

No. 133, S.]

[Published June 29, 1925.

**CHAPTER 383.**

AN ACT to create a subdivision designated "Eleventh" of section 261.01 of the statutes, relating to the place of trial of civil actions.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new subdivision designated "Eleventh" is added to section 261.01 of the statutes to read: (261.01) Eleventh. The place of trial of an action growing out of the negligent operation of a motor vehicle shall be in the county in which the cause of action arose.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 26, 1925.

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No. 401, S.]

[Published June 29, 1925.

**CHAPTER 384.**

AN ACT to amend paragraph (d) of subsection (2), paragraphs (b) and (f) of subsection (4m), paragraph (b) of subsection (5), paragraph (d) of subsection (6), and subsection (7) of section 102.09 of the statutes, to renumber subsection (3) of section 102.29 of the statutes to be subsection (4) thereof, and to create a new subsection (3) of said section, relating to workmen's compensation.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Paragraph (d) of subsection (2), paragraphs (b) and (f) of subsection (4m), paragraph (b) of subsection (5), paragraph (d) of subsection (6), and subsection (7) of section 102.09 of the statutes are amended to read: (102.09) (2) (d) Said paragraphs (a), (b) and (c) shall be subject to the following limitations:

*First.* In case of temporary disability aggregate indemnity for injury to an employe caused by a single accident shall not exceed four times the average annual earnings of such employe.

*Second.* In case of permanent total disability aggregate indemnity for injury to an employe caused by a single accident shall be weekly indemnity for the period that he may live, not to exceed, however, these named limitations, to wit:

*Third.* \* \* \* *One Thousand* weeks for all persons under thirty-one years of age;

*Fourth.* For each successive yearly age group, beginning with thirty-one years, the maximum limitation shall be reduced by \* \* \* *eighteen* weeks, until a minimum limit of two hundred and \* \* \* *eighty* weeks shall be reached.

*Fifth.* In case of permanent partial disability aggregate indemnity shall bear such relation to the aggregate indemnity for permanent total disability as the nature of the injury bears to one causing permanent total disability.

*Sixth.* In case where the only permanent disability is covered by the provisions of subsections (5) and (6) of this section, such subsections shall govern.

*Seventh.* No lump sum settlement shall be allowed in any case of permanent total disability upon an estimated life expectancy, except upon consent of all parties, after hearing and finding by the commission that the interests of the injured employe will be conserved thereby.

*Eighth.* Total blindness of both eyes, or the loss of both arms at or near the shoulder, or of both legs at or near the hip, or of one arm at the shoulder and one leg at the hip, shall constitute permanent total disability. This enumeration shall not be exclusive but in other cases the commission shall find the facts.

*Ninth.* The weekly indemnity due on the eighth day after the employe leaves work as the result of the injury may be withheld until the twenty-second day after he so leaves work; if recovery from the disability shall then have occurred, such first weekly indemnity shall not be recoverable; if the disability still continues, it shall be added to the weekly indemnity due on said twenty-second day and be paid therewith.

*Tenth.* If the period of disability does not last more than one week from the day the employe leaves work as a result of the injury, no indemnity whatever shall be recoverable.

(102.09) (4m) (b) For the child one year of age or under, \* \* \* *a sum equal to* the average annual earnings of the deceased employe. For children in each successive yearly age group the amount allowed shall be reduced by one-fifteenth part of such

\* \* \* average annual earnings, with no allowances for any child over fifteen years of age at the death of the employe unless such child be physically or mentally incapacitated from earning, in which case the commission shall make such allowance as the equities and the necessities of the case merit, not more however than the amount payable on account of a child under one year of age.

(f) In each case of injury resulting in death, leaving no person wholly dependent for support, the employer or insurer shall pay into the state treasury such an amount, when added to the sums paid or to be paid on account of partial dependency, as shall equal four times the deceased employe's average annual earnings, such payment to the state treasury in no event to exceed one thousand dollars. *The payment into the state treasury so provided shall be made in all such cases regardless of whether the dependents or personal representatives of the deceased employe commence action against a third party as provided in subsection (2) of section 102.29.*

(102.09) (5) (b) For the loss of an arm at the shoulder by an employe thirty years of age and under thirty-one years, the indemnity to be paid for his permanent disability shall be fifty per cent of such weekly indemnity as would have accrued to him for total disability, for the period of \* \* \* *one thousand weeks.*

(102.09) (6) (d) In each case of the loss or of the total impairment of a hand, arm, foot, leg, or eye, the employer shall be required to pay the sum of one hundred and fifty dollars into the state treasury. *The payment into the state treasury shall be made in all such cases regardless of whether the employe, his dependents or personal representatives, commence action against a third party as provided in subsection (2) of section 102.29.*

(102.09) (7) *When the injury is sustained by a minor illegally employed, compensation and death benefits, as provided in sections 102.03 to \* \* \* 102.35, \* \* \* shall, \* \* \* be as follows:*

(a) *Double the amount otherwise recoverable, if the injured employe \* \* \* is a minor of permit age and at the time of the accident is employed, required, suffered or permitted to work without a written permit issued pursuant to section 103.05, except as provided in paragraph (b).*

(b) *Treble the amount otherwise recoverable, if the injured employe \* \* \* is a minor of permit age \* \* \* and at the time of the accident is employed, required, suffered or permitted to work \* \* \* without a permit in any place of employment or at any employment in or for which the industrial commission acting under authority of section 103.05, has adopted a written resolution providing that permits shall not be issued.*

(c) \* \* \* *Treble the amount otherwise recoverable, \* \* \* if the injured employe is a minor of permit age, or over, and at the time of the accident is employed, required, suffered, or permitted to work at prohibited employment.*

A permit unlawfully issued by an officer specified in section 103.05, or unlawfully altered after issuance, without fraud on the part of the employer, shall be deemed a permit within the provisions of this subsection.

SECTION 2. Subsection (3) of section 102.29 of the statutes is renumbered as subsection (4) thereof, and there is added to said section 102.29 a new subsection (3) to read: (102.29) (3) In the case of liability of the employer or insurer to make payment into the state treasury under the provisions of paragraph (f) of subsection (4m) of section 102.09 or of paragraph (d) of subsection (6) of section 102.29, if the injury or death was due to the act, neglect, or default of a third party actionable under section 4255 or otherwise, the employer or insurer shall have a right of action against such third party for reimbursement for any sum so paid into the state treasury, which right may be enforced either by joining in the action mentioned in subsection (1) or (2) of this section, or by independent action.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 26, 1925.

No. 423, S.]

[Published June 29, 1925.

## CHAPTER 385.

AN ACT to amend and reenact chapter 67 of the statutes, relating to municipal borrowing and municipal bonds, and making it applicable with uniformity to every city and every village, respectively.