

No. 431, S.]

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CHAPTER 269

AN ACT to amend 102.03 (2), 102.11 (1) (intro. par.), 102.17 (1) (as and (4) and 102.565 (1) of the statutes, relating to the computation of weekly earnings and maximum compensation rates, the filing of verified or certified medical reports by employes, extending the statute of limitations for injuries due to ionized radiation, and maximum allowance for nondisabling silicosis.

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

SECTION 1. 102.03 (2) of the statutes is amended to read:

102.03 (2) Where such conditions exist the right to the recovery of compensation pursuant to * * * this chapter shall be the exclusive remedy against the employer *and the workmen's compensation insurance carrier.*

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 * * * *\$85.72*; for permanent total disability or death at not less than \$20 nor more than * * * *\$85.72*; and for permanent partial disability at not less than \$20 nor more than * * * *\$61.07*. Between said limits the average weekly earnings shall be determined as follows:

SECTION 3. 102.17 (1) (as) and (4) of the statutes are amended to read:

102.17 (1) (as) The contents of verified medical and surgical reports, by physicians and surgeons licensed in * * * and practicing in * * * Wisconsin, presented by claimants for compensation shall constitute prima facie evidence as to the matter contained therein, subject to such rules and such limitations as the commission * * * prescribes. So, also, shall such reports of physicians and surgeons, wherever licensed and practicing, to whom the claimant had been sent for examination or treatment by the employer or insurer, provided that such doctor consents to subject himself to cross-examination. *Physicians and surgeons licensed in and practicing in Wisconsin may certify instead of verify such reports, and such certification shall be equivalent to verification; and any physician or surgeon who knowingly makes a false statement of fact or opinion in such certified report may be fined or imprisoned or both under s. 943.39.* The record of a hospital or sanatorium in Wisconsin operated by any department, agency, or municipality of the federal or state government, or of any other hospital or sanatorium in Wisconsin which is satisfactory to the commission, established by certificate, affidavit, or testimony of the supervising officer or other person having charge of such records, or of a physician or surgeon, to be such record of the patient in question, and made in the regular course of examination or treatment of such patient, shall constitute prima facie evidence in any workmen's compensation proceeding as to the matter contained therein, insofar as it * * * is otherwise * * * competent and relevant.

(4) The right of an employe, his legal representative or dependent to proceed under this section shall not extend beyond 6 years from the date of the injury or death or from the date that compensation (other than medical treatment or burial expenses) was last paid, or would have been last payable if no advancement were made, whichever date is latest, *except that in case of injury or death caused by exposure to ionized radiation the right to proceed hereunder shall not extend beyond 25 years from the date of injury.*

SECTION 4. 102.565 (1) of the statutes is amended to read:

102.565 (1) When an employe working subject to this chapter is, because he has a nondisabling silicosis, discharged from the employment in which he is engaged, or when an employe ceases such employment and it is in fact inadvisable for him on account of a nondisabling silicosis to continue in it, and suffers wage loss by reason of such discharge, or such cessation, the commission may allow such compensation on account thereof as it * * * deems just, not exceeding * * * \$7,000. In case of such discharge prior to a finding by the industrial commission that it is inadvisable for him to continue in such employment, the liability of the employer who * * * so discharges his employe shall be primary, and the liability of the insurer shall be secondary, under the same procedure and to the same effect as provided by s. 102.62.

SECTION 5. This act shall take effect on July 1, 1961, or on the first of the month next following passage and publication.

Approved July 17, 1961.