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Amending 81-18-14, 81-18-15, and 81-18-20, Colorado Revised Statutes 1963 (1965 Supp.), Concerning "The Colorado Occupational Disease Disability Act"

Colorado General Assembly

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CHAPTER 384

LABOR II—WORKMEN'S COMPENSATION

OCCUPATIONAL DISEASES

(House Bill No. 1268. By Representatives Schafer, Mackie, Braden, Bryant, Edmonds, Gossard, Johnson, Koster, McCormick, Monfort, Morris, Norgren, Sack, Schubert, Shore, Strickland, and Wilder; also Senators Anderson, Brown, Cisneros, DeBerard, Decker, Denny, Donlon, Garnsey, Hewett, Jackson, Kemp, Locke, Lucas, Massari, Rockwell, Saunders, Schleffelin, Taylor, and Thomas.)

A N A C T

AMENDING 81-18-14, 81-18-15, AND 81-18-20, COLORADO REVISED STATUTES 1963 (1965 SUPP.), CONCERNING "THE COLORADO OCCUPATIONAL DISEASE DISABILITY ACT".

Be it enacted by the General Assembly of the State of Colorado:

Section 1. 81-18-14 (2), (3), (4) (f), (5) (a), and (6) (a), Colorado Revised Statutes 1963 (1965 Supp.), are amended to read:

81-18-14. Benefits for disability—diseases.—(2) In case of occupational disease resulting in 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-nine~~ **FIFTY-FOUR** dollars **AND TWENTY-FIVE CENTS** per week and not less than a minimum of ~~eleven~~ **THIRTEEN** dollars ~~and fifty cents~~ per week and the aggregate amount of payments therefor shall in no event exceed the aggregate amount of ~~fifteen thousand three hundred thirty-seven~~ **SIXTEEN THOUSAND NINE HUNDRED EIGHTY** dollars **AND TWENTY-FIVE CENTS**.

(3) In case of occupational disease resulting in temporary partial disability of more than seven days' duration 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-nine~~ **FIFTY-FOUR** dollars **AND TWENTY-FIVE CENTS** per week or the aggregate sum of ~~three thousand one hundred eighty-five~~ **FIVE HUNDRED TWENTY-SIX** dollars **AND TWENTY-FIVE CENTS**.

(4) (f) When an employee sustains two or more disabilities coming under this schedule, the disabilities specified in this subsection (4) shall be added and the injured employee shall receive the sum total thereof not exceeding ~~ten thousand one hundred ninety-two~~ **ELEVEN THOUSAND TWO HUNDRED EIGHTY-FOUR** dollars; provided, that BUT where the injury results in the loss or partial loss of the use of the index finger and thumb

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

of the same hand, or of more than two digits of any one hand or foot, the disability may, in the discretion of the commission, be compensated on the basis of the partial loss of use of said hand or foot, measured respectively from the wrist or ankle.

(5) (a) In cases of permanent total disability, the award shall be sixty-six and two-thirds per cent of the average weekly wages of the affected employee and shall continue to death of such person so totally disabled but not in excess of the weekly maximum and not less than the weekly minimum benefits specified herein for occupational disease causing temporary total disability and subject to a maximum aggregate payment for all total disability in the amount of ~~fifteen thousand three hundred thirty-seven~~ SIXTEEN THOUSAND NINE HUNDRED EIGHTY dollars AND TWENTY-FIVE CENTS, less any sums previously paid or credited under the provisions of subsection (6) of this section.

(6) (a) Where an occupational disease results in permanent partial disability except the sustaining of any one of the disabilities specifically covered by subsection (4) of this section the disabled employee shall be deemed to be permanently disabled from the time he is so declared by the commission and from said time shall be entitled to benefits for permanent partial disability in addition to any benefits theretofore allowed. In determining permanent partial disability the commission shall ascertain in terms of percentage the extent of general permanent disability which the disease 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 affected employee, and shall award the employee such sums of money for permanent partial disability as shall be determined in the manner provided in section 81-12-9, but in no event shall the sum awarded for permanent partial disability exceed the sum of ~~ten thousand one hundred ninety-two~~ ELEVEN THOUSAND TWO HUNDRED EIGHTY-FOUR dollars.

Section 2. 81-18-15, Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

81-18-15. Benefits for death—diseases.—Subject to the provisions of section 81-18-17, the compensation benefits to which the dependents of an employee shall be entitled under this article for death resulting from an occupational disease other than silicosis, asbestosis, or anthracosis shall be in the aggregate not to exceed the difference between the total sums paid to the employee for disability resulting from such disease as provided in section 81-18-14 and the sum of ~~fifteen thousand three hundred thirty-seven~~ SIXTEEN THOUSAND NINE HUNDRED EIGHTY dollars AND TWENTY-FIVE CENTS, such compensation benefits to be paid in the same manner, to the same persons, and at the same weekly rate, and to be subject to the same conditions as to termination or reduction as in the case, under "The Workmen's Compensation Act of Colorado", of death resulting from an injury by accident; except, that where any of the dependents are wholly dependent children, as defined in section 81-11-1, the maximum compensation for death benefits above provided shall be increased by three dollars and seventy-five cents per week for each such child, not to exceed a total of three children and to continue not to exceed six years from the date of death of deceased employee and not to amount to more than the maximum sum of ~~eighteen thousand eight hundred fifty-eight dollars and twenty-five cents~~ TWENTY THOUSAND FIVE HUNDRED ONE DOLLARS AND FIFTY CENTS, and the maximum weekly rate in such cases shall be ~~sixty dollars and twenty-five cents~~ SIXTY-FIVE DOLLARS AND FIFTY CENTS.

Section 3. 81-18-20 (1) (a), Colorado Revised Statutes 1963 (1965 Supp.), is amended to read:

81-18-20. Medical benefits.—(1) (a) An employee who incurs an occupational disease shall be entitled to receive from the employer, in addition to all other compensation payable under this article, such medical service, hospitalization, and medicines as may be reasonably required not exceeding in value the sum of ~~three~~ FIVE thousand ~~five hundred~~ dollars.

Section 4. 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: June 9, 1967