

CHAPTER 204

No. 386, S.]

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CHAPTER 204

AN ACT to amend 102.01 (2), 102.11 (1) (intro. par.), 102.22, and 102.555 (4) (intro. par.); and to create 102.60 (8) and (9) of the statutes, relating to compensation for injuries under workmen's compensation.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 102.01 (2) of the statutes is amended to read:

102.01 (2) "Act" as used in this chapter means "chapter"; "compensation" means workmen's compensation; "primary compensation and death benefit" mean compensation or indemnity for disability, or death benefit, other than increased, double or treble compensation or death benefit; "injury" is mental or physical harm to an employe caused by accident or disease, and also damage to or destruction of artificial members, dental appliances, teeth, and eyeglasses, but, in the case of eyeglasses, only if such damage or destruction resulted from accident which also caused personal injury entitling the employe to compensation therefor (either for disability or treatment); "municipality" includes county, city, town, village, school district, sewer district, drainage district, and other public or quasi-public corporations; "examiner" includes the director of workmen's compensation; and "commission" means the industrial commission of Wisconsin. "Time of injury," "occurrence of injury," or "date of injury" is the date of the accident which caused the injury, or in the case of disease, the last day of work for the last employer whose employment caused disability, except that in case of occupational deafness the definition in s. 102.555 shall control.

SECTION 2. 102.11 (1) (intro. par.) of the statutes is amended to read:

102.11 (1) (intro. par.) The average weekly earnings for temporary disability shall be taken at not less than \$12.50 nor more than \* \* \* \$70; for permanent total disability or death at not less than \$20 nor more than \* \* \* \$70; and for permanent partial disability at not less than \$20 nor more than \$52.86. Between said limits the average weekly earnings shall be determined as follows:

SECTION 3. 102.22 of the statutes is amended to read:

102.22 If the sum ordered by the commission to be paid shall not be paid when due, such sum shall bear interest at the rate of 6 per cent per annum. *The state of Wisconsin shall be liable for such interest on awards issued against it under this chapter. The commission shall have jurisdiction to issue award for payment of such interest at any time within one year of the date of its order or upon appeal within one year after final court determination.* Where the employer or his insurer is guilty of inexcusable delay in making payments, the payments as to which such delay is found shall be increased by 10 per cent. Where such delay is chargeable to the employer and not to the insurer \* \* \* s. 102.62 shall be applicable and the relative liability of the parties shall be fixed and discharged as therein provided.

SECTION 4. 102.555 (4) (intro. par.) of the statutes is amended to read:

102.555 (4) (intro. par.) Subject to the limitations herein contained and the provisions of s. 102.53 (2) there shall be payable for total occu-

pational deafness of one ear, \* \* \* 36 weeks of compensation; for total occupational deafness of both ears, \* \* \* 180 weeks of compensation; and for partial occupational deafness compensation shall bear such relation to that named herein as disabilities bear to the maximum disabilities herein provided. In cases covered by this subsection "time of injury," "occurrence of injury," or "date of injury" shall be exclusively the date of occurrence of any of the following events to an employe:

SECTION 5. 102.60 (8) and (9) of the statutes are created to read:

102.60 (8) This section shall not apply to liability arising under s. 102.06 unless the employer sought to be charged knew or should have known that the minor was illegally employed by the contractor or sub-contractor.

(9) The increased compensation or increased death benefits recoverable under sub. (1) shall not exceed \$5,000. The increased compensation or increased death benefits recoverable under subs. (2), (3) or (4) shall not exceed \$7,500.

SECTION 6. This act shall take effect July 1, 1957.

Approved June 13, 1957.

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