

HOUSE BILL 578

Introduced by Squires, et al.

2/10	Introduced	
2/10	Referred to Labor & Employment	Relations
2/10	First Reading	
2/16	Hearing	
2/16	Tabled in Committee	

1 *House* BILL NO. *578*
 2 INTRODUCED BY *Squire Brad Molnar*
 3 *Wilson Schaefer* *Ever* *Beale*
 4 *A* BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A
 5 WORK-RELATED REPETITIVE MOTION INJURY IS COMPENSABLE UNDER
 6 THE PROVISIONS OF THE WORKERS' COMPENSATION ACT RATHER THAN
 7 THE OCCUPATIONAL DISEASE ACT OF MONTANA; AND AMENDING
 8 SECTIONS 39-71-119 AND 39-72-102, MCA."

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

11 **Section 1.** Section 39-71-119, MCA, is amended to read:

12 "39-71-119. Injury and accident defined. (1) "Injury"
 13 or "injured" means:

- 14 (a) internal or external physical harm to the body;
 15 (b) damage to prosthetic devices or appliances, except
 16 for damage to eyeglasses, contact lenses, dentures, or
 17 hearing aids; or
 18 (c) death.

19 (2) An Except as provided in subsection (6), an injury
 20 is caused by an accident. An accident is:

- 21 (a) an unexpected traumatic incident or unusual strain;
 22 (b) identifiable by time and place of occurrence;
 23 (c) identifiable by member or part of the body
 24 affected; and
 25 (d) caused by a specific event on a single day or

1 during a single work shift.

2 (3) "Injury" or "injured" does not mean a physical or
 3 mental condition arising from:

- 4 (a) emotional or mental stress; or
 5 (b) a nonphysical stimulus or activity.
 6 (4) "Injury" or "injured" does not include a disease
 7 that is not caused by an accident.

8 (5) A cardiovascular, pulmonary, respiratory, or other
 9 disease, cerebrovascular accident, or myocardial infarction
 10 suffered by a worker is an injury only if the accident is
 11 the primary cause of the physical harm in relation to other
 12 factors contributing to the physical harm.

13 (6) Injury includes internal or external physical harm
 14 to the body caused by repetitive motion performed in the
 15 course and scope of employment over a period of time. A
 16 repetitive motion injury is compensable under the provisions
 17 of this chapter."

18 **Section 2.** Section 39-72-102, MCA, is amended to read:

19 "39-72-102. Definitions. As used in this chapter,
 20 unless the context requires otherwise, the following
 21 definitions apply:

- 22 (1) "Beneficiary" is as defined in 39-71-116.
 23 (2) "Child" is as defined in 39-71-116.
 24 (3) "Department" means the department of labor and
 25 industry.

(4) "Disablement" means the event of becoming physically incapacitated by reason of an occupational disease from performing work in the worker's job pool. Silicosis, when complicated by active pulmonary tuberculosis, is presumed to be total disablement. "Disability", "total disability", and "totally disabled" are synonymous with "disablement", but they have no reference to "permanent partial disability".

(5) "Employee" is as defined in 39-71-118.

(6) "Employer" is as defined in 39-71-117.

(7) "Independent contractor" is as defined in 39-71-120.

(8) "Insurer" is as defined in 39-71-116.

(9) "Invalid" is as defined in 39-71-116.

(10) "Occupational disease" means harm, damage, or death as set forth in 39-71-119(1) arising out of or contracted in the course and scope of employment and, except as provided in 39-71-119(6), caused by events occurring on more than a single day or work shift. The term does not include a physical or mental condition arising from emotional or mental stress or from a nonphysical stimulus or activity.

(11) "Order" is as defined in 39-71-116.

(12) "Pneumoconiosis" means a chronic dust disease of the lungs arising out of employment in coal mines and includes anthracosis, coal workers' pneumoconiosis,

silicosis, or anthracosilicosis arising out of such the employment.

(13) "Silicosis" means a chronic disease of the lungs caused by the prolonged inhalation of silicon dioxide (SiO) and characterized by small discrete nodules of fibrous tissue similarly disseminated throughout both lungs, causing the characteristic x-ray pattern, and by other variable clinical manifestations.

(14) "Wages" is as defined in 39-71-123.

(15) "Year" is as defined in 39-71-116."

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