 under section 92-703.1 or indemnity benefits under section  
 14 92-709.

15 (2) A worker who has elected to proceed under section  
 16 92-709 may withdraw his election at any time and shall be  
 17 entitled to compensation under section 92-703.1 during the  
 18 remaining period of his disability, provided however, that  
 19 he shall not be entitled to receive benefits under both  
 20 sections during any month.

21 (3) A worker who has elected to proceed under section  
 22 92-703.1 may withdraw his election at any time and is  
 23 entitled to receive indemnity benefits under section 92-709,  
 24 provided however, that he shall not be entitled to a greater  
 25 benefit including compensation paid under section 92-703.1,

1 than he would have received if he had proceeded exclusively  
 2 under section 92-709, and provided further that he shall not  
 3 be entitled to receive benefits under both sections during  
 4 any month.

5 Section 2. Section 92-709, R.C.M. 1947, is amended to  
 6 read as follows:

7 "92-709. Compensation in case of specified injuries.  
 8 ~~(1) In case of the following specified injuries,~~  
 9 ~~compensation for temporary total disability shall be paid at~~  
 10 ~~the weekly rate provided in section 92-703.1 during the~~  
 11 ~~healing period, but in no event shall the healing period for~~  
 12 ~~loss of a member exceed twenty-six (26) weeks. In addition~~  
 13 ~~thereto but in lieu of any other compensation provided by~~  
 14 ~~this act, compensation~~ In addition to temporary total  
 15 disability benefits allowed in this act, indemnity benefits  
 16 for loss of a member shall be paid at the weekly rate  
 17 provided in section 92-703.1, and shall be paid for the  
 18 following periods: For loss of:

- 19 One arm at or near shoulder.....280 weeks
- 20 One arm at the elbow.....240 weeks
- 21 One arm between wrist and elbow.....220 weeks
- 22 One hand.....200 weeks
- 23 One thumb and the metacarpal bone thereof..... 75 weeks
- 24 One thumb at the proximal joint..... 37 weeks
- 25 One thumb at the second distal joint..... 25 weeks

1 One first finger and the metacarpal bone thereof... 40 weeks  
2 One first finger at the proximal joint..... 30 weeks  
3 One first finger at the second joint..... 22 weeks  
4 One first finger at the distal joint..... 15 weeks  
5 One second finger and the metacarpal bone thereof.. 37 weeks  
6 One second finger at the proximal joint..... 20 weeks  
7 One second finger at the second joint..... 15 weeks  
8 One second finger at the distal joint..... 8 weeks  
9 One third finger and the metacarpal bone thereof... 25 weeks  
10 One third finger at the proximal joint..... 15 weeks  
11 One third finger at the second joint..... 10 weeks  
12 One third finger at the distal joint..... 5 weeks  
13 One fourth finger and the metacarpal bone thereof.. 15 weeks  
14 One fourth finger at the proximal joint..... 11 weeks  
15 One fourth finger at the second joint..... 8 weeks  
16 One fourth finger at the distal joint..... 6 weeks  
17 One leg at or near the hip joint as to preclude the use of  
18 an artificial limb.....300 weeks  
19 One leg at or above the knee where stump remains sufficient  
20 to permit the use of an artificial limb.....200 weeks  
21 One leg between knee and ankle.....190 weeks  
22 One foot at the ankle.....180 weeks  
23 One great toe with the metatarsal bone thereof..... 37 weeks  
24 One great toe at the proximal joint..... 18 weeks  
25 One great toe at the second joint..... 12 weeks

1 One toe other than the great toe with the metatarsal bone  
2 thereof..... 16 weeks  
3 One toe other than the great toe at the proximal joint.....  
4 ..... 8 weeks  
5 One toe other than the great toe at second or distal joint..  
6 ..... 5 weeks  
7 One eye by enucleation.....165 weeks  
8 Total blindness of one eye.....140 weeks  
9 Total loss of hearing, one ear..... 40 weeks  
10 Total loss of hearing, both ears.....200 weeks  
11 In all cases of permanent injury to a member less than loss  
12 of the member compensation shall be paid for total temporary  
13 disability, without limitation as to time under section  
14 92-701.1. In addition thereto, indemnity benefits for  
15 permanent disability to a member or members shall be  
16 proportionate to loss or loss of use of the member or  
17 members at the weekly rate provided in section 92-703.1. In  
18 all other cases of permanent injury, less than total, not  
19 included in the above schedule, the compensation for partial  
20 disability shall bear such relation to the periods stated in  
21 the above schedule as the disabilities bear to those  
22 produced by the injuries named in the schedule or to partial  
23 disability (500 weeks).

24 Loss of vision: Where central visual acuity does not  
25 exceed 20/200 in the better eye with correcting lenses or

1 the widest diameter of the visual field subtends an angle no  
2 greater than 20 degrees, the same as for loss of the eye.

3 Total loss of use: Indemnity benefits for permanent  
4 total loss of use of a member shall be the same as for loss  
5 of the member.

6 Disfigurement: The division may award proper and  
7 equitable indemnity benefits for serious face, head, or neck  
8 disfigurement, not to exceed twenty-five hundred dollars  
9 (\$2,500) in addition to any other indemnity benefits payable  
10 under this section.

11 The loss of both hands, or both arms, or both feet, or  
12 both legs, or both eyes, or any two (2) thereof, in one (1)  
13 accident, in the absence of conclusive proof to the contrary  
14 shall constitute total disability, permanent in character.  
15 Provided, however, that the percentage of permanent  
16 disability caused by any single accident or injury shall be  
17 so computed as to cover the permanent disability caused by  
18 that particular injury without reference to any previous  
19 physical ailment or defect or to any injury previously  
20 suffered or any permanent disability caused thereby;  
21 provided, that no payment under this section shall be in  
22 lieu of the separate benefit of medical and hospital  
23 services and of any benefits paid under section 92-701.1  
24 for temporary total disability."

-End-