

1965

Amending Sections 81-2-9, 81-10-1 (1) (a), 81-11-3, 81-11-11 (1) (e), 81-12-1 (3) and (4), 81-12-2, 81-12-3, 81-12-9 (1) (b), 81-13-3 (2), Colorado Revised Statutes 1963, and To Repeal Article 17 of Chapter 81, Colorado Revised Statutes 1963, Concerning Workmen's Compensation.

Colorado General Assembly

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CHAPTER 210

LABOR II—WORKMEN'S COMPENSATION

DEFINITIONS—BENEFITS

(Senate Bill No. 269. By Senators Donlon, Lennox, Wenke, Hobbs, Kelley, Hewett, Hahn, Cisneros, Lamb, Alessari, Birmingham, Williams, Mapelli, Lucas, Decker, Taylor, Homer, Locke, Orcutt, Gill, Rockwell, and Perrill; also Representatives Gillaspey, Jackson, DeMoulin, Schafer, Lamb, Safran, Foster, Wheeler, and Anaya.)

AN ACT

AMENDING SECTIONS 81-2-9, 81-10-1 (1) (a), 81-11-3, 81-11-11 (1) (c), 81-12-1 (3) AND (4), 81-12-2, 81-12-3, 81-12-9 (1) (b), 81-13-3 (2), COLORADO REVISED STATUTES 1963, AND TO REPEAL ARTICLE 17 OF CHAPTER 81, COLORADO REVISED STATUTES 1963, CONCERNING WORKMEN'S COMPENSATION.

Be It Enacted by the General Assembly of the State of Colorado:

Section 1. 81-2-9, Colorado Revised Statutes 1963, is hereby REPEALED AND RE-ENACTED, WITH AMENDMENTS, to read:

81-2-9.—**Definitions.**—(1) The term "accident", as used in this chapter, shall mean an unforeseen event, occurring without the will or design of the person whose mere act causes it; an unexpected, unusual, or undesigned occurrence; or the effect of an unknown cause, or, the cause being known, an unprecedented consequence of it.

(2) The terms "injury" or "injuries", as used in this chapter, shall not be construed to include disability or death due to occupational diseases including, but not limited to, the occupational diseases covered by article 18 of chapter 81, C.R.S. 1963.

Section 2. 81-10-1 (1) (a), Colorado Revised Statutes 1963, is hereby amended to read:

81-10-1.—**Employer must furnish medical aid—approval of plan.**—(1) (a) Every employer, regardless of

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

his method of insurance, shall furnish such medical, surgical, nursing, and hospital treatment, medical, hospital, and surgical supplies, crutches, and apparatus, as may reasonably be needed at the time of the injury and thereafter during the disability but not exceeding six months from the date of the accident and ~~two thousand five hundred~~ THREE THOUSAND FIVE HUNDRED dollars in value to cure and relieve from the effects of the injury, except that if the commission finds that there are substantial prospects that the condition of the employee will be materially improved by additional medical benefits, such additional benefits shall be furnished not exceeding in value the sum of one thousand dollars.

Section 3. 81-11-3, Colorado Revised Statutes 1963, is hereby amended to read:

81-11-3.—**Death benefits.**—In case of death the dependents of the deceased entitled thereto shall receive as compensation or death benefits sixty-six and two-thirds per cent of the deceased employee's average weekly wages, not to exceed a maximum of ~~forty-three dollars and seventy-five cents~~ FORTY-NINE DOLLARS per week and not less than a minimum of ~~ten~~ ELEVEN dollars AND FIFTY CENTS per week for a period not to exceed six years from the date of the death of the injured employee, less any sums paid to the employee prior to his death as compensation for his disability as in this chapter provided. Except that where any of the dependents are wholly dependent children, as defined in section 81-11-1, the compensation or death benefits above provided shall be increased by three dollars and fifty cents per week for each such child, not to exceed a total of three children, and the maximum weekly payment in such cases shall be ~~fifty-four dollars and twenty-five cents~~ FIFTY-NINE DOLLARS AND FIFTY CENTS.

Section 4. 81-11-11 (1) (c), Colorado Revised Statutes 1963, is hereby amended to read:

81-11-11.—**Death from injury—benefits.**—(1) (c) If there are wholly dependent persons at the time of death, the payment shall be sixty-six and two-thirds per cent of the average weekly wages, subject to the limitations of this chapter as to maximum and minimum weekly amounts, and to continue for a period of six years from the date of death of the injured employee and not to amount to more than a maximum of ~~thirteen thousand six hundred ninety-three dollars and seventy-five cents~~ FIFTEEN THOUSAND THREE HUNDRED THIRTY-SEVEN DOLLARS, less any sums paid to the injured employee prior to his death as compensation for dis-

ability as in this chapter provided; except, that where any of said dependents are wholly dependent children, as defined in section 81-11-1, the compensation payment above set out shall be increased by three dollars and fifty cents per week for each such child, not to exceed a total of three children, to continue for a period of six years from the date of death of the injured employee and not to amount to more than a maximum of ~~sixteen thousand nine hundred eighty dollars and twenty-five cents~~ EIGHT-TEEN THOUSAND SIX HUNDRED TWENTY-THREE DOLLARS AND FIFTY CENTS.

Section 5. 81-12-1 (3) and (4), Colorado Revised Statutes 1963, are hereby amended to read:

81-12-1.—Disability indemnity payable as wages — period of disability.—(3) If the period of disability lasts longer than ~~six~~ THREE weeks from the day the injured employee leaves work as the result of the injury, disability indemnity shall be recoverable from the day the injured employee leaves work.

(4) In cases where it is determined that periodic disability benefits granted by the federal old-age, survivors, and disability insurance act are payable to an individual, the weekly benefits payable pursuant to this section shall be reduced, but not below zero, by an amount equal as nearly as practical to one-half such federal periodic benefits for such week; PROVIDED, THAT IF PROVISIONS OF THE FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT SHOULD BE AMENDED TO PROVIDE FOR A REDUCTION OF AN INDIVIDUAL'S DISABILITY BENEFITS THEREUNDER BECAUSE OF COMPENSATION BENEFITS PAYABLE UNDER THIS CHAPTER, THEN THE REDUCTION OF COMPENSATION BENEFITS PROVIDED HEREIN SHALL BE DECREASED BY AN AMOUNT EQUAL TO SUCH FEDERAL REDUCTION.

Section 6. 81-12-2, Colorado Revised Statutes 1963, is hereby amended to read:

81-12-2.—Temporary disability benefits.—In case of temporary disability of more than seven days' duration, the employee shall receive sixty-six and two-thirds per cent of his average weekly wages so long as such disability is total, not to exceed a maximum of ~~forty-three dollars and seventy-five cents~~ FORTY-NINE DOLLARS per week and not less than a minimum of ~~ten~~ ELEVEN dollars AND FIFTY CENTS per week.

Section 7. 81-12-3, Colorado Revised Statutes 1963, is hereby amended to read:

81-12-3.—Temporary partial disability.—In case of injury resulting in temporary partial disability, the employee shall receive sixty-six and two-thirds per cent of the impairment of his earning capacity during the continuance thereof, not to exceed a maximum of ~~forty-three dollars and seventy-five cents~~ FORTY-NINE DOLLARS per week or the aggregate sum of ~~five thousand six hundred eighty-eight~~ SIX THOUSAND THREE HUNDRED SEVENTY dollars.

Section 8. 81-12-9 (1) (b), Colorado Revised Statutes 1963, is hereby amended to read:

81-12-9.—Permanent partial disability—how determined.—(1) (b) In determining permanent partial disability, the commission shall ascertain in terms of percentage the extent of general permanent disability which the accident has caused, taking into consideration not only the manifest weight of the evidence, but the general physical condition and mental training, ability, former employment, and education of the injured employee. The commission shall then determine the injured employee's expectancy of life from recognized expectancy tables and such other evidence relating to his expectancy as may be presented; it shall then ascertain the total amount which said employee would receive during the balance of his expectancy if permanently totally disabled, at not more than the maximum nor less than the minimum weekly indemnity specified in this article for temporary total disability and shall then take that percentage of the total sum so arrived at as is indicated by the percentage of general permanent disability found to exist in the manner as hereinabove set forth, not to exceed in any event, however, the aggregate sum of ~~eleven thousand three hundred and seventy-six~~ TWELVE THOUSAND SEVEN HUNDRED FORTY dollars. Said sum to be paid at a weekly rate ~~on~~ OF not more than the maximum nor less than the minimum herein specified for injuries causing total disability.

Section 9. 81-13-3 (2), Colorado Revised Statutes 1963, is hereby amended to read:

81-13-3.—Compensation in lump sum.—(2) The aggregate of all lump sums granted to a claimant who has been found and declared by the commission to be permanently and totally disabled, shall not exceed ~~thirteen thousand six hundred and fifty~~ FIFTEEN THOUSAND TWO HUNDRED EIGHTY-EIGHT dollars.

Section 10.—**Repeal.**—Article 17 of chapter 81, Colorado Revised Statutes 1963, is hereby repealed.

Section 11.—**Safety clause.**—The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 6, 1965.