

85 LSO 0155

HOUSE BILL 0306

Title:

HB0306

HOUSE BILL 0306

AN ACT to create W.S. 27-12-413; to amend W.S. 27-12-102, 27-12-104(a) introductory paragraph and (b), 27-12-106(a) introductory paragraph, (xxii), (xxxvii), (iii), (liv) and (lv) and by creating new paragraphs (lvi) and (lvii) and by creating a new subsection (b), 27-12-107(a) introductory paragraph and (b), (c) and (d), 27-12-108(a) introductory paragraph and (i) and (b) introductory paragraph, 27-12-201, 27-12-202(a) and (b), 27-12-203, 27-12-204, 27-12-206, 27-12-207(a) and by creating a new subsection (e) and amending and renumbering the subsequent subsection accordingly, 27-12-302(b), (c) and (d), 27-12-401(d) and (e), 27-12-402, 27-12-403, 27-12-404, 27-12-405, 27-12-406(a), 27-12-408, 27-12-409, 27-12-410(a), 27-12-501, 27-12-502, 27-12-503(a), 27-12-601(c) and by creating a new subsection (d), 27-12-603(b) and by creating a new subsection (e), 27-12-611(a) and (b), 27-12-612, 27-12-702(b), 27-12-704(b)(v) and by creating new paragraphs (vi) and (vii), 27-12-705 and 27-12-801 by creating a new subsection (d); and to repeal W.S. 27-12-302(c)(iii) and 27-12-411 relating to the Wyoming Worker's Compensation Act; generally revising selected provisions of worker's compensation statutes; providing definitions and modifying existing definitions; providing for expanded coverage; providing for recovery from co-employee; requiring notice of recovery from third parties by employee and providing a penalty for failure to comply; increasing employer contributions and the minimum employer account balance; increasing requirements for exempt employers; modifying penalties for overdrawn accounts; modifying the reinsurance account balance for determination of contribution rates; providing a flat administrative fee for inactive accounts; providing for a lien upon delinquent employers; increasing nonresident bonding

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Introduced by: Grant L. Sanders

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requirements and modifying bonding withdrawal; generally revising qualifications for employee benefits; establishing temporary partial disability and adjusting temporary total and permanent disability provisions accordingly; modifying the schedule upon which permanent partial disability awards are determined; revising benefit payments to dependents and survivors; clarifying eligibility for artificial replacement payments; modifying physician reporting requirements and requiring periodic examinations for temporary disability; modifying employee reporting requirements; providing that failure to report is a presumption for claim dismissal; providing that the filing of reports is a release of information; providing for acquisition of medical consulting expertise by the court and division; providing for nontraumatically induced mental injuries; modifying conditions for the transfer of an employer's account; providing a penalty for physician's refusing to testify, etc., as required by law; restricting expenditures from the reinsurance account and increasing the account balance for fund transfers; and providing for an effective date.

House of Intro				Second House			
_____	To Com. No.	_____		_____	To Com No.	_____	
_____	Stand Report	Do _____	Amd _____	Not _____	_____	Stand Report	Do _____
_____	Com Whole	Do _____	Amd _____	Not _____	_____	Com Whole	Do _____
_____	2nd Reading	Amd _____			_____	2nd Reading	Amd _____
_____	3rd Reading	Amd _____	Pass _____	Fail _____	_____	3rd Reading	Amd _____
							Pass _____
							Fail _____

INTRODUCED

1985

STATE OF WYOMING

85LSO-0155.01

HOUSE BILL NO. 0306

Worker's compensation.

Sponsored by: JOINT SENATE LABOR AND FEDERAL RELATIONS
AND HOUSE LABOR, HEALTH AND SOCIAL
SERVICES INTERIM COMMITTEE

A BILL

for

1 AN ACT to create W.S. 27-12-413; to amend W.S. 27-12-102,
2 27-12-104(a) introductory paragraph and (b), 27-12-106(a)
3 introductory paragraph, (xxii), (xxxvii), (lii), (liv) and
4 (lv) and by creating new paragraphs (lvi) and (lvii) and
5 by creating a new subsection (b), 27-12-107(a) introduc-
6 tory paragraph and (b), (c) and (d), 27-12-108(a) intro-
7 ductory paragraph and (i) and (b) introductory paragraph,
8 27-12-201, 27-12-202(a) and (b), 27-12-203, 27-12-204,
9 27-12-206, 27-12-207(a) and by creating a new subsection
10 (e) and amending and renumbering the subsequent subsection

1 accordingly, 27-12-302(b), (c) and (d), 27-12-401(d) and
2 (e), 27-12-402, 27-12-403, 27-12-404, 27-12-405,
3 27-12-406(a), 27-12-408, 27-12-409, 27-12-410(a),
4 27-12-501, 27-12-502, 27-12-503(a), 27-12-601(c) and by
5 creating a new subsection (d), 27-12-603(b) and by creat-
6 ing a new subsection (e), 27-12-611(a) and (b), 27-12-612,
7 27-12-702(b), 27-12-704(b)(v) and by creating new para-
8 graphs (vi) and (vii), 27-12-705 and 27-12-801 by creating
9 a new subsection (d); and to repeal W.S. 27-12-302(c)(iii)
10 and 27-12-411 relating to the Wyoming Worker's Compensa-
11 tion Act; generally revising selected provisions of
12 worker's compensation statutes; providing definitions and
13 modifying existing definitions; providing for expanded
14 coverage; providing for recovery from co-employee; requir-
15 ing notice of recovery from third parties by employee and
16 providing a penalty for failure to comply; increasing
17 employer contributions and the minimum employer account
18 balance; increasing requirements for exempt employers;
19 modifying penalties for overdrawn accounts; modifying the
20 reinsurance account balance for determination of contribu-
21 tion rates; providing a flat administrative fee for inac-
22 tive accounts; providing for a lien upon delinquent
23 employers; increasing nonresident bonding requirements and
24 modifying bonding withdrawal; generally revising qualifi-

1 cations for employee benefits; establishing temporary par-
2 tial disability and adjusting temporary total and perma-
3 nent disability provisions accordingly; modifying the
4 schedule upon which permanent partial disability awards
5 are determined; revising benefit payments to dependents
6 and survivors; clarifying eligibility for artificial
7 replacement payments; modifying physician reporting
8 requirements and requiring periodic examinations for tem-
9 porary disability; modifying employee reporting require-
10 ments; providing that failure to report is a presumption
11 for claim dismissal; providing that the filing of reports
12 is a release of information; providing for acquisition of
13 medical consulting expertise by the court and division;
14 providing for nontraumatically induced mental injuries;
15 modifying conditions for the transfer of an employer's
16 account; providing a penalty for physician's refusing to
17 testify, etc., as required by law; restricting expendi-
18 tures from the reinsurance account and increasing the
19 account balance for fund transfers; and providing for an
20 effective date.

21 Be It Enacted by the Legislature of the State of Wyoming:

22 Section 1. W.S. 27-12-413 is created to read:

23 27-12-413. Temporary partial disability; benefits;

1 determination of eligibility; payment period; exceptions
2 for volunteers or prisoners; payment after death of
3 employee.

4 (a) If after a compensable injury is sustained and
5 as a result of the injury the employee is temporarily and
6 partially incapacitated as defined under W.S.
7 27-12-102(a)(xxxi) or recovery is complete to the extent
8 he may resume part time or light duty employment pursuant
9 to W.S. 27-12-402(c)(i), the injured employee shall
10 receive a monthly allowance or pro rata portion equal to
11 fifty percent (50%) of the difference between sixty-six
12 and sixty-seven hundredths percent (66.67%) of his actual
13 monthly gross earnings at the time of injury not to exceed
14 the statewide average monthly wage for the twelve (12)
15 month period immediately preceding the quarterly period in
16 which the injury occurred, and his current actual monthly
17 gross earnings. The actual monthly gross earnings shall
18 be determined in accordance with W.S. 27-12-402(a) and the
19 current monthly gross earnings shall be based upon the
20 actual gross earnings for the month of temporary partial
21 disability.

22 (b) Any employee awarded benefits under W.S.
23 27-12-403 or 27-12-405 is not eligible for benefits under

1 subsection (a) of this section unless he undergoes addi-
2 tional surgery not reasonably contemplated before the
3 award for permanent disability and then only for a reason-
4 able period of recuperation, confinement for medical care
5 during the actual period of confinement or unless applica-
6 tion is made and an award is granted under W.S. 27-12-606.
7 In no case shall an employee receive benefits under sub-
8 section (a) of this section and under W.S. 27-12-402,
9 27-12-403 or 27-12-405 during the same period of time.

10 (c) Payment under subsection (a) of this section
11 shall cease if:

12 (i) Recovery is complete to the extent the
13 employee may return to full time employment at a gainful
14 employment or occupation for which he is reasonably suited
15 by experience or training;

16 (ii) The employee returns to or enrolls in a
17 post secondary educational program for degree credit; or

18 (iii) The employee qualifies for benefits
19 under W.S. 27-12-403 or 27-12-405.

20 (d) Disability payments under this section shall not
21 be allowed for the first three (3) days of disability
22 unless the incapacity extends beyond eight (8) days or the

1 injured employee qualifies for benefits under subsection
2 (a) of this section pursuant to W.S. 27-12-402(c)(i). If
3 payments cease for a period of eight (8) days or more, the
4 employee may apply for reinstatement under W.S. 27-12-606
5 and any award granted shall be treated as an initial
6 award. In determining the period of disability, the day
7 the disability occurred shall be included. Benefits under
8 subsection (a) of this section shall not be paid:

9 (i) During any period an employee receives a
10 salary while on sick leave. Any employee shall not be
11 forced to use sick leave before applying for or instead of
12 benefits under this section;

13 (ii) If an employee or his personal represen-
14 tative fails to file a claim for benefits within thirty
15 (30) days after the first day of the month immediately
16 succeeding the month for which benefits are claimed; or

17 (iii) If a claim is filed without the nota-
18 rized signatures of the claimant and the attending physi-
19 cian.

20 (e) Notwithstanding subsection (a) of this section,
21 any person serving in any volunteer capacity specified
22 under W.S. 27-12-201(b) and sustaining a temporary partial

1 disability in the line of duty or recovered to the extent
2 he may resume part time or light duty employment and does
3 not qualify for benefits under W.S. 27-12-403 or
4 27-12-405, shall receive a monthly allowance or pro rata
5 portion equal to the difference between the statewide
6 average monthly wage for the twelve (12) month period
7 immediately preceding the quarter in which the injury
8 occurred and his current actual monthly gross earnings.

9 (f) If an employee dies and his death is due solely
10 to the injury, any benefits not awarded or paid pursuant
11 to this section shall be paid to his eligible dependents.
12 If there are no eligible dependents, no award shall be
13 made nor benefits paid.

14 (g) Any employee serving time in any penal or cor-
15 rectional institution is not eligible for benefits under
16 this section during the period of incarceration.

17 Section 2. W.S. 27-12-102, 27-12-104(a) introductory
18 paragraph and (b), 27-12-106(a) introductory paragraph,
19 (xxii), (xxxvii), (lii), (liv) and (lv) and by creating
20 new paragraphs (lvi) and (lvii) and by creating a new sub-
21 section (b), 27-12-107(a) introductory paragraph and (b),
22 (c) and (d), 27-12-108(a) introductory paragraph and (i)
23 and (b) introductory paragraph, 27-12-201, 27-12-202(a)

1 and (b), 27-12-203, 27-12-204, 27-12-206, 27-12-207(a) and
2 by creating a new subsection (e) and amending and renum-
3 bering the subsequent subsection accordingly,
4 27-12-302(b), (c) and (d), 27-12-401(d) and (e),
5 27-12-402, 27-12-403, 27-12-404, 27-12-405, 27-12-406(a),
6 27-12-408, 27-12-409, 27-12-410(a), 27-12-501, 27-12-502,
7 27-12-503(a), 27-12-601(c) and by creating a new subsec-
8 tion (d), 27-12-603(b) and by creating a new subsection
9 (e), 27-12-611(a) and (b), 27-12-612, 27-12-702(b),
10 27-12-704(b)(v) and by creating new paragraphs (vi) and
11 (vii), 27-12-705 and 27-12-801 by creating a new subsec-
12 tion (d) are amended to read:

13 27-12-102. Definitions.

14 (a) As used in this act:

15 (i) "ARTIFICIAL REPLACEMENT" MEANS THE ADDI-
16 TION OF AN ARTIFICIAL PART TO THE HUMAN BODY WHICH
17 REPLACES A PART LOST OR IN NEED OF CORRECTION, EXCLUDING
18 ANY PERSONAL ITEM, AUTOMOBILE OR THE REMODELING OF AN
19 AUTOMOBILE OR OTHER PHYSICAL STRUCTURE OR ANY ITEM OF FUR-
20 NITURE EXCEPT AS PROVIDED BY RULE AND REGULATION OF THE
21 DIVISION;

22 (ii) "ASCERTAINABLE LOSS" MEANS THAT POINT IN

1 TIME IN WHICH IT IS APPARENT THAT PERMANENT DISABILITY HAS
2 RESULTED FROM A COMPENSABLE INJURY, THE EXTENT OF THE DIS-
3 ABILITY DUE TO THE INJURY CAN BE DETERMINED AND THE DIS-
4 ABILITY WILL NOT IMPROVE OR DETERIORATE BECAUSE OF THE
5 INJURY;

6 ~~(i)~~(iii) "Building service" means janitors,
7 elevator operators, MAIDS, HOUSEKEEPERS, GROUNDSKEEPERS
8 and maintenance men employed in and ~~about~~ AROUND office
9 buildings, hotels, motels, apartment houses, school
10 houses, court houses and public buildings, excluding
11 employees of the ~~United-States~~ FEDERAL GOVERNMENT;

12 ~~(i)~~(iv) "Child" means any UNMARRIED MINOR OR
13 PHYSICALLY OR MENTALLY INCAPACITATED individual excluding
14 a parent or spouse of the employee, ~~who-receives~~ RECEIVING
15 substantially all of his financial support from the
16 employee preceding injury or death of the employee, ~~and~~
17 ~~who-is--an--unmarried--minor--or--physically--or--mentally~~
18 ~~incapacitated~~ AND INCLUDES AN ADOPTED CHILD, FOSTER CHILD,
19 STEPCHILD, POSTHUMOUS CHILD OR ACKNOWLEDGED ILLEGITIMATE
20 CHILD;

21 (v) "CULPABLE NEGLIGENCE" MEANS WILLFUL AND
22 WANTON MISCONDUCT DIFFERING IN KIND AND DEGREE FROM ORDI-
23 NARY AND GROSS NEGLIGENCE;

1 (vi) "DELINQUENT PAYMENT" MEANS ANY PAYMENT
2 REQUIRED OF AN EMPLOYER UNDER THIS ACT WHICH IS NOT PAID
3 WITHIN FIFTEEN (15) DAYS AFTER THE DATE DUE AS SPECIFIED
4 BY THIS ACT;

5 ~~{iii}~~(vii) "Dependent" means any individual,
6 excluding the employee, entitled to benefits under this
7 act;

8 ~~{iv}~~(viii) "Director" means the director of
9 the division;

10 ~~{v}~~(ix) "Division" means the ~~workmen's~~
11 WORKER'S compensation division of the state treasurer's
12 office;

13 (x) "DOMESTIC SERVANT" MEANS ANY EMPLOYEE PER-
14 FORMING SERVICES IN OR AROUND A HOME WHICH PERTAIN TO A
15 HOUSE, HOUSEHOLD, LAWN, GARDEN OR A FAMILY INCLUDING CHILD
16 CARE BUT NOT INCLUDING SERVICES PROVIDED UNDER INDEPENDENT
17 CONTRACT;

18 ~~{vi}~~(xi) "Dude ranching" means a ranch con-
19 ducted primarily for the accommodation and entertainment
20 of guests for remuneration;

21 ~~{vii}--"Earnings"--means--all--remuneration--pay--~~

1 able-to-an-employee-engaged-in-any-extrahazardous--occupa-
2 tion--enumerated--in--this--act-for-services-from-whatever
3 source,-including-commissions,-piece-work,-overtime-pay,
4 bonuses--and-the-cash-value-of-other-remunerations-payable
5 in-any-medium-other-than-cash-except-as-otherwise-provided
6 in-this-act,

7 ~~(viii)~~(xii) "Employee" means any person who
8 has--entered ENTERING into the employment of or works
9 WORKING under contract of services or apprenticeship with
10 an employer engaged in an extrahazardous occupation,
11 ~~except-a-person-whose-employment-is-purely-casual-and--not~~
12 ~~for-the-purpose-of-the-employer's-usual-trade-or-business,~~
13 ~~or--those--engaged-in-clerical-work-and-not-subject-to-the~~
14 ~~hazards--of--the--business~~ EMPLOYMENT. "Employee" also
15 includes the officers of a corporation, IF the business of
16 ~~which~~ is classed as extrahazardous, ~~if the officers-are~~
17 OFFICER IS actually subject to the hazards of the business
18 in the regular performance of ~~their~~ HIS duties, and the
19 employer elects ~~to-secure~~ COVERAGE under ~~the-provisions-of~~
20 this act by notifying the division by ~~registered~~ mail at
21 least thirty (30) days prior to the effective date of ~~the~~
22 coverage. Coverage IS EFFECTIVE ON THE DATE THE NOTICE OF
23 ELECTION IS RECEIVED AND APPROVED BY THE DIVISION AND
24 remains effective until withdrawn by written notice to the

1 division THIRTY (30) DAYS BEFORE THE EFFECTIVE DATE OF
2 WITHDRAWAL. AN EMPLOYER SHALL NOT WITHDRAW FOR A PERIOD OF
3 FIVE (5) YEARS FOLLOWING THE DATE OF ELECTION AND SHALL
4 NOT WITHDRAW AT ANY TIME HIS ACCOUNT UNDER THIS ACT IS
5 OVERDRAWN. Any reference IN THIS ACT to an employee who
6 has been injured and dies, includes his dependents or his
7 legal representatives, or ~~his-guardian-or-next-friend~~ if
8 the employee is a minor or incompetent, HIS GUARDIAN OR
9 NEXT FRIEND. No minor employee shall be denied the bene-
10 fits of UNDER this act for the sole reason that his
11 employment is in violation of the labor laws governing the
12 employment of minors. "EMPLOYEE" DOES NOT INCLUDE ANY PER-
13 SON WHOSE EMPLOYMENT IS PURELY CASUAL AND NOT FOR THE PUR-
14 POSE OF THE USUAL TRADE OR BUSINESS OF THE EMPLOYER OR ANY
15 PERSON ENGAGED IN AN ILLEGAL ENTERPRISE, OCCUPATION OR
16 ACTIVITY;

17 ~~(ix)~~ (xiii) "Employer" means any person employ-
18 ing individuals in any extrahazardous ~~occupation~~
19 EMPLOYMENT;

20 ~~(x)~~ (xiv) "Engineering work" means any work in
21 the SURVEYING, construction, alteration, extension, repair
22 or demolition of a railway bridge, HIGHWAY, STREET, ROAD,
23 jetty, dike, dam, reservoir, underground conduit, sewer,

1 oil or gas well, oil tank, gas tank, water tank or tower,
2 or any caisson work in artificially compressed air, any
3 work in dredging, work on log or lumber rafts, or booms,
4 pile driving, moving OR CONSTRUCTING buildings, moving
5 safes or in laying, repairing or removing underground
6 pipes and connections, in the erection, installing,
7 repairing or removing of boilers, furnaces, engines and
8 power machinery including belting and other connections,
9 and any work in grading or excavating ~~where~~ IN WHICH
10 shoring is necessary or power machinery or blasting pow-
11 der, dynamite or other high explosive is in use excluding
12 mining and quarrying EXCEPT AS OTHERWISE PROVIDED BY THIS
13 ACT;

14 ~~(xi)~~(xv) ~~Facteries~~ "FACTORY" means any prem-
15 ises in which power is used in manufacturing, making,
16 altering, adapting, ornamenting, finishing, repairing or
17 renovating any article for the purpose of trade or gain,
18 or the business carried on ~~therein~~, WITHIN THE PREMISES
19 including ~~expressly~~ any brick yard, meat packing house,
20 foundry, smelter, ore reduction works, lime burning plant,
21 stucco plant, steam heating plant, electric lighting or
22 power plant. ~~It~~ "FACTORY" includes all works in or
23 directly connected with the construction, installation,
24 operation, alteration, removal or repair of wires, cables,

1 switchboards or apparatus used for the transmission of
2 electric current and water power plant, including tower
3 and standpipes, power plant, blast furnaces, paper mill,
4 printing plant, flour mill, glass factory, cement plant,
5 artificial gas plant, machine or repair shop, oil refinery
6 plant and chemical manufacturing plant;

7 (xvi) "GROSS EARNINGS" MEANS ALL REMUNERATION
8 PAYABLE BY AN EMPLOYER TO AN EMPLOYEE ENGAGED IN AN
9 EXTRAHAZARDOUS EMPLOYMENT ENUMERATED IN THIS ACT INCLUDING
10 COMMISSIONS, PIECE WORK, OVERTIME PAY, BONUSES AND THE
11 CASH VALUE OF OTHER REMUNERATION PAYABLE IN ANY MEDIUM
12 OTHER THAN CASH EXCEPT AS OTHERWISE PROVIDED BY THIS ACT;

13 ~~(xiii)~~ (xvii) "Injury" means any harmful change
14 in the human organism other than normal aging, and
15 includes damage to or loss of ~~a-prosthetic--appliance~~ ANY
16 ARTIFICIAL REPLACEMENT and death, arising out of and in
17 the course of employment while at work in or about the
18 premises occupied, used or controlled by the employer,
19 incurred while at work in places where the employer's
20 business requires an employee's presence and which sub-
21 jects the employee to extrahazardous duties incident to
22 the business. ~~The-term~~ "INJURY" does not include:

23 (A) Any ILLNESS OR communicable disease

1 unless the risk of contracting the ILLNESS OR disease is
2 increased by the nature of the employment;

3 (B) Injury caused by ~~an--employee's~~
4 ~~intoxication~~ THE FACT THE EMPLOYEE IS INTOXICATED OR UNDER
5 THE INFLUENCE OF A CONTROLLED SUBSTANCE EXCEPT ANY PRE-
6 SCRIBED DRUG or by his willful intention to injure or kill
7 himself or another; ~~or~~

8 (C) Injury due solely to the culpable
9 negligence of the injured employee;

10 (D) INJURY CAUSED BY A SEIZURE IF THE
11 EMPLOYEE HAS A PREEXISTING SEIZURE DISORDER UNLESS THE
12 EMPLOYER IS AWARE OF THE DISORDER AND SUBJECTS THE
13 EMPLOYEE TO A SITUATION OR CONDITION CAUSING THE SEIZURE;

14 (E) AGGRAVATION OF A PREEXISTING MENTAL
15 CONDITION;

16 (F) ANY INJURY SUSTAINED DURING TRAVEL
17 TO OR FROM EMPLOYMENT UNLESS THE EMPLOYEE IS REIMBURSED
18 FOR TRAVEL EXPENSES OR IS TRANSPORTED BY A VEHICLE OF THE
19 EMPLOYER; OR

20 (G) ANY INJURY SUSTAINED DURING OR ANY
21 HARM RESULTING FROM ANY ILLEGAL ACTIVITY ENGAGED IN BY

1 PRISONERS HELD UNDER CUSTODY.

2 (xviii) "INTOXICATION" MEANS A BLOOD ALCOHOL
3 LEVEL CONTENT OF TEN ONE-HUNDREDTHS OF ONE PERCENT (0.10%)
4 OR MORE BASED UPON THE NUMBER OF GRAMS OF ALCOHOL PER ONE
5 HUNDRED (100) CUBIC CENTIMETERS OF BLOOD. THIS PRESUMP-
6 TION SHALL NOT LIMIT THE INTRODUCTION OF ANY OTHER COMPE-
7 TENT EVIDENCE BEARING UPON THE QUESTION WHETHER THE PERSON
8 WAS INTOXICATED;

9 (xix) "LIVESTOCK AUCTION" MEANS ANY COMMERCIAL
10 OPERATION PENNING AND HOLDING HORSES, CATTLE, SHEEP AND
11 OTHER LIVESTOCK UNTIL SOLD;

12 (xx) "MEDICAL AND HOSPITAL BENEFIT" MEANS ANY
13 REASONABLE AND NECESSARY FIRST AID, MEDICAL, SURGICAL OR
14 HOSPITAL SERVICE, MEDICAL AND SURGICAL SUPPLIES, APPARA-
15 TUS, ESSENTIAL AND ADEQUATE ARTIFICIAL REPLACEMENT, BODY
16 AID DURING DISABILITY OR TREATMENT OF AN EMPLOYEE PURSUANT
17 TO THIS ACT INCLUDING THE REPAIR OR REPLACEMENT OF ANY
18 PREEXISTING ARTIFICIAL REPLACEMENT, HEARING AID, PRESCRIP-
19 TION EYEGLOSS LENS, EYEGLOSS FRAME, CONTACT LENS OR DEN-
20 TURES IF THE DEVICE IS DAMAGED OR DESTROYED IN AN ACCIDENT
21 CAUSING OTHER COMPENSABLE INJURY. "MEDICAL AND HOSPITAL
22 BENEFIT" DOES NOT INCLUDE ANY PERSONAL ITEM, AUTOMOBILE OR
23 THE REMODELING OF AN AUTOMOBILE OR OTHER PHYSICAL STRUC-

1 TURE, PUBLIC OR PRIVATE HEALTH CLUB, WEIGHT LOSS CENTER OR
2 AID, EXPERIMENTAL MEDICAL OR SURGICAL PROCEDURE, ITEM OF
3 FURNITURE OR VITAMIN AND FOOD SUPPLEMENT EXCEPT AS PRO-
4 VIDED UNDER RULE AND REGULATION OF THE DIVISION;

5 ~~(xiii)~~(xxi) "Mill" means any place where
6 machinery is used; AND any process of machinery; changing,
7 altering or repairing any article or commodity for sale or
8 otherwise, together with the yards and premises which are
9 a part of the plant including elevators, warehouses and
10 bunkers, sawmill, sash factory or other work in the lumber
11 industry;

12 ~~(xiv)~~(xxii) "Mine" means any opening in the
13 earth for the purpose of extracting minerals and all
14 underground workings, slopes, drifts, shafts, galleries,
15 wells, and tunnels; and other CONNECTED ways, cuts and
16 openings; ~~connected--therewith~~; including those in the
17 course of being opened, sunk or driven, and includes all
18 the appurtenant structures or machinery at or ~~about~~ AROUND
19 the openings of the mine; and any adjoining adjacent
20 workplace where the material from a mine is prepared for
21 use or shipment;

22 (xxiii) "MOTOR DELIVERY" MEANS THE DELIVERY OF
23 AN EMPLOYER'S PRODUCT FOR PROFIT OR GAIN BY AN EMPLOYEE IN

1 A VEHICLE OF THE EMPLOYER IF THE EMPLOYER AUTHORIZES THE
2 DELIVERY AND INCLUDES A DRIVER OF A TAXI, AMBULANCE AND
3 HEARSE;

4 ~~(xv)~~(xxiv) "Peace officer" means any person
5 ~~who--is~~ serving ~~on-a-full-time,-fully-compensated-basis~~ as
6 a duly authorized member of a sheriff's office, municipal
7 police force, college or university campus police force,
8 the Wyoming highway patrol, game ~~wardens~~ WARDEN or commis-
9 sioned ~~employees~~ EMPLOYEE of the Wyoming game and fish
10 commission, penitentiary ~~guards~~ GUARD, special ~~agents~~
11 AGENT and security personnel; ~~of-the-state-of-Wyoming,-or~~
12 ~~political--subdivisions--thereof,-charged-with-enforcement~~
13 ~~of-criminal-statutes-and-ordinances,~~

14 (xxv) "PERMANENT PARTIAL DISABILITY" MEANS THE
15 LOSS OR LOSS OF USE OF ANY BODY LIMB OR SENSE OR ANY OTHER
16 INJURY KNOWN TO MEDICINE OR SURGERY CAUSING PERMANENT
17 IMPAIRMENT OF A BODILY FUNCTION;

18 (xxvi) "PERMANENT TOTAL DISABILITY" MEANS THE
19 LOSS OR COMPLETE AND PERMANENT PARALYSIS OF BOTH HANDS,
20 BOTH ARMS, BOTH FEET, BOTH LEGS OR ANY COMBINATION OF ANY
21 TWO (2), THE LOSS OF SIGHT OF BOTH EYES OR THE TOTAL AND
22 PERMANENT LOSS OF MENTAL FACULTIES IF ANY OF THESE LOSSES
23 TOTALLY AND PERMANENTLY INCAPACITATE AN EMPLOYEE FROM

1 OBTAINING EMPLOYMENT AT ANY GAINFUL OCCUPATION OR EMPLOY-
2 MENT FOR WHICH HE IS REASONABLY SUITED BY EXPERIENCE OR
3 TRAINING OR FOR WHICH HE COULD BE REASONABLY TRAINED;

4 (xxvii) "PERSON" MEANS AN INDIVIDUAL, PARTNER-
5 SHIP, CORPORATION, ASSOCIATION OR ANY PUBLIC OR PRIVATE
6 ENTITY;

7 (xxviii) "PHYSICIAN" MEANS ANY PERSON LICENSED
8 TO PRACTICE MEDICINE, SURGERY OR DENTISTRY;

9 ~~(xxvii)~~ (xxix) "Power farming" means a farm,
10 livestock ranch or poultry farm ~~which-uses~~ USING any power
11 driven equipment such as a pickup, truck, feed grinder,
12 stacking machinery, tractor, mower, baler or road grader,
13 where one (1) or more employees or operators are regularly
14 employed for an average of six (6) months each year, other
15 than casual employees of the employer, if the employer
16 elects ~~to-secure~~ COVERAGE under ~~the-provisions-of~~ this act
17 by notifying the division of the election. ~~Upon-an-elec-~~
18 ~~tion-being-made,~~ The employer shall not withdraw for a
19 period of five (5) years, FOLLOWING THE DATE OF ELECTION
20 and shall not withdraw at ~~all-if~~ ANY TIME his account is
21 overdrawn;

22 (xxx) "SPOUSE" MEANS ANY INDIVIDUAL LEGALLY

1 MARRIED TO AN EMPLOYEE AT THE TIME OF INJURY EXCLUDING
2 MARRIAGE UNDER COMMON LAW;

3 (xxxi) "TEMPORARY PARTIAL DISABILITY" MEANS
4 THAT PERIOD OF TIME AN EMPLOYEE IS TEMPORARILY AND PAR-
5 TIALY INCAPACITATED FROM OBTAINING FULL TIME EMPLOYMENT
6 AT ANY GAINFUL EMPLOYMENT OR OCCUPATION FOR WHICH HE IS
7 REASONABLY SUITED BY EXPERIENCE OR TRAINING. THE PERIOD
8 OF TEMPORARY PARTIAL DISABILITY TERMINATES UPON RELEASE
9 FOR FULL TIME EMPLOYMENT OR AT THE TIME THE EMPLOYEE QUAL-
10 IFIES FOR BENEFITS UNDER W.S. 27-12-403 OR 27-12-405;

11 (xxxii) "TEMPORARY TOTAL DISABILITY" MEANS
12 THAT PERIOD OF TIME AN EMPLOYEE IS TEMPORARILY AND TOTALLY
13 INCAPACITATED FROM OBTAINING EMPLOYMENT AT ANY GAINFUL
14 EMPLOYMENT OR OCCUPATION FOR WHICH HE IS REASONABLY SUITED
15 BY EXPERIENCE OR TRAINING. THE PERIOD OF TEMPORARY TOTAL
16 DISABILITY TERMINATES UPON RELEASE FOR PART TIME OR LIGHT
17 DUTY EMPLOYMENT OR AT THE TIME THE EMPLOYEE COMPLETELY
18 RECOVERS OR QUALIFIES FOR BENEFITS UNDER W.S. 27-12-403 OR
19 27-12-405;

20 ~~(xxviii)~~(xxxiii) "Quarry" means any place not a
21 mine where stone, slate, clay, sand, gravel or other solid
22 material is dug or otherwise removed from the earth for
23 ~~the-purpose-of~~ trade or bargain or ~~of~~ FOR the employer's

1 trade or business;

2 ~~(xxxiv)~~ (xxxiv) "VETERINARY HOSPITAL OR CLINIC" MEANS
3 ANY FACILITY IN WHICH EMPLOYEES ARE COMPENSATED FOR THE
4 CARE AND TREATMENT OF DOMESTIC ANIMALS;

5 ~~(xviii)~~ (xxxv) "Warehousing" means an operation
6 which ~~principally~~ stores for hire goods belonging to other
7 persons, ~~and does not include~~ OR the storage of goods
8 belonging to the operator of the A business ~~when the stor-~~
9 ~~age is incidental to the sale of the goods to their ulti-~~
10 ~~mate consumer~~ AND INCLUDES SHIPPING, RECEIVING, STOCKING
11 AND DOCKING CLERKS;

12 ~~(xix)~~ (xxxvi) "Workshop" means any place where
13 IN WHICH power driven machinery is employed OPERATED and
14 manual labor is ~~exercised by way of~~ EMPLOYED FOR trade or
15 gain, or ANY PLACE WHICH IS otherwise incidental to the
16 process of making, altering, repairing, printing or
17 ornamenting, finishing or adapting for sale or otherwise
18 any article or part of AN article, ~~ever which place~~ AND
19 the employer ~~of the person working therein~~ has the right
20 of access or control OVER THE PLACE. ~~No place is a~~
21 "Workshop" ~~within the meaning of this act~~ DOES NOT INCLUDE
22 ANY PLACE SUBJECT TO THIS PARAGRAPH solely because OF THE
23 OPERATION OF office fans, typewriters, adding machines,

1 dictaphones or other similar equipment driven by electric
2 motors ~~are-operated-therein~~ and ~~so~~ SUFFICIENTLY protected
3 ~~as--not--to-constitute~~ FROM PRESENTING a hazard to employ-
4 ees;

5 ~~{xx}--"Person"--means--an--individual,--partner-~~
6 ~~ship,--corporation,--association,--or--public--or--private~~
7 ~~entity-~~

8 ~~(xxxvii)~~ "THIS ACT" MEANS W.S. 27-12-101
9 THROUGH 27-12-805.

10 27-12-104. Person other than employer legally liable
11 for damages; reimbursement of state treasurer; notifica-
12 tion of recovery; penalty for failure to provide notice;
13 right of subrogation in state.

14 (a) If an employee covered by this act receives an
15 injury under circumstances creating a legal liability in
16 some person other than the employer to pay damages, the
17 employee if engaged in extrahazardous work for his
18 employer at the time of the injury is not deprived of any
19 compensation to which he is entitled under this act. He
20 may also pursue his remedy at law against the third person
21 OR THE CO-EMPLOYEE. If the employee recovers from the
22 third person OR THE CO-EMPLOYEE in any manner including

1 judgment, compromise, settlement or release, the total
2 proceeds, OF THE RECOVERY without regard to the types of
3 damages alleged in the third-party action, ~~of the recovery~~
4 shall be divided as follows:

5 (b) ~~if an injured employee has received compensation~~
6 ~~under this act, the state through the state treasurer has~~
7 ~~a right and interest in all actions for damages brought by~~
8 ~~any injured employee against a person other than his~~
9 ~~employer, and~~ THE DIRECTOR AND THE STATE ATTORNEY GENERAL
10 shall be served by ~~registered or~~ certified mail with a
11 copy of the complaint filed in the ANY suit INITIATED PUR-
12 SUANT TO SUBSECTION (a) OF THIS SECTION AND SHALL BE NOTI-
13 FIED IN WRITING BY CERTIFIED MAIL OF ANY JUDGMENT,
14 COMPROMISE, SETTLEMENT OR RELEASE ENTERED INTO BY AN
15 EMPLOYEE. ANY EMPLOYEE OR HIS LEGAL REPRESENTATIVE FAILING
16 TO PROVIDE NOTICE UNDER THIS SUBSECTION IS GUILTY OF A
17 MISDEMEANOR AND SHALL BE FINED NOT MORE THAN FIVE HUNDRED
18 DOLLARS (\$500.00), IMPRISONED FOR NOT MORE THAN SIX (6)
19 MONTHS, OR BOTH.

20 27-12-106. Extrahazardous employments; enumeration;
21 determination by director.

22 (a) The extrahazardous ~~occupations~~ EMPLOYMENTS and
23 employees to which this act applies are:

1 (xxii) Stockyards, LIVESTOCK AUCTIONS, VETERI-
2 NARY HOSPITALS AND VETERINARY CLINICS;

3 (xxxvii) Hospital AND NURSING HOME personnel,
4 being INCLUDING all persons employed for compensation by
5 hospitals, AND NURSING HOMES; ~~except---these---persens~~
6 ~~employed-selely-in-a-clerical-or-managerial-capacity,~~

7 (lii) ~~All---employments-in~~ ANY EMPLOYMENT which
8 ~~a-proecess-requiring~~ REQUIRES the use OR STORAGE of any
9 dangerous explosive or inflammable material ~~is-carried-on,~~
10 ~~which~~ AND is conducted for the purpose of business, trade
11 or gain;

12 (liv) Bartenders AND PACKAGE LIQUOR STORE
13 CLERKS;

14 (lv) Recreational guides employed and actively
15 engaged in service to clients for compensation and
16 involved in hazardous outdoor guiding and public service
17 activities including skiing, mountain climbing, river
18 floating, hunting, fishing, backcountry trips and
19 horseback riding;

20 (lvi) LABORATORIES STORING TOXIC CHEMICALS;

21 (lvii) SECURITY PERSONNEL AND SPECIAL AGENTS

1 ENGAGED IN SECURITY, ENFORCEMENT OR SIMILAR MATTERS.

2 (b) UPON WRITTEN REQUEST AND SUBJECT TO THE WYOMING
3 ADMINISTRATIVE PROCEDURE ACT, THE DIRECTOR MAY DETERMINE
4 IF THE SPECIFIC EMPLOYMENT OF AN EMPLOYEE QUALIFIES AS
5 EXTRAHAZARDOUS EMPLOYMENT UNDER SUBSECTION (a) OF THIS
6 SECTION.

7 27-12-107. Extrahazardous employments; enumeration
8 relative to state employees and officers; payment of pre-
9 miums; state agency accounts.

10 (a) Additional extrahazardous ~~occupations~~
11 EMPLOYMENTS and persons to which this act applies are:

12 (b) This act also applies to all other state employ-
13 ees, officers or persons working for the state not specif-
14 ically mentioned in subsection (a) of this section,
15 including ~~these of~~ the legislative service office, when
16 employed in an ~~occupation~~ EMPLOYMENT enumerated by W.S.
17 ~~27-315~~ 27-12-106 as extrahazardous or while traveling ~~in~~
18 BY state owned vehicles or a duly authorized private vehi-
19 cle, ~~but~~ only when the travel occurs in the performance of
20 the employees' duties.

21 (c) UNLESS OTHERWISE PROHIBITED BY LAW, the state of
22 Wyoming ~~pledges--itself--to~~ SHALL contribute, by biennial

1 appropriation, the ~~sum-of-money-found~~ AMOUNT due as pre-
2 mium for worker's compensation coverage on all state
3 employees excluding state employees of agencies primarily
4 ~~financed~~ FUNDED from nongeneral ~~fund-sources-unless-otherwise-~~
5 ~~wise-prohibited-by-law~~ FUNDS. State agencies ~~are-responsi-~~
6 ~~ble--for--administering~~ SHALL ADMINISTER this act as an
7 employer ~~with-respect-to~~ FOR its employees and ~~for--the~~
8 ~~filing--of-quarterly~~ SHALL FILE MONTHLY payroll reports. ~~7~~
9 ~~but-state~~ THOSE agencies subject to general fund appropri-
10 ations for assessments under this act shall not pay pre-
11 miums or assessments ~~as--provided~~ OTHERWISE REQUIRED by
12 this act.

13 (d) Judicial districts, ~~together-with-all~~ AND state
14 agencies ~~now-existing-and-that-may-hereinafter-be-created~~
15 ~~for--which~~ WHOSE assessments under this act are
16 ~~appropriated~~ PAID BY LEGISLATIVE APPROPRIATION from the
17 general fund ~~by-the-legislature~~, shall comprise a single
18 account ~~to--be~~ known as the "State of Wyoming". ~~for~~ The
19 calculation and payment of the proper amounts due as pre-
20 miums for each respective agency SHALL BE MADE FROM THIS
21 ACCOUNT. ~~All~~ ANY other state ~~agencies-having~~ AGENCY WHOSE
22 officers or employees ~~pursuant~~ ARE SUBJECT to this act
23 shall maintain a separate account, ~~and-shall-be--responsi-~~
24 ~~ble--for--the--filing--of--quarterly~~ FILE MONTHLY payroll

1 reports, and ~~the-payment-of~~ PAY assessments or premiums as
2 provided elsewhere in this act.

3 27-12-108. Extrahazardous employments; enumeration
4 relative to other county and local public employees and
5 workers.

6 (a) Additional extrahazardous ~~occupations~~
7 EMPLOYMENTS and employees to which this act applies are:

8 (i) All peace officers not employed by the
9 state, ~~as-well-as~~ ALL city, town, county or fire district
10 paid and volunteer firemen, volunteer ambulance personnel,
11 ~~and-constables--Also-covered-are~~ VOLUNTEER SEARCH AND RES-
12 CUE PERSONNEL, AND ALL clerical and office employees who,
13 by the nature and duties of their work, may be exposed to
14 risks of extrahazardous activities and ~~who~~ are reported on
15 the payroll of ~~the~~ A city, town, county or fire district;

16 (b) The following employees are included under this
17 act when employed in an ~~occupation~~ EMPLOYMENT enumerated
18 by W.S. 27-12-106 as extrahazardous:

19 27-12-201. Reported payroll; presumed pay of volun-
20 teer firemen, etc.; of welfare recipients, school employ-
21 ees and prisoners; salary of covered corporate officers,
22 partners and individual owners; notice of cessation of

1 employment.

2 (a) Each employer shall forward to the director, on
3 forms provided by the director, a true copy of the payroll
4 of his employees engaged in extrahazardous employment dur-
5 ing the current calendar month, or quarterly reporting
6 period, certified and affirmed UNDER PENALTY OF PERJURY by
7 himself or a person having knowledge of the payrolls. ~~7~~
8 ~~under-penalty-of-perjury.~~ Payroll reports and monthly pay-
9 ments required by this act shall be submitted on or before
10 the fifteenth day of the month following the month for
11 which the earnings are computed. ~~and-paid.~~

12 (b) To determine the employer's payments under this
13 act, FOR each volunteer fireman, volunteer ambulance ser-
14 vice member, VOLUNTEER search and rescue team member or
15 peace officer covered by this act, ~~is--deemed--to~~ THE
16 REPORTED MONTHLY SALARY OF EACH SHALL be ~~paid~~ one hundred
17 dollars (\$100.00) ~~per-month~~ for each month of active ser-
18 vice. ~~The-sum~~ THIS AMOUNT shall be established solely as
19 a basis for determining ~~the-payment--to--be--paid--by--the~~
20 employer PAYMENTS UNDER THIS ACT and is not binding upon
21 any employer as an actual required salary. ~~for--volunteer~~
22 ~~firemen,--volunteer-ambulance-personnel-or-peace-officers.~~

23 (c) To determine the employer's payments under this

1 act,--each FOR ANY applicant or recipient of general wel-
2 fare ~~who-is~~ employed by a school district, county, town or
3 city, and ~~each~~ ANY prisoner, PROBATIONER or parolee ~~who-is~~
4 ~~working~~ PERFORMING WORK for a county, town or city,--are
5 ~~deemed--to~~ PURSUANT TO LAW OR COURT ORDER, THE REPORTED
6 MONTHLY SALARY OF EACH SHALL be paid fifty dollars
7 (\$50.00) ~~per--month~~ if no other salary provisions are in
8 force.

9 (d) If ~~officers~~ ANY OFFICER of a corporation are IS
10 covered under this act, the reported ~~annual~~ MONTHLY salary
11 of each officer shall be ~~at-least~~ THE ACTUAL MONTHLY SAL-
12 ARY RECEIVED BUT IN ANY CASE NOT LESS THAN two thousand
13 ~~four~~ FIVE hundred dollars ~~(\$2,400.00)-but-not-to-exceed~~
14 ~~four---thousand---eight---hundred---dollars---~~ ~~(\$4,800.00)~~
15 (\$2,500.00). THIS AMOUNT SHALL BE ESTABLISHED SOLELY AS A
16 BASIS FOR DETERMINING EMPLOYER PAYMENTS AND DISABILITY
17 BENEFITS UNDER THIS ACT AND IS NOT BINDING UPON ANY
18 EMPLOYER AS AN ACTUAL REQUIRED SALARY.

19 (e) ~~Each~~ AN employer shall notify the director ~~in~~
20 ~~the--event~~ AT THE TIME he ceases to employ individuals in
21 extrahazardous ~~occupations~~ EMPLOYMENT.

22 27-12-202. Employer payments; initially, after 12
23 months, after 24 months; quarterly reporting.

1 (a) ~~Every~~ ANY employer ~~who--commenees~~ COMMENCING
2 employment in any extrahazardous ~~oecupation--who---has~~
3 EMPLOYMENT AND not previously ~~made-any~~ MAKING payments
4 under ~~Wyoming-worker's-compensation-laws~~ THIS ACT shall
5 pay ten dollars (\$10.00) initially and five AND SEVENTY-
6 FIVE HUNDREDTHS percent ~~(5%)~~ (5.75%) of the ~~money--earned~~
7 ~~by--each~~ GROSS MONTHLY EARNINGS of ~~his-employees~~ EACH
8 EMPLOYEE engaged in extrahazardous employment ~~during~~ FOR
9 each calendar month ~~for~~ OF the first twelve (12) calendar
10 months of employment, less payments required by W.S.
11 27-12-204(a). Any month during which no payment is due and
12 paid shall not be counted in arriving at the first twelve
13 (12) months of employment.

14 (b) Except as otherwise provided, AND after the
15 first twelve (12) calendar months of ~~employment~~ PAYMENT
16 UNDER THIS ACT, the employer shall pay ~~three-fourths~~ ONE
17 AND FIVE-TENTHS percent ~~(3/4%)~~ (1.5%) of the GROSS monthly
18 earnings of ~~his--employees~~ EACH EMPLOYEE engaged in
19 extrahazardous employment until his account equals ~~one~~ TWO
20 percent ~~(1%)~~ (2%) of his reportable monthly payroll multi-
21 plied by twelve (12), or ~~in--the--event--of--quarterly~~ IF
22 reporting QUARTERLY, by four (4), or ~~three~~ SIX thousand
23 dollars ~~(\$3,000.00)~~ (\$6,000.00), whichever is greater.

1 27-12-203. Employer payments; overdrafts. Every ANY
2 employer whose account is overdrawn ~~en-the-last-day-of-the~~
3 ~~month--preceeding--the--filing--of-payroll-reports,~~ whether
4 current or delinquent, shall PAY AT A monthly ~~pay-four-and~~
5 ~~one-half~~ RATE OF SIX AND SEVENTY-FIVE HUNDREDTHS percent
6 ~~{4-1/2%}~~ (6.75%) of ~~his-reportable~~ THE TOTAL GROSS MONTHLY
7 payroll less payments required by W.S. 27-323(a)
8 27-12-204(a). The increase in payment shall be applied to
9 the overdrawn account AND SHALL REMAIN IN EFFECT UNTIL THE
10 OVERDRAWN AMOUNT IS PAID IN FULL. A statement shall be
11 forwarded to each employer ~~when~~ AT THE TIME his account
12 ~~reflects---an---overdraft~~ IS OVERDRAWN and FOR each
13 SUBSEQUENT month until the overdraft is cleared. Any
14 employer whose account is overdrawn may pay ~~any-additional~~
15 ~~sum~~ up to the full amount of the overdraft and ~~receive-a~~
16 ~~discount-of-five-percent-(5%)-of-the-amount-of--the--addi-~~
17 ~~tional--payment--All--of~~ the payments-so-made-are AMOUNT
18 PAID SHALL BE considered in determining the employer's
19 ~~credit--balance--or-the-amount-of-the-employer's-overdraft~~
20 ~~in-the-employer's-account~~ MONTHLY PAYMENT.

21 27-12-204. Reinsurance payment computation; amount
22 subject to fund balance; exemption procedure.

23 (a) In addition to any other payment required by

1 this act, each nonexempt employer shall pay one SEVENTY-
2 FIVE HUNDREDTHS percent ~~(1%)~~ (.75%) of his THE reportable
3 payroll GROSS EARNING OF EMPLOYEES to the director for at
4 least twenty-four (24) months.

5 (b) ~~After--payment-under-subsection-(a)-of-this-sec-~~
6 ~~tion,--each-nonexempt-employer-shall-pay-one--percent--(1%)~~
7 ~~of--his-reportable-payroll-until-the-unexpended-balance-of~~
8 ~~the--reinsurance--fund---exceeds---two---million---dollars~~
9 ~~(\$2,000,000.00),--at-which-time-the-employer-is-exempt-from~~
10 ~~this--payment.---If-the-balance-of-the-reinsurance-fund-is~~
11 ~~reduced-to-six-hundred-thousand-dollars-(\$600,000.00),--the~~
12 ~~director-shall-reassess-each-nonexempt--employer--the--one~~
13 ~~percent-(1%)--payment.~~ IF THE TOTAL UNALLOCATED FUNDS AS A
14 RESULT OF PAYMENTS REQUIRED BY THIS ACT ARE EQUAL TO OR
15 LESS THAN TWO MILLION DOLLARS (\$2,000,000.00), THE STATE
16 TREASURER SHALL INCREASE THE REINSURANCE PAYMENT UNDER
17 SUBSECTION (a) OF THIS SECTION FROM SEVENTY-FIVE HUN-
18 DREDTHS PERCENT (.75%) TO ONE PERCENT (1.0%). IF THE
19 TOTAL UNALLOCATED FUNDS ARE EQUAL TO OR LESS THAN FIFTEEN
20 MILLION DOLLARS (\$15,000,000.00), THE STATE TREASURER
21 SHALL INCREASE THE REINSURANCE PAYMENT TO ONE AND TWENTY-
22 FIVE HUNDREDTHS PERCENT (1.25%). THE INCREASE UNDER THIS
23 SUBSECTION SHALL BE EFFECTIVE UNTIL THE TOTAL UNALLOCATED
24 FUNDS AS A RESULT OF PAYMENTS UNDER THIS ACT ARE EQUAL TO

1 THE AMOUNT OF TOTAL CLAIMS PAID DURING THE PREVIOUS FISCAL
2 YEAR, AT WHICH TIME THE STATE TREASURER SHALL REDUCE THE
3 REINSURANCE PAYMENT UNDER SUBSECTION (a) OF THIS SECTION
4 TO FIVE-TENTHS PERCENT (.5%).

5 (c) Any resident employer whose annual reported
6 ~~payroll~~ GROSS EARNINGS OF EMPLOYEES for the preceding cal-
7 endar year was at least one ~~hundred-thousand~~ MILLION dol-
8 lars ~~(\$100,000.00)~~ (\$1,000,000.00) and whose HIS account
9 is not overdrawn, may file an election with the director
10 ~~to-be-exempted~~ FOR EXEMPTION from ~~the-provisions--of~~ this
11 section. 7 THE EXEMPTION IS effective ~~when-approved~~ UPON
12 APPROVAL by the director. ~~---The--exemption~~ AND may be
13 revoked by the director at any time after notice to the
14 employer and for good cause. Any resident employer ~~who~~
15 ~~has-been-exempted~~ EXEMPT from this section may at any time
16 ~~thereafter~~ AFTER EXEMPTION file an election with the
17 director ~~to-become-subject-to-the-provisions-of~~ FOR COVER-
18 AGE UNDER this section. ~~The-election-is~~ effective on the
19 first day of the succeeding month. and AN ELECTION FOR
20 COVERAGE is effective for at least twenty-four (24) months
21 ~~before~~ AND the employer may again NOT file an election ~~to~~
22 ~~be--exempted~~ FOR EXEMPTION from this section UNTIL THE
23 EXPIRATION OF THIS TWENTY-FOUR (24) MONTH PERIOD.

1 27-12-206. Administration fees for inactive
 2 accounts. Any employer ~~who does~~ not make MAKING a payroll
 3 payment ON GROSS EARNINGS OF EMPLOYEES UNDER THIS ACT
 4 within a ~~calendar-year~~ TWELVE (12) MONTH PERIOD shall pay
 5 an administration fee, ~~not to exceed~~ OF twenty-five dol-
 6 lars (\$25.00), ~~--as--follows--~~ FOR EACH TWELVE (12) MONTH
 7 PERIOD DURING WHICH PAYMENTS ARE NOT MADE.

8	inactive-accounts-with----- Annual-administrative
9	credit-balances-of----- fee-
10	\$--1-to-\$-99----- \$1.00
11	\$100-to-\$249----- \$2.50
12	\$250-to-\$499----- \$5.00
13	\$500-or-portion-thereafter----- \$5.00

14 27-12-207. Penalty for failure of employer to file
 15 payroll, to make monthly payment; enforcement and reme-
 16 dies; lien; enjoining operations; remedies not exclusive.

17 (a) Any employer ~~who does~~ not apply APPLYING for and
 18 fully ~~qualify~~ QUALIFYING an account under this act for ~~the~~
 19 coverage of ~~his~~ eligible employees, or ~~having~~ IF an
 20 account ~~fails, neglects or refuses~~ IS ESTABLISHED UNDER
 21 THIS ACT, ANY EMPLOYER FAILING, NEGLECTING OR REFUSING to
 22 make ~~the~~ monthly or quarterly ~~peried~~ payments ~~as--provided~~
 23 REQUIRED by this act ~~when-they-become~~ ON THE DATE due, and

1 against whom ANY INJURED EMPLOYEE IS GRANTED an award ~~is~~
2 ~~made-to-any-injured-employee~~, is personally liable to the
3 state ~~of-Wyoming~~ for ~~a-sum~~ AN AMOUNT equal to the award ~~as~~
4 entered for payment under this act. IF THE EMPLOYER FAILS,
5 NEGLECTS OR REFUSES TO SATISFY HIS PERSONAL LIABILITY, the
6 ~~sum~~ AMOUNT shall be recovered by ~~suit-brought-by~~ CIVIL
7 ACTION IN the ~~state-on-relation~~ NAME of the director, and
8 the entry of final order by the judge approving and allow-
9 ing an award of compensation is prima facie proof of the
10 liability of an employer ~~who-fails~~ FAILING to comply with
11 this act.

12 (e) IF PAYMENTS UNDER THIS ACT ARE NOT PAID ON THE
13 DATE DUE, THE DIRECTOR MAY FILE A LIEN WITH THE COUNTY
14 CLERK OF THE COUNTY IN WHICH THE EMPLOYER HAS HIS PRINCI-
15 PAL PLACE OF BUSINESS AND A COPY WITH ANY OTHER COUNTY.
16 THE AMOUNT DUE IS A LIEN UPON ALL REAL AND PERSONAL PROP-
17 ERTY OF THE EMPLOYER AND IS IN EFFECT FROM THE TIME OF
18 FILING AND COVERS ALL PROPERTY OF THE EMPLOYER IN ANY
19 COUNTY IN WHICH FILED. THE DIRECTOR SHALL FILE NOTICE OF
20 SATISFACTION OF THE LIEN WITH THE COUNTY CLERK IF PAYMENTS
21 ARE COLLECTED OR FOUND ERRONEOUS AND MAY RELEASE ANY PROP-
22 ERTY FROM THE LIEN OR SUBORDINATE THE LIEN IF HE DETER-
23 MINES PAYMENTS ARE SECURED BY A LIEN ON OTHER PROPERTY OR
24 THE COLLECTION OF PAYMENTS ARE NOT IN JEOPARDY.

1 ~~(e)(f)~~ Any employer ~~who--permits--or--directs--the~~
2 ~~employment-of~~ EMPLOYING any person in any extrahazardous
3 employment before complying with ~~the-requirements-of~~ this
4 act, shall be enjoined in an action instituted by the
5 director from engaging or continuing in a business defined
6 by this act as extrahazardous. OPERATIONS SHALL BE
7 ENJOINED until required payments are made and the employer
8 complies with ~~the-provisions-of~~ this act. ~~In--the--action~~
9 The director ~~need~~ IS not REQUIRED TO give a bond IN THE
10 ACTION.

11 ~~(g)~~ Remedies ~~of-the-director~~ provided by this act
12 are cumulative and ~~no-action-taken-in-an-election-to-pur-~~
13 ~~sue-any-remedy-to-the-exclusion-of-any--other--remedy--for~~
14 ~~which-provision-is-made-in-this-act~~ ARE NOT EXCLUSIVE.

15 27-12-302. Reports, bonds and payment required.

16 (b) BEFORE STARTING BUSINESS OR ENGAGING WORK IN
17 THIS STATE, A nonresident ~~employers-before--starting--work~~
18 EMPLOYER shall ~~give~~ FILE WITH THE DIRECTOR a ~~five-hundred~~
19 ONE THOUSAND dollar ~~(\$500.00)~~ (\$1,000.00) PERFORMANCE bond
20 or other security ~~to-be~~ approved by the director. ~~The-bond~~
21 ~~or-other-security-shall-be-conditioned-that--the--employer~~
22 ~~will-faithfully-perform-all-the-duties-imposed-by-this-act~~

1 ~~upon--employers--and-promptly-pay-into-the-state-treasury,~~
2 ~~at-the-time-and-in-the-manner-set-forth-in-this--act,--and~~
3 ~~all--acts--amendatory--or--in--aid--thereof,--the-payments~~
4 ~~required-to-be-paid-by-employers.~~

5 (c) In addition to ~~all~~ other payments required by
6 this act, each nonresident employer PERFORMING WORK UNDER
7 CONTRACT IN THIS STATE shall ~~pay-into-the-general--account~~
8 ~~a--sum-to-be-determined-by-the-size-of-the-contracts-to-be~~
9 ~~performed-in-this-state-by-the--nonresident--employer.--if~~
10 ~~the--amount--of--the--contracts-are-more-than-five-hundred~~
11 ~~dollars--(\$500.00)-but-do-not-exceed-one--hundred--thousand~~
12 ~~dollars--(\$100,000.00),--the-nonresident-employer-shall-pay~~
13 three POST A SURETY BOND FOR A MINIMUM AMOUNT OF FIVE
14 thousand dollars ~~(\$3,000.00)~~ (\$5,000.00) PER ACCOUNT. IF
15 THE CONTRACT AMOUNT EXCEEDS ONE HUNDRED THOUSAND DOLLARS
16 (\$100,000.00), THE EMPLOYER SHALL POST AN ADDITIONAL ONE
17 THOUSAND DOLLARS (\$1,000.00) OF BOND for each additional
18 one hundred thousand dollars (\$100,000.00) or fraction
19 thereof. ~~--an-additional-one-thousand-dollars--(\$1,000.00)~~
20 ~~shall--be--paid-~~ IN NO CASE SHALL the nonresident employer
21 ~~is-not~~ BE required to pay POST more than ~~twenty-five~~ FIFTY
22 thousand dollars ~~(\$25,000.00)~~ (\$50,000.00) under this sec-
23 tion. If the contract is a cost plus contract or other
24 contract having no fixed amount, the director may estimate

1 the approximate amount of the contract and ON WHICH the
2 amount ~~to-be-paid~~ OF THE BOND shall be based. on--that
3 ~~estimate---~~ ~~(i)---If-the-amount-deposited-by-any-nonresident~~
4 ~~employer-under-the--provisions--of--this--section--becomes~~
5 ~~entirely--exhausted,--he~~ A NONRESIDENT EMPLOYER shall make
6 POST an additional ~~deposit~~ BOND before ~~entering--upon--the~~
7 ~~performace--of~~ PERFORMING WORK UNDER any new contract
8 ~~within-the-state,--(ii)~~ IF THE BOND PREVIOUSLY POSTED UNDER
9 THIS SECTION HAS EXPIRED. The director shall ~~compel--pay-~~
10 ~~ment--of--the-sum-herein-provided-for~~ ENFORCE REQUIREMENTS
11 FOR BONDING UNDER THIS SECTION without delay, and may pur-
12 sue any of the remedies provided by this act for enforcing
13 ~~the-payment-of-the-sum, THIS SECTION.~~

14 ~~(iii)---In-lieu-of-the-payment-required-by--this~~
15 ~~section,--any--nonresident-employer-may-deposit-negotiable~~
16 ~~bonds-of-the-United-States-with-the-state--treasurer,--the~~
17 ~~par--value--of--which-shall-be-equal-to-the-amount-of-cash~~
18 ~~which-the-employer-is-required-to-deposit-under-the-provi-~~
19 ~~sions-of-this-section. He-may-also--furnish--an--indemnity~~
20 ~~bond--from--a--surety-company-authorized-to-do-business-in~~
21 ~~the-state-of-Wyoming-in-an-amount-equal-to-the--amount--of~~
22 ~~cash--required--to-be-deposited-hereunder,--and-which-obli-~~
23 ~~gates-the-surety-to-pay-not-in-excess-of-the-amount-of-the~~
24 ~~bond-to-the-state-treasurer,--as-would-be-deducted-from-the~~

1 ~~amount-deposited-by-the--nonresident--employer--under--the~~
2 ~~provisions--of--this--act--if--the--employer--made--a-cash~~
3 ~~deposit-~~

4 (d) When UPON APPLICATION BY a nonresident employer,
5 ~~has-complied~~ THE DIRECTOR MAY PERMIT THE WITHDRAWAL OF ANY
6 BONDS AND AUTHORIZE THE EMPLOYER TO OPERATE AS A RESIDENT
7 EMPLOYER IF THE EMPLOYER:

8 (i) COMPLIES ' with the ~~bond-provisions~~ BONDING
9 REQUIREMENTS of ~~the-law~~ THIS SECTION and made MAKES all
10 necessary payments for a period of two (2) years; ~~7-and-it~~
11 ~~is-shown-to-the-satisfaction-of~~

12 (ii) SATISFIES the director ~~that-the-nonresi-~~
13 ~~dent-employer~~ HE has been a resident of the state of
14 Wyoming for ~~the--period,~~ TWO (2) YEARS AND intends to
15 remain a resident; ~~7~~ and ~~his~~

16 (iii) MAINTAINS AN account in the fund WHICH
17 is not overdrawn; or ~~when-during~~ AFTER the two (2) year
18 period ~~the-employer-without-becoming-a--resident~~ acquires
19 ~~physieal~~ REAL property ~~of-a-type-not-removable-from-the~~
20 ~~state,--which-carries~~ AS A NONRESIDENT WITH an ad--valorem
21 assessed valuation of not less than ~~ten~~ ONE HUNDRED thou-
22 sand dollars (~~\$10,000.00~~); ~~the-director--upon--application~~

1 ~~by-the-employer-may-permit-the-withdrawal-of-any-bonds-and~~
2 ~~permit--the--employer-to-operate-as-a-resident-employer-in~~
3 ~~this-state~~ (\$100,000.00).

4 27-12-401. Medical, hospital and ambulance expenses;
5 notice and hearing as to claim.

6 (d) Medical and hospital care shall be obtained ~~if~~
7 ~~possible~~ within Wyoming. ~~Except-as~~ THE STATE OF RESIDENCE
8 UNLESS otherwise ~~ordered~~ AUTHORIZED by the ~~district-judge,~~
9 ~~reimbursements~~ DIRECTOR. REIMBURSEMENT for travel in
10 obtaining medical and hospital care shall not be paid:

11 (i) For the first ~~five--(5)~~ TEN (10) miles
12 except by ambulance;

13 (ii) For travel other than THAT necessary to
14 obtain the closest available medical or hospital care
15 needed by the employee; ~~nor~~

16 (iii) In excess of ~~the-rates--at--which--state~~
17 ~~employees--are--paid~~ per diem and mileage. PAID STATE
18 EMPLOYEES; OR

19 (iv) TO ANY INDIVIDUAL OTHER THAN THE INJURED
20 EMPLOYEE WITHOUT PRIOR APPROVAL OF THE DIRECTOR.

21 (e) If transportation by ambulance is necessary, the

1 clerk of court shall ~~allow-a-reasonable-charge-for-the~~
2 ~~ambulance-service-at~~ AUTHORIZE a rate OF PAYMENT not in
3 excess of the rate schedule established by the director.
4 ~~under-the-procedure-set-forth-for-payment-of--medical--and~~
5 ~~hospital--benefits~~ PAYMENT FOR TRANSPORTATION BY AIR AMBU-
6 LANCE SHALL NOT BE AUTHORIZED WITHOUT APPROVAL BY THE
7 DIRECTOR EXCEPT FOR CRITICAL INJURY CASES WHEN DIRECTED
8 BY THE ATTENDING PHYSICIAN AND SHALL NOT EXCEED AN AMOUNT
9 ESTABLISHED BY THE DIRECTOR.

10 27-12-402. Temporary total disability; benefits;
11 determination of eligibility; payment period; exceptions
12 for volunteers or prisoners; payments after death of
13 employee.

14 (a) ~~Temporary-total-disability-means--a--compensable~~
15 ~~injury--which--temporarily-incapacitates-the-employee-from~~
16 ~~performing-any-work-at-any-gainful-occupation-for-which-he~~
17 ~~is-reasonably-suited-by-experience--or--training--for--the~~
18 ~~time,--but--from--which--he-may-be-able-to-resume-work--in~~
19 ~~such-cases~~ IF AFTER A COMPENSABLE INJURY IS SUSTAINED AND
20 AS A RESULT OF THE INJURY THE EMPLOYEE IS TEMPORARILY AND
21 TOTALLY INCAPACITATED AS DEFINED UNDER W.S.
22 27-12-102(a)(xxxii), the INJURED employee shall receive a
23 monthly allowance or pro rata portion thereof,--of--two-

1 ~~thirds-(2/3)~~ EQUAL TO SIXTY-SIX AND SIXTY-SEVEN HUNDREDTHS
2 PERCENT (66.67%) of his actual GROSS monthly ~~rate-of-pay~~
3 ~~but--not--less--than--one--hundred--eighty-eight---dollars~~
4 ~~(\$188.00)--per--month--not--more--than~~ EARNINGS. THE MONTHLY
5 ALLOWANCE AUTHORIZED UNDER THIS SUBSECTION SHALL NOT
6 EXCEED the state's STATEWIDE average monthly wage ~~set~~
7 ~~annually-by~~ FOR the state--~~treasurer~~. TWELVE (12) MONTH
8 PERIOD IMMEDIATELY PRECEDING THE QUARTERLY PERIOD IN WHICH
9 THE INJURY OCCURRED. THE EMPLOYEE'S ACTUAL GROSS MONTHLY
10 EARNINGS SHALL BE DETERMINED UNDER THIS SECTION BY MULTI-
11 PLYING THE EMPLOYEE'S HOURLY RATE OF PAY BY THE ACTUAL
12 NUMBER OF HOURS WORKED IN A WEEK NOT TO EXCEED FORTY (40)
13 HOURS, THE PRODUCT OF WHICH SHALL BE MULTIPLIED BY
14 FIFTY-TWO (52) AND DIVIDED BY TWELVE (12).

15 (b) ~~No--temporary--total--disability--payments--shall--be~~
16 ~~allowed--for--the--first--three--(3)--days--of--disability--unless~~
17 ~~the--incapacity--extends--beyond--eight--(8)--days--As--seen--as~~
18 ~~the~~ ANY EMPLOYEE AWARDED BENEFITS UNDER W.S. 27-12-403 OR
19 27-12-405 IS NOT ELIGIBLE FOR BENEFITS UNDER SUBSECTION
20 (a) OF THIS SECTION UNLESS HE UNDERGOES ADDITIONAL SURGERY
21 NOT REASONABLY CONTEMPLATED BEFORE THE AWARD FOR PERMANENT
22 DISABILITY AND THEN ONLY FOR A REASONABLE PERIOD OF
23 RECUPERATION, CONFINEMENT FOR MEDICAL CARE DURING THE
24 ACTUAL PERIOD OF CONFINEMENT OR UNLESS APPLICATION IS MADE

1 AND AN AWARD IS GRANTED UNDER W.S. 27-12-606. IN NO CASE
2 SHALL AN EMPLOYEE RECEIVE BENEFITS UNDER SUBSECTION (a) OF
3 THIS SECTION AND UNDER W.S. 27-12-403, 27-12-405 OR
4 27-12-413 DURING THE SAME PERIOD OF TIME.

5 (c) PAYMENT UNDER SUBSECTION (a) OF THIS SECTION
6 SHALL CEASE IF:

7 (i) Recovery is ~~so~~ complete TO THE EXTENT that
8 ~~the-earning-power-of~~ the employee ~~at-a-gainful--occupation~~
9 ~~for--which-he-is-reasonably-suited-by-experience-or-train-~~
10 ~~ing--is-substantially-restored--the-payment--shall--cease-~~
11 ~~if--the--employee--dies-before-receiving-all-the-temporary~~
12 ~~total-disability-that-is-due-him-or-that--has--accrued--to~~
13 ~~his--benefit--the--unpaid--balance--shall--be-paid-to-his~~
14 ~~dependents-~~ MAY RETURN TO PART TIME OR LIGHT DUTY EMPLOY-
15 MENT OFFERED BY ANY EMPLOYER;

16 (ii) THE EMPLOYEE RETURNS TO OR ENROLLS IN A
17 POST SECONDARY EDUCATIONAL PROGRAM FOR DEGREE CREDIT;

18 (iii) RECOVERY IS COMPLETE TO THE EXTENT THAT
19 THE EMPLOYEE IS ABLE TO RETURN TO FULL TIME EMPLOYMENT AT
20 A GAINFUL EMPLOYMENT OR OCCUPATION FOR WHICH HE IS REASON-
21 ABLY SUITED BY EXPERIENCE OR TRAINING; OR

22 (iv) THE EMPLOYEE QUALIFIES FOR BENEFITS UNDER

1 W.S. 27-12-403 OR 27-12-405.

2 ~~(e)~~(d) DISABILITY PAYMENTS UNDER THIS SECTION SHALL
3 NOT BE ALLOWED FOR THE FIRST THREE (3) DAYS OF DISABILITY
4 UNLESS THE INCAPACITY EXTENDS BEYOND EIGHT (8) DAYS. IF
5 PAYMENTS CEASE FOR A PERIOD OF EIGHT (8) DAYS OR MORE, THE
6 EMPLOYEE MAY APPLY FOR REINSTATEMENT UNDER W.S. 27-12-606
7 AND ANY AWARD GRANTED SHALL BE TREATED AS AN INITIAL
8 AWARD. In determining the period of ~~temporary-total~~ dis-
9 ability, the day ~~upon-which~~ the disability occurred shall
10 be included unless the employee received full payment of
11 wages for ~~the~~ THAT day. ~~No--temporary--total--disability~~
12 ~~Benefits are--payable--to--state--employees~~ UNDER SUBSECTION
13 (a) OF THIS SECTION SHALL NOT BE PAID:

14 (i) During a ANY period ~~in-which-they--receive~~
15 AN EMPLOYEE RECEIVES a salary while on sick leave. ANY
16 EMPLOYEE SHALL NOT BE FORCED TO USE SICK LEAVE BEFORE
17 APPLYING FOR OR INSTEAD OF BENEFITS UNDER THIS SECTION;

18 (ii) IF AN EMPLOYEE OR HIS PERSONAL REPRESENTATIVE FAILS TO FILE A CLAIM FOR BENEFITS WITHIN THIRTY
19 (30) DAYS AFTER THE FIRST DAY OF THE MONTH IMMEDIATELY
20 SUCCEEDING THE MONTH FOR WHICH BENEFITS ARE CLAIMED; OR

22 (iii) IF A CLAIM IS FILED WITHOUT THE NOTA-

1 RIZED SIGNATURES OF THE CLAIMANT AND THE ATTENDING PHYSI-
2 CIAN.

3 ~~(d)~~(e) Notwithstanding ~~the provisions of~~ subsection
4 (a) of this section, any person serving in any volunteer
5 capacity, ~~as specified in~~ UNDER W.S. 27-12-201(b), ~~--who~~
6 ~~sustains~~ AND SUSTAINING a temporary total disability in
7 the line of duty shall receive the maximum benefit allow-
8 able under this section.

9 (f) IF AN EMPLOYEE DIES AND DEATH IS DUE SOLELY TO
10 THE INJURY, ANY BENEFITS NOT AWARDED OR PAID PURSUANT TO
11 THIS SECTION SHALL BE PAID TO HIS ELIGIBLE DEPENDENTS. IF
12 THERE ARE NO ELIGIBLE DEPENDENTS, NO AWARD SHALL BE MADE
13 NOR BENEFITS PAID.

14 (g) ANY EMPLOYEE SERVING TIME IN ANY PENAL OR COR-
15 RECTIONAL INSTITUTION IS NOT ELIGIBLE FOR BENEFITS UNDER
16 THIS SECTION DURING THE PERIOD OF INCARCERATION.

17 27-12-403. Permanent partial disability; benefits;
18 schedule; permanent disfigurement; benefits to be propor-
19 tional for partial disability; disputed ratings.

20 (a) ~~Permanent-partial-disability-means-the--less--or~~
21 ~~permanent--impairment--of--a--limb--or-sense,--or-any-other~~
22 ~~injury-known-to-surgery-or-medicine-to--constitute--perma-~~

1 ~~ment--impairment--of--a-bodily-function-~~ UPON RECEIPT OF A
2 PHYSICAL IMPAIRMENT RATING BY A PHYSICIAN LICENSED TO
3 PRACTICE MEDICINE OR SURGERY RESULTING IN A PERMANENT PAR-
4 TIAL DISABILITY AS DEFINED UNDER W.S. 27-12-102(a)(xxv),
5 AN EMPLOYEE SHALL RECEIVE COMPENSATION FOR SPECIFIC LOSSES
6 PROVIDED BY THIS SECTION. IMPAIRMENT RATINGS PROVIDED IN
7 ACCORDANCE WITH THIS SECTION SHALL BE BASED UPON THE MOST
8 CURRENT EDITION OF THE AMERICAN MEDICAL ASSOCIATION'S
9 GUIDE TO THE EVALUATION OF PERMANENT IMPAIRMENT. AN
10 EMPLOYEE SHALL NOT RECEIVE COMPENSATION AUTHORIZED UNDER
11 THIS SECTION IF RECEIVING BENEFITS UNDER W.S. 27-12-402,
12 27-12-405 OR 27-12-413.

13 (b) ~~All~~ Awards provided in this section are payable
14 at the rate of ~~two-thirds-(2/3)~~ SIXTY-SIX AND SIXTY-SEVEN
15 HUNDREDTHS PERCENT (66.67%) of the ~~state's~~ STATEWIDE aver-
16 age monthly wage per month for the calendar year preceding
17 the year in which the injury occurred, as determined ~~in~~
18 UNDER W.S. ~~27-386~~ 27-12-802. ANY AWARD PAID ON A LUMP SUM
19 BASIS AT THE TIME OF AWARD SHALL BE DISCOUNTED BASED UPON
20 THE CURRENT LOWEST INVESTMENT EARNINGS.

21 (c) For any permanent partial disability ~~hereinafter~~
22 described IN THIS SECTION, the employee shall receive a
23 total award ~~equivalent~~ EQUAL to ~~two-thirds-(2/3)~~ SIXTY-SIX

1 AND SIXTY-SEVEN HUNDREDTHS PERCENT (66.67%) of the state's
2 STATEWIDE average weekly wage for the twelve (12) months
3 preceding the quarter in which the injury occurred, as
4 determined ~~in~~ UNDER W.S. 27-386 27-12-802, multiplied by
5 the following number of weeks LESS ANY PREVIOUS AWARDS FOR
6 THE SAME BODY PART:

7 (i) ~~Fer--the~~ Loss of a thumb OR THE PERMANENT
8 AND COMPLETE LOSS OF ITS USE 44 weeks

9 (ii) ~~Fer--the~~ Loss of a first finger TERMED THE
10 INDEX FINGER OR THE PERMANENT AND COMPLETE LOSS OF ITS USE
11 29 weeks

12 (iii) ~~Fer--the~~ Loss of ~~any-ether~~ A SECOND fin-
13 ger OR THE PERMANENT AND COMPLETE LOSS OF ITS USE
14 15 weeks

15 (iv) ~~Fer--the~~ Loss of a palm--(~~metacarpal~~
16 ~~bone~~) THIRD FINGER OR THE PERMANENT AND COMPLETE LOSS OF
17 ITS USE ~~11~~15 weeks

18 (v) ~~Fer--the~~ Loss of a ~~hand~~ FOURTH FINGER
19 TERMED THE LITTLE FINGER OR THE PERMANENT AND COMPLETE
20 LOSS OF ITS USE ~~12~~15 weeks

21 (vi) ~~Fer--the~~ Loss of an-arm-at-or-below-elbow

1 A GREAT TOE OR THE PERMANENT AND COMPLETE LOSS OF ITS USE
214020 weeks

3 (vii) ~~Fer--the~~ Loss of ~~arm-above-elbow~~ ANY TOE
4 OTHER THAN THE GREAT TOE OR THE PERMANENT AND COMPLETE
5 LOSS OF ITS USE150 7 weeks

6 (viii) ~~Fer--the~~ Loss of a ~~great-toe~~ HAND OR THE
7 PERMANENT AND COMPLETE LOSS OF ITS USE20122 weeks

8 (ix) ~~Fer--the~~ Loss of ~~any-ether-toe~~ AN ARM OR
9 THE PERMANENT AND COMPLETE LOSE OF ITS USE7150 weeks

10 (x) ~~Fer--the~~ Loss of a foot OR THE PERMANENT
11 AND COMPLETE LOSS OF ITS USE100 weeks

12 (xi) ~~Fer--the~~ Loss of a leg ~~below-the-knee~~ OR
13 THE PERMANENT AND COMPLETE LOSS OF ITS USE ...116135 weeks

14 ~~{xii}--Fer--the--loss--of--a--leg--above--the~~
15 ~~knee-----~~135-weeks

16 ~~{xiii}~~(xii) ~~Fer--the~~ COMPLETE loss ~~of--any--eye~~
17 ~~er--at--least-ninety-percent-(90%)~~ of the sight thereof OF
18 AN EYE 94100 weeks

19 ~~{xiv}~~(xiii) ~~Fer--the---total~~ PERMANENT AND
20 COMPLETE loss of hearing in ~~any~~ ONE (1) ear ... 4050 weeks

1 (xiv) PERMANENT AND COMPLETE LOSS OF HEARING
2 IN BOTH EARS100 WEEKS

3 (xv) PERMANENT AND COMPLETE LOSS OF USE OF THE
4 BACK, SPINE OR NECK230 WEEKS

5 (xvi) ANY OTHER INJURY RESULTING IN PERMANENT
6 AND COMPLETE LOSS OF USE AND NOT ENUMERATED IN THIS SUB-
7 SECTION SHALL BE RATED AS AN IMPAIRMENT OF THE BODY AS A
8 WHOLE NOT MORE THAN 257 WEEKS

9 (d)--For---ankylosis---(total---stiffness---of)---or
10 contractures-(due-to-scars-or--injuries)--which--make--the
11 finger-or-fingers-or-thumb-useless,-the-same-amounts-apply
12 to-the-finger-or-fingers-or-thumb-as-given-above-

13 (e)--The--loss--of--a-third-or-distal-phalange-of-the
14 thumb-is-equal-to-the-loss-of-one-half-(1/2)-of-the-thumb-
15 The-loss-of-more-than-one-half-(1/2)-of-the-thumb-is-equal
16 to-the-loss-of-the-whole-thumb-

17 (f)--The-loss-of-a-third-or-distal--phalange--of--any
18 finger--is--equal--to--the-loss-of-two-thirds-(2/3)-of-the
19 finger--The-loss--of--more--than--the--middle--and--distal
20 phalange--of--any-finger-is-equal-to-the-loss-of-the-whole
21 finger-

1 (g)--The-loss-of-more-than-two-thirds-- $(2/3)$ --of--any
2 toe--is--equal--to--the-loss-of-the-whole-toe--The-loss-of
3 less-than-two-thirds- $(2/3)$ -of-any-toe-is-equal-to-the-loss
4 of-one-half- $(1/2)$ -of-the-toe.

5 (h)--For-any-other-injury-known-to-surgery--or--medi-
6 cine--to--constitute--permanent--partial--disability,--the
7 employee-shall-receive-compensation-in-the-amount--proper-
8 tional-to-the-extent-of-permanent-partial-disability-based
9 as--near--as--may--be-upon-the-foregoing-schedule--One-(1)
10 factor-to-be-considered-is-the-ability-of-the-employee--to
11 continue--to--perform--work--for--which--he-was-reasonably
12 suited-by-experience-or-training-prior-to-the-injury.

13 (j)(d) If An employee suffers INCURRING permanent
14 disfigurement by-reason-of DUE TO an injury to the face or
15 head of--a-nature-so-great-as-to-affect WHICH AFFECTS his
16 earning capacity in-securing OR ABILITY TO SECURE GAINFUL
17 employment,--he shall receive in proportion to the extent
18 of the disfigurement, an additional award not to exceed
19 twenty-five (25) weeks of compensation based on two-thirds
20 $(2/3)$ SIXTY-SIX AND SIXTY-SEVEN HUNDREDTHS PERCENT
21 (66.67%) of the state's STATEWIDE average weekly wage FOR
22 THE CALENDAR YEAR IMMEDIATELY PRECEDING THE YEAR IN WHICH
23 THE INJURY OCCURRED. The court shall take--into--consider-

1 ~~ation--in--making--the--award~~ CONSIDER any former PREVIOUS
2 disfigurement to the face or head of the employee WHEN
3 GRANTING THE AWARD.

4 ~~(k)--The--maximum-amount-awarded-to-an-employee-under~~
5 ~~this-section-for-any-one-(l)-accident-shall-not-exceed-the~~
6 ~~amount-awarded-under--W.S.--27-12-405--for--any--permanent~~
7 ~~total-disability.~~

8 (e) IF THE LOSS OR THE PERMANENT LOSS OF USE IS PAR-
9 TIAL, AN INJURED EMPLOYEE SHALL RECEIVE COMPENSATION UNDER
10 THIS SECTION FOR THE PROPORTIONATE LOSS OR PERMANENT LOSS
11 OF USE OF THE SCHEDULED BODY MEMBER OR FUNCTION.

12 (f) IF THE PERCENTAGE OF PHYSICAL IMPAIRMENT IS DIS-
13 PUTED, THE COURT SHALL OBTAIN A SECOND OPINION AND IF THE
14 RATINGS CONFLICT, SHALL BASE THE AWARD UPON THE AVERAGE OF
15 THE INITIAL AND SECOND OPINION.

16 27-12-404. Permanent partial disability; modifica-
17 tion of award; payments after death of employee. Until--an
18 ~~award-for-permanent-partial-disability-is-paid,~~

19 (a) The court ~~making-the-award-may~~ SHALL UNTIL THE
20 AWARD IS PAID, modify the amount of the AN award FOR PER-
21 MANENT PARTIAL DISABILITY to conform to any change in the
22 condition of the injured employee and may, upon applica-

1 tion, ~~and-hearing~~ with ~~notice-to-the-employer,-and~~ a show-
2 ing of any exceptional necessity AND AGREEMENT BY THE
3 DIVISION, order any part of the unpaid balance of the
4 award to be paid to the employee as IN a lump sum.

5 (b) If the employee dies leaving an unpaid balance
6 of award, and: ~~no-further-award-is-made-on-account-of--the~~

7 (i) Death IS NOT A RESULT OF THE ORIGINAL
8 INJURY, the unpaid balance shall be paid to the surviving
9 spouse at the rate provided for payment to the employee-
10 ~~if-the-employee-leaves-no--surviving--spouse--or~~ AND THE
11 SPOUSE IS NOT ENTITLED TO ADDITIONAL BENEFITS UNDER THIS
12 ACT;

13 (ii) The surviving spouse remarries or dies
14 before all PAYMENT of the ~~balance-has-been-fully-paid~~
15 TOTAL ENTITLEMENT UNDER THIS SUBSECTION, each surviving
16 DEPENDENT child ~~shall-be-credited~~ IS ENTITLED TO a share
17 of the unpaid balance, ~~in~~ THE AMOUNT OF ENTITLEMENT SHALL
18 BE the proportion that the number of months from the death
19 or remarriage until the child attains THE age of majority,
20 or ~~in-the-case-of~~ IF a child physically or mentally inca-
21 pacitated CHILD until twenty-one (21) years, bears to the
22 total number of months until all children attain ~~these~~
23 THESE ages. The amount ~~credited--to--the--account~~ OF

1 ENTITLEMENT of each child shall be held by the state trea-
2 surer and disbursed IN MONTHLY INSTALLMENTS for the use
3 ~~and-benefit~~ of each child. ~~only-upon-proper-order--by--any~~
4 ~~district-court-within-the-state-~~ If a child dies, the por-
5 tion of the award payable to him shall be divided among
6 the surviving children pro rata;

7 (iii) THERE IS NO SURVIVING SPOUSE, THE UNPAID
8 BALANCE SHALL BE PAID TO THE SURVIVING DEPENDENT CHILDREN;
9 OR

10 (iv) THERE IS NO SURVIVING SPOUSE OR CHILDREN,
11 THE UNPAID BALANCE SHALL BE CREDITED TO THE ACCOUNT FROM
12 WHICH THE ORIGINAL AWARD IS PAID.

13 (c) IF AFTER RECEIVING AN AWARD FOR PERMANENT PAR-
14 TIAL DISABILITY AN EMPLOYEE DIES AS A RESULT OF THE ORIGI-
15 NAL INJURY, THE UNPAID BALANCE SHALL BE CREDITED TO THE
16 ACCOUNT FROM WHICH THE ORIGINAL AWARD IS PAID. A SURVIV-
17 ING SPOUSE IS ENTITLED TO AN AWARD PURSUANT TO W.S.
18 27-12-408 AND EACH SURVIVING DEPENDENT CHILD IS ENTITLED
19 TO AN AWARD IN ACCORDANCE WITH W.S. 27-12-409.

20 27-12-405. Permanent total disability; benefits;
21 benefits to dependent children; additional benefits upon
22 expiration of initial award. {a}-Permanent-total--disabil-

1 ity--means--the-loss-of-both-legs-or-both-arms,-total-loss
2 of-eyesight,-paralysis--or--other--conditions--permanently
3 incapacitating--the--employee--from-performing-any-work-at
4 any-gainful-occupation-for-which-he-is--reasonably--suited
5 by-experience-or-training-

6 (b)(a) If UPON CERTIFICATION BY A PHYSICIAN LICENSED
7 TO PRACTICE SURGERY OR MEDICINE THAT AN INJURY RESULTS IN
8 permanent total disability results-from-the-injury,-the AS
9 DEFINED UNDER W.S. 27-12-102(a)(xxvi), AN INJURED employee
10 shall receive for two hundred fifty-seven (257) weeks,-an
11 award A MONTHLY PAYMENT equal to two-thirds--(2/3)
12 SIXTY-SIX AND SIXTY-SEVEN HUNDREDTHS PERCENT (66.67%) of
13 the state's STATEWIDE average weekly MONTHLY wage at-the
14 time-of FOR THE TWELVE (12) MONTH PERIOD IMMEDIATELY PRE-
15 CEDING THE QUARTER IN WHICH the injury,-less-any-previous
16 awards--for--permanent--partial--disability,-payable---in
17 monthly--installments--at--the-rate-of-the-state's-average
18 weekly-wage-rate-as-determined-quarterly,-The--court--may
19 modify-the-amount-of-award-to-conform-to-any-change-in-the
20 condition--of--the--employee,-or--in-cases-of-exceptional
21 necessity-the-court-may-order-payment-of--any--portion--of
22 the--award--in--a-lump-sum-at-any-time-before-the-award-is
23 fully-paid,-If-the-employee-dies-leaving-an--unpaid--bal-
24 ance--of-the-award-and-no-further-award-is-made-on-account

1 ~~of-the-death,-the-unpaid-balance-shall-be-paid-or-held--as~~
2 ~~provided--by--W.S.-27-12-404~~ OCCURRED. ANY AWARD PAID ON A
3 LUMP SUM BASIS AT THE TIME OF AWARD SHALL BE DISCOUNTED
4 BASED UPON THE CURRENT LOWEST INVESTMENT EARNINGS. AN
5 EMPLOYEE SHALL NOT RECEIVE BENEFITS UNDER THIS SECTION IF
6 RECEIVING BENEFITS UNDER W.S. 27-12-402, 27-12-403 OR
7 27-12-412.

8 ~~(e)~~(b) In addition to benefits provided by subsec-
9 tion ~~(b)~~ (a) of this section, each dependent child of the
10 employee shall receive one hundred dollars (\$100.00) per
11 month from the time of ~~the~~ injury until each dependent
12 child attains the age of majority or if a physically or
13 mentally incapacitated, ~~child,~~ until ~~the-child-is~~ twenty-
14 one (21) years of age. The amounts credited to the account
15 of each child shall be held by the state treasurer and
16 disbursed IN MONTHLY INSTALLMENTS for the use of each
17 child. ~~upon-proper-order-by-a-district-court--within--the~~
18 ~~state-~~ If a child dies, ~~is-married~~ MARRIES or IS otherwise
19 emancipated, the ~~amount-payable-to-him~~ MONTHLY INSTALLMENT
20 shall cease AND ANY UNPAID BALANCE SHALL BE CREDITED TO
21 THE ACCOUNT FROM WHICH THE ORIGINAL AWARD IS PAID.

22 ~~(d)~~(c) Upon ~~the~~ expiration of the period of time ~~in~~
23 ~~which~~ the amount awarded to ~~the~~ AN employee for permanent

1 total disability ~~would-be~~ IS paid in ~~its-entirety~~ FULL at
2 the monthly rates ~~fixed--by--law~~ ESTABLISHED UNDER THIS
3 SECTION, the ~~district~~ court may award additional compensa-
4 tion to the injured employee ~~for-any-continuing-impairment~~
5 ~~of-his-earning-power-resulting-from-the--original--injury,~~
6 subject to the following:

7 (i) A claim for compensation ~~must-be~~ IS filed
8 by the employee, or ~~by~~ someone ~~in~~ ON his behalf, and a
9 hearing IS held;

10 (ii) The employee ~~shall--establish--that-his~~
11 ~~earning-power-has-been-and-continues--to--be--impaired--by~~
12 ~~reason--of--the--injury-for-which-compensation-was-awarded~~
13 ESTABLISHES A REASONABLE EFFORT ON HIS BEHALF HAS BEEN
14 MADE TO RETURN TO PART TIME OR FULL TIME EMPLOYMENT
15 INCLUDING RETRAINING AND EDUCATIONAL PROGRAMS;

16 (iii) ~~In-determining-whether-there-has-been-an~~
17 ~~impairment-in-the-employee's-earning-power,~~ The district
18 court IN DETERMINING ENTITLEMENT UNDER THIS SUBSECTION
19 shall consider ~~the-amount-which~~ INCOME OF the employee ~~is~~
20 ~~currently--capable-of-earning-in-comparisen-with-his-earn-~~
21 ~~ings-at-the-time-of-his-injury~~ FROM ALL SOURCES INCLUDING
22 ACTIVE OR PASSIVE INCOME, HOUSEHOLD INCOME AND ANY MONTHLY
23 AMOUNT FROM ANY OTHER GOVERNMENTAL AGENCY;

1 (iv) The maximum monthly amount of additional
2 compensation shall not exceed ~~two-thirds~~ SIXTY-SIX AND
3 SIXTY-SEVEN HUNDREDTHS PERCENT (66.67%) of the state's
4 STATEWIDE average monthly wage, ~~less:--(A)--The--employee's~~
5 ~~current--monthly--earning-power,--less--taxes--payable--by--the~~
6 ~~employee--to--the--state--or--federal--government--on--the--earn-~~
7 ~~ings,--and--(B)~~ FOR THE TWELVE (12) MONTH PERIOD IMMEDIATELY
8 PRECEDING THE QUARTER IN WHICH THE INJURY OCCURRED;

9 (v) The ~~additional--compensation--shall--be--pay-~~
10 ~~able--only--so--long--as--the--employee's--earning--power--is~~
11 ~~impaired,--and--his--right--to--receive--compensation--terminates~~
12 ~~upon--his--death~~ COURT MAY ATTACH REASONABLE CONDITIONS TO
13 APPLICATION OR RECEIPT OF AWARDS UNDER THIS SUBSECTION
14 INCLUDING RETRAINING OR EDUCATIONAL PROGRAMS AND THE AWARD
15 MAY BE ADJUSTED IN ACCORDANCE WITH FULFILLMENT OF THE
16 CONDITIONS;

17 ~~(vi)--The--award--may--be--increased--within--the~~
18 ~~limit--set--above--or--decreased--upon--proper--showing--to--the~~
19 ~~court--that--there--has--been--a--substantial--change--in--the~~
20 ~~employee's--earning--power,--except--that--no--modification--of--a~~
21 ~~prior--award--is--effective--less--than--six--(6)--months--after~~
22 ~~the--effective--date--of--the--prior--award,--Denial--of--addi-~~
23 ~~tional--compensation--for--failure--to--show--an--existing~~

1 ~~impairment-of-earning-power-shall-not-bar--the--employee's~~
2 ~~right--to-additional-compensation-if-there-is-a-subsequent~~
3 ~~change-in-the-employee's-earning-power-as-a-result-of--the~~
4 ~~injury;~~

5 ~~(vii)~~(vi) The ~~award--shall--be--decreased--to~~
6 COURT MAY DECREASE an ~~amount-necessary~~ AWARD to qualify
7 the AN employee ELIGIBLE for maximum benefits ~~for~~ UNDER
8 any other state or federal ~~government~~ pension ~~plans-of-any~~
9 ~~type-to-which-the-employee-is-otherwise-eligible-~~ PLAN;

10 (vii) ANY AWARD GRANTED UNDER THIS SUBSECTION
11 SHALL BE REVIEWED WITHIN TWELVE (12) MONTHS OF THE LAST
12 HEARING DATE.

13 27-12-406. Payment for artificial replacement.

14 (a) ~~if~~ IN ADDITION TO BENEFITS PROVIDED BY THIS ACT,
15 an injured employee ~~loses~~ MAY RECEIVE PAYMENT FOR ESSEN-
16 TIAL AND ADEQUATE ARTIFICIAL REPLACEMENT OF any part of
17 the body which BY AMPUTATION IS LOST AND can be replaced
18 by artificial means. ~~--in-addition-to-the-benefits-of-this~~
19 ~~act--he--is-entitled-to-an-artificial-replacement-thereof,~~
20 and ~~if necessary-an~~ THE INJURY CAUSES THE NEED FOR ARTIFI-
21 CIAL REPLACEMENT, AN INJURED EMPLOYEE MAY RECEIVE PAYMENT
22 FOR ANY ADEQUATE artificial aid to hearing OR SIGHT, a

1 spine or other similar brace, OR FOR ARTIFICIAL DENTAL
2 REPLACEMENT. PAYMENT FOR ARTIFICIAL DENTAL REPLACEMENT
3 SHALL BE IN ACCORDANCE WITH THE SCHEDULE ADOPTED BY THE
4 DIVISION. PAYMENT FOR ARTIFICIAL REPLACEMENT UNDER THIS
5 SUBSECTION SHALL not ~~to~~ exceed one THREE thousand five
6 hundred dollars ~~(\$1,500.00)~~--An-additional-amount-up-to
7 ~~three-hundred-fifty-dollars-(\$350.00)-shall-be-allowed-the~~
8 ~~employee-for-the-necessary-traveling-expenses--and--living~~
9 ~~expenses--incurred-by-him-in-connection-with-the-purchase,~~
10 ~~fitting--or--adjustment--of--the--artificial---replacement~~
11 ~~(\$3,000.00).~~

12 27-12-408. Benefits to surviving spouse.

13 (a) If the AN employee dies, ~~and-leaves-a-spouse-to~~
14 ~~whom-the--employee--was--legally--married,~~ the surviving
15 spouse shall receive for two hundred thirty-one (231)
16 weeks, an award equal to ~~two-thirds--(2/3)~~ SIXTY-SIX AND
17 SIXTY-SEVEN HUNDREDTHS PERCENT (66.67%) of the ~~state's~~
18 STATEWIDE average weekly wage ~~rate--at--the--time--of--the~~
19 ~~employee's-death,~~ FOR THE TWELVE (12) MONTH PERIOD IMMEDI-
20 ATELY PRECEDING THE QUARTER IN WHICH THE INJURY OCCURRED.
21 PAYMENTS UNDER THIS SECTION ARE payable in monthly
22 installments at the rate OF SIXTY-SIX AND SIXTY-SEVEN HUN-
23 DREDTHS PERCENT (66.67%) of the ~~state's~~ STATEWIDE average

1 ~~weekly~~ MONTHLY wage ~~rate-as-determined-quarterly~~ FOR THE
2 TWELVE (12) MONTH PERIOD IMMEDIATELY PRECEDING THE QUARTER
3 IN WHICH THE INJURY OCCURRED. The court ~~making-the-award~~
4 may upon application, ~~and--hearing,~~ with ~~notice--to--the~~
5 ~~employer-and~~ a showing of exceptional necessity AND AGREE-
6 MENT BY THE DIVISION, order ~~any~~ PAYMENT OF part of the
7 unpaid balance ~~of-the-award-to-be-paid--to--the--surviving~~
8 ~~spouse-as~~ IN a lump sum. ANY AWARD PAID ENTIRELY ON A LUMP
9 SUM BASIS AT THE TIME OF AWARD SHALL BE DISCOUNTED BASED
10 UPON THE CURRENT LOWEST INVESTMENT EARNINGS AND THE SPOUSE
11 IS NOT ENTITLED TO ADDITIONAL BENEFITS UNDER SUBSECTION
12 (b) OF THIS SECTION. IF THE SPOUSE DIES BEFORE THE AWARD
13 IS PAID IN FULL, THE UNPAID BALANCE SHALL BE CREDITED TO
14 THE ACCOUNT FROM WHICH THE ORIGINAL AWARD IS PAID.

15 (b) ~~Upon~~ AT THE expiration of the ~~time-in-which-the~~
16 ~~amount-awarded-to-a-spouse-for--death--benefits--would--be~~
17 ~~paid--in--full~~ PERIOD OF PAYMENT OF AN AWARD PURSUANT TO
18 THIS SECTION, the ~~district~~ court may upon application and
19 opportunity for hearing with notice to the employer and
20 division and a showing of ~~the~~ necessity, ~~therefor,~~ order
21 continued monthly ~~benefits~~ PAYMENTS to the spouse not to
22 exceed ~~one-third~~ THIRTY-THREE AND THIRTY-FOUR HUNDREDTHS
23 PERCENT (33.34%) of the STATEWIDE average monthly wage ~~per~~
24 ~~month~~ FOR THE TWELVE (12) MONTH PERIOD IMMEDIATELY PRECED-

1 ING THE QUARTER IN WHICH THE INJURY OCCURRED. AN AWARD
2 UNDER THIS SUBSECTION SHALL BE REVIEWED ANNUALLY until the
3 spouse dies or remarries, AT WHICH TIME THE AWARD SHALL
4 CEASE AND ANY UNPAID AMOUNT FOR PAYMENT UNDER THIS SUBSEC-
5 TION SHALL BE CREDITED TO THE ACCOUNT FROM WHICH IT IS
6 DRAWN.

7 ~~27-12-409. Benefits to children. (a)-if-the--surviv-~~
8 ~~ing--spouse-remarries-or-dies-before-all-of-the-award-per-~~
9 ~~mitted-pursuant-to-W.S. --27-342-is--paid,--each--surviving~~
10 ~~dependent--child--shall-be-credited-a-share-of-the-balance~~
11 ~~as-provided-by-W.S. -27-338-~~

12 ~~(b)(a)~~ In-addition-to-benefits-provided--in--subsec-
13 ~~tion---(a)--of-this-section~~ UPON THE DEATH OF AN EMPLOYEE,
14 ~~each of-the-employee's-children~~ SURVIVING DEPENDENT CHILD
15 shall receive a-lump-sum AN award in the same manner and
16 amount as provided by W.S. 27-339~~(e)~~ 27-12-405(b).

17 ~~(e)(b)~~ The amount credited to the account of each
18 child shall be held by the state treasurer and disbursed
19 for the use ~~and-benefit~~ of each child. ~~only--upon--proper~~
20 ~~order--by--any-district-court-within-the-state-~~ If a child
21 dies, MARRIES OR IS OTHERWISE EMANCIPATED, the ~~portion~~
22 UNPAID BALANCE of the award ~~payable--to--him~~ shall be
23 ~~divided-among-the-surviving-children-pre-rata~~ CREDITED TO

1 THE ACCOUNT FROM WHICH THE ORIGINAL AWARD IS PAID.

2 27-12-410. Benefits to parents.

3 (a) If ~~the~~ AN employee ~~leaves~~ DIES WITH no SURVIVING
4 spouse or child, but ~~leaves~~ WITH one (1) SURVIVING parent
5 ~~who was~~ dependent upon ~~him~~ THE EMPLOYEE for TOTAL mainte-
6 nance and support at the time of ~~the~~ injury, the SURVIVING
7 parent shall receive five thousand dollars (\$5,000.00),
8 SIX HUNDRED DOLLARS (\$600.00) OF WHICH SHALL BE PAYABLE
9 THE FIRST MONTH AND ONE HUNDRED FIFTY DOLLARS (\$150.00)
10 FOR EACH REMAINING MONTH. If ~~there are~~ two (2) DEPENDENT
11 parents SURVIVE THE EMPLOYEE, they shall receive ~~a total~~
12 ~~of~~ seven thousand dollars (\$7,000.00), ~~+~~ six hundred dol-
13 lars (\$600.00) OF WHICH shall be ~~paid~~ PAYABLE the first
14 month, ~~one--hundred--fifty--dollars--(\$150.00)--per--month~~
15 ~~thereafter--if--one--(1)--parent-survived,~~ and two hundred
16 dollars (\$200.00) ~~per-month-thereafter-if-two-(2)--parents~~
17 ~~survived~~ FOR EACH REMAINING MONTH.

18 27-12-501. Notice by physician or hospital accepting
19 cases; physician's report of examination; bills, filing
20 and form; release of medical records.

21 (a) Within ~~ten-(10)~~ THIRTY (30) days after ~~accep-~~
22 ~~tance--every--doctor-and-hospital~~ accepting the case of an

1 injured employee AND WITHIN THIRTY (30) DAYS AFTER EACH
2 EXAMINATION OR TREATMENT, A PHYSICIAN OR HOSPITAL shall
3 file ~~written-notice~~ WITHOUT CHARGE A FULL AND COMPLETE
4 WRITTEN MEDICAL REPORT with the ~~clerk-of~~ court WITHIN THE
5 COUNTY IN WHICH THE INJURY OCCURRED and ~~send~~ TRANSMIT a
6 copy of the ~~notice~~ REPORT to the director, employer and
7 employee. THE REPORT SHALL STATE THE NATURE OF THE INJURY,
8 THE DIAGNOSIS, PROGNOSIS AND PRESCRIBED TREATMENT. Any
9 ~~doctor~~ PHYSICIAN or hospital failing or refusing to file
10 the notice or ~~send~~ TRANSMIT copies within the time ~~desig-~~
11 ~~nated,~~ PRESCRIBED BY THIS SUBSECTION or presenting ~~claims~~
12 A CLAIM for services ~~that-were~~ not reasonably justified,
13 shall forfeit any remuneration or award under this act for
14 any services rendered or facilities furnished the
15 employee. FEES FOR SERVICES RENDERED SHALL NOT BE BILLED
16 TO OR COLLECTED FROM THE INJURED EMPLOYEE. ANY OTHER
17 REPORT WHICH MAY BE REQUESTED BY THE COURT, DIVISION OR
18 EMPLOYER MAY BE BILLED IN ACCORDANCE WITH A FEE SCHEDULE
19 ADOPTED BY THE DIVISION.

20 (b) ~~Each-doctor~~ ANY PHYSICIAN attending an employee
21 injured while engaged in ~~extrahazardous-occupations~~ ANY
22 EMPLOYMENT covered under this act AND CERTIFYING TEMPORARY
23 DISABILITY SHALL EXAMINE THE EMPLOYEE EVERY SIXTY (60)
24 DAYS AND shall WITHOUT CHARGE file ~~with-the-clerk-of-the~~

1 ~~court-of-the-county-within-which-the-injury--occurred--and~~
2 ~~with-the-director~~ a full and complete WRITTEN report fully
3 ~~describing--the--nature-of-the-injuries-of-the-employee-if~~
4 ~~the-disability-lasts-through-the-day-or--requires--medical~~
5 ~~services--other-than-ordinary-first-aid-treatment-and-send~~
6 ~~a-copy-to-the-employer-and-employee-under-rules-prescribed~~
7 ~~by-the-director.-An-exact-copy-of-any-and--all--correspon-~~
8 ~~dence--between--the--doctor-and-the-employer-shall-be-fur-~~
9 ~~nished-the-employee-upon-request-within-three-(3)-days--of~~
10 ~~its-mailing-date~~ IN ACCORDANCE WITH SUBSECTION (a) OF THIS
11 SECTION. THE REPORT SHALL SPECIFY REASONS FOR CONTINUED
12 TEMPORARY DISABILITY AND IS SUBJECT TO THE TIME LIMITA-
13 TIONS AND PENALTIES IMPOSED UNDER SUBSECTION (a) OF THIS
14 SECTION.

15 (c) ~~All--bills~~ ANY BILL for medical attendance,
16 expenses or disbursements, and for hospital services shall
17 be properly dated, itemized and certified by the claimant,
18 or shall be disallowed by the ~~clerk-of~~ court.

19 (d) ~~Every-doctor-who-attends-an-injured-employee-and~~
20 ~~every--claimant--for--hospital-services~~ Within thirty (30)
21 days after the first of the month succeeding ~~that~~ THE
22 MONTH in which services were rendered to the injured
23 employee, ITEMIZED BILLS, CLAIMS FOR MEDICAL ATTENDANCE,

1 EXPENSES OR DISBURSEMENTS AND CLAIMS FOR HOSPITAL SERVICES
2 shall ~~file~~ BE FILED with the ~~clerk-of~~ court of the proper
3 county ~~an-itemized-and-certified--bill--for--all--services~~
4 ~~rendered--and--expense--incurred--on-behalf-of-the-injured~~
5 ~~employee-during-the-previous-month,~~ and send--concurrently
6 a copy SHALL BE TRANSMITTED to the director, employee and
7 employer. ~~7-together-with-all-claims--for--medical--atten-~~
8 ~~dance--or-medical-services-or-hospital-service--All-bills~~
9 ~~by-doctors~~ ANY BILL OR CLAIM not filed with the ~~clerk--of~~
10 court and distributed in accordance with this ~~section-may~~
11 ~~be-disallowed-by-the-court~~ SUBSECTION SHALL RESULT IN A
12 DENIAL OF THE BILL OR CLAIM.

13 (e) THE FILING OF A MEDICAL REPORT OF INJURY WITH
14 THE COURT IS A RELEASE OF INFORMATION FOR THE DURATION OF
15 THE BENEFIT PERIOD AND UPON REQUEST, ANY MEDICAL PROVIDER,
16 PHYSICIAN OR HOSPITAL TREATING THE EMPLOYEE FOR THE INJURY
17 SHALL RELEASE MEDICAL RECORDS TO THE COURT AND DIVISION.

18 27-12-502. Employee's report of injury to employer
19 and court; failure to file report presumption as to claim
20 dismissal; rebuttal; release of information.

21 (a) ~~if~~ AS SOON AS IS PRACTICAL BUT NOT LATER THAN
22 SEVENTY-TWO (72) HOURS AFTER THE INJURY BECAME APPARENT,
23 an INJURED employee ~~is-injured-he~~ shall ~~make-a~~ report of

1 the occurrence and general nature of the injury to the
2 employer AND within ~~twenty-four--(24)--hours~~ THIRTY (30)
3 DAYS after the injury became apparent, ~~and-to-the-clerk-of~~
4 ~~court--within--twenty--(20)--days-thereafter,~~ and file the
5 report in the office of the clerk of court of the county
6 in which the accident occurred. If the injured employee is
7 physically unable to ~~comply,--someone--on-his-behalf-or~~
8 COMPLY, A PERSONAL REPRESENTATIVE, his dependents or ~~some-~~
9 ~~one-on-their--behalf~~ A PERSONAL REPRESENTATIVE OF THE
10 DEPENDENTS in the case of death, shall make and file the
11 ~~reports~~ REPORT. The reports shall contain ~~such~~ information
12 ~~as-provided~~ PRESCRIBED by rules and regulations ~~adopted-by~~
13 OF the director.

14 (b) If the AN injured employee, ~~his--dependents~~ ANY
15 DEPENDENT or ~~someone--on--his--or--their-behalf~~ PERSONAL
16 REPRESENTATIVE makes a written report of any injury to the
17 employer, ~~his-agent~~ or servant HIS REPRESENTATIVE, the
18 employer, ~~--agent--or--servant~~ shall acknowledge receipt of
19 the report in writing either upon the report or ~~upon~~ a
20 copy ~~thereof~~ OF THE REPORT.

21 (c) FAILURE OF THE INJURED EMPLOYEE, ANY DEPENDENT
22 OR PERSONAL REPRESENTATIVE TO REPORT THE INJURY TO THE
23 EMPLOYER OR TO FILE THE REPORT WITH THE CLERK OF COURT IN

1 ACCORDANCE WITH SUBSECTION (a) OF THIS SECTION IS A PRE-
2 SUMPTION THAT THE CLAIM BE DISMISSED. THE PRESUMPTION MAY
3 BE REBUTTED IF THE EMPLOYEE ESTABLISHES A LACK OF PREJU-
4 DICE IN INVESTIGATING THE ACCIDENT AND IN MONITORING MEDI-
5 CAL TREATMENT.

6 (d) THE FILING OF AN EMPLOYEE'S REPORT OF INJURY
7 UNDER THIS SECTION IS A RELEASE OF INFORMATION FOR THE
8 DURATION OF THE BENEFIT PERIOD AND UPON REQUEST, ANY MEDI-
9 CAL PROVIDER, PHYSICIAN OR HOSPITAL TREATING THE EMPLOYEE
10 FOR THE INJURY SHALL RELEASE MEDICAL RECORDS TO THE COURT
11 AND THE DIVISION.

12 27-12-503. Statute of limitations.

13 (a) No AN order or award for compensation involving
14 an injury which is the result of a single brief occurrence
15 rather than occurring over a substantial period of time,
16 shall NOT be made unless in addition to THE PROPER AND
17 TIMELY FILING OF the reports of the injury, an application
18 or claim for award is filed with the clerk of court in the
19 county in which the injury occurred. 7 THE APPLICATION OR
20 CLAIM SHALL BE FILED within one (1) year after the day--on
21 which DATE the injury occurred or for injuries not readily
22 apparent, within one (1) year after discovery of the
23 injury by the employee. The reports REPORT of an--accident

1 ~~de~~ INJURY IS not ~~constitute~~ a claim for compensation.

2 27-12-601. Court ordered investigation; immediate
3 payment or denial of claim; transfer of case; investiga-
4 tion expenses; medical consulting services.

5 (c) The expense of investigation of a claim shall
6 not exceed two ~~and--one-half~~ dollars AND FIFTY CENTS
7 (\$2.50) ~~in-any-case,~~ except ~~in-the-case-of~~ AS PROVIDED BY
8 SUBSECTION (d) OF THIS SECTION AND FOR a transfer to a
9 district court other than where the injury occurred, ~~7--in~~
10 ~~which-case~~ IF TRANSFERRED, two ~~and--one-half~~ dollars AND
11 FIFTY CENTS (\$2.50) shall be paid for investigation in the
12 district court where first filed and two ~~and-one-half~~ dol-
13 lars AND FIFTY CENTS (\$2.50) in the district court where
14 transferred. All bills for investigation fees shall be
15 submitted monthly and shall not be allowed if submitted
16 later than sixty (60) days after the end of the month in
17 which the case is filed. ~~No~~ ANY investigator, or state or
18 county employee shall NOT receive any fee from the
19 employee or other beneficiary.

20 (d) IN ADDITION TO OTHER INVESTIGATIVE SERVICES, THE
21 JUDGE MAY ACQUIRE THE SERVICES OF A PHYSICIAN LICENSED TO
22 PRACTICE MEDICINE IN THIS STATE TO SERVE AS MEDICAL CON-
23 SULTANT IN INVESTIGATING ANY INJURY OR DEATH RESULTING

1 FROM INJURY OR THE TREATMENT OF ANY INJURY OR DEATH, WHICH
2 IS REPORTED TO THE CLERK OF COURT. THE PHYSICIAN SHALL BE
3 PAID ON A FEE FOR SERVICE BASIS FROM THE GENERAL ACCOUNT.

4 27-12-603. Burden of proof; required proof of cir-
5 cumstances; coronary conditions; hernia; nontraumatically
6 induced mental injuries.

7 (b) Benefits for employment-related coronary condi-
8 tions except those directly and solely caused by an injury
9 or disease, are not payable unless:

10 (i) The employee establishes by competent med-
11 ical authority that there is a direct causal connection
12 between the condition under which the work was performed
13 and the cardiac condition; and

14 (ii) Then only if the causative exertion
15 occurs during the actual period of employment stress
16 clearly unusual to, or abnormal for, employees in that
17 particular employment, IRRESPECTIVE OF WHETHER THE EMPLOY-
18 MENT STRESS IS UNUSUAL TO OR ABNORMAL FOR THE INDIVIDUAL
19 EMPLOYEE; and

20 (iii) Further that the acute symptoms of the
21 cardiac condition are clearly manifested not later than
22 four (4) hours after the alleged causative exertion.

1 (e) BENEFITS FOR EMPLOYMENT-RELATED MENTAL INJURIES
2 WHICH ARE NONTRAUMATICALLY CAUSED ARE NOT PAYABLE UNLESS
3 THE EMPLOYEE;

4 (i) ESTABLISHES BY COMPETENT MEDICAL AUTHORITY
5 A DIRECT CAUSAL RELATIONSHIP BETWEEN THE CONDITION UNDER
6 WHICH THE WORK WAS PERFORMED AND THE MENTAL INJURY; AND

7 (ii) PROVES BY A PREPONDERANCE OF COMPETENT
8 EVIDENCE THAT THE MENTAL INJURY RESULTED FROM A JOB SITUA-
9 TION SUBJECTING THE EMPLOYEE TO GREATER THAN ROUTINE
10 STRAIN, TENSION AND STRESS EXPERIENCED BY OTHER EMPLOYEES
11 IN THAT PARTICULAR EMPLOYMENT.

12 27-12-611. Physical examination after temporary
13 total and temporary partial award; purpose; report to
14 court; penalty for failure of employee to comply.

15 (a) ~~Each~~ UPON REQUEST BY THE EMPLOYER, AN employee
16 awarded compensation for temporary total OR TEMPORARY
17 PARTIAL disability shall submit ~~himself--for~~ TO medical
18 examination by a physician licensed to practice medicine
19 in this state, ~~--upon-request-by-his-employer,~~ at a place
20 designated by the employer which is reasonably convenient
21 for the employee. ~~The-employee-may-have-a-licensed--physi-~~
22 ~~cian--present--of--his--own--selection--The-purpose-of~~ The

1 examination ~~is-to~~ SHALL determine whether ELIGIBILITY OF
2 the employee has--recovered-so-that-his-earning-power-at
3 any-gainful-occupation-for-which-he-is--reasonably--suited
4 by--experience--or-training;--is-substantially-restored FOR
5 CONTINUED BENEFITS UNDER W.S. 27-12-402.

6 (b) The results of the examination shall be reported
7 by the employer and the physician to the clerk of the dis-
8 trict court ~~who-made~~ GRANTING the ORIGINAL award ~~in--the~~
9 ~~first--instance~~; and the matter shall be disposed of as BY
10 the judge, ~~deems-proper~~. If the judge finds that the
11 employee has recovered ~~and-has-been-restored~~ to THE EXTENT
12 THAT TEMPORARY TOTAL DISABILITY NO LONGER APPLIES OR THAT
13 TEMPORARY PARTIAL DISABILITY NO LONGER APPLIES AND his
14 earning ability;--and--that IS SUBSTANTIALLY RESTORED, HE
15 SHALL ADJUST OR DISCONTINUE compensation ~~should-be-discon-~~
16 ~~tinued~~;--his IN ACCORDANCE WITH W.S. 27-12-402. THE deci-
17 sion ~~and-judgment~~ shall be certified to the director, and
18 state auditor and state treasurer, ~~and-shall-be--direction~~
19 ~~to--these-officers~~ DIRECTING THEM to MODIFY OR discontinue
20 compensation payments.

21 27-12-612. Physicians required to testify; refusal;
22 privilege inapplicable. IF DIRECTED UNDER THIS ACT, any
23 physician ~~who-attended~~ PROVIDING PROFESSIONAL ATTENTION TO

1 an employee ~~in-a-professional-capacity~~ may be required to
2 testify before any court, ~~when-so-directed-in-cases-coming~~
3 ~~within--the--provisions--of--this-act,-and~~ PROVIDE WRITTEN
4 REPORTS AND ATTEND DEPOSITIONS IN A PROFESSIONAL CAPACITY.
5 ANY PHYSICIAN REFUSING TO COMPLY WITH THIS SECTION SHALL
6 FORFEIT ANY REMUNERATION OR AWARD UNDER THIS ACT FOR SER-
7 VICES RENDERED OR FACILITIES PROVIDED THE INJURED
8 EMPLOYEE. The law of privileged communication between phy-
9 sician and patient shall not apply.

10 27-12-702. Disposition of balances in employer
11 accounts after cessation or sale of business.

12 (b) ~~if Any employer sells-and--conveys~~ SELLING his
13 property ~~to--a--purchaser--who--continues-to-carry-on-the~~
14 ~~business,-the-employer~~ may transfer and assign to the pur-
15 chaser CONTINUING THE BUSINESS all rights, benefits, priv-
16 ileges and immunities accruing to ~~the-employer--by--virtue~~
17 ~~of--any-sum-then-on-deposit-to~~ his account. ~~Upon~~ BY filing
18 the assignment with the director, ~~7~~ IF APPROVED BY THE
19 DIRECTOR, the purchaser ~~succeeds~~ SHALL SUCCEED to all
20 rights, benefits, privileges, immunities and obligations
21 of the employer. Upon filing the assignment, ~~and-upon~~ sub-
22 mission of an approved application and ~~the~~ payment of a
23 ten dollar (\$10.00) transfer fee by the purchaser, the

1 purchaser is subject to obligations of compensation
2 against the seller incurred and existing at the date of
3 the assignment. ~~No-money~~ AN ASSIGNMENT SHALL NOT BE AUTHO-
4 RIZED UNDER THIS SUBSECTION UNLESS THE REQUIREMENTS FOR
5 TRANSFER ARE COMPLETED WITHIN NINETY (90) DAYS AFTER THE
6 DATE OF PURCHASE. ANY AMOUNT LAWFULLY paid ~~in~~ by ~~any~~ AN
7 employer shall ~~ever~~ NOT be refunded ~~to him~~ either during
8 the time ~~when~~ he continues in business as an employer or
9 after he ceases doing business.

10 27-12-704. Expenditures from general account; items
11 chargeable and not chargeable against employer's account.

12 (b) The following shall be paid from the general
13 account and not charged against an employer's account:

14 (v) Refunds of nonresident employer contribu-
15 tions pursuant to W.S. ~~27-331~~ 27-12-304;

16 (vi) PAYMENT OF FEES FOR MEDICAL CONSULTING
17 SERVICES UNDER W.S. 27-12-601(d);

18 (vii) CHARGES FOR INVESTIGATIONS AND MEDICAL
19 CONSULTING SERVICES AUTHORIZED UNDER W.S. 27-12-801(c) AND
20 (d).

21 27-12-705. Expenditures from reinsurance account;

1 transfers between general account and reinsurance account.

2 (a) ~~The following shall be paid from the reinsurance~~
3 ~~account---~~ (i) NINETY PERCENT (90%) OF any charges or pay-
4 ments pursuant to W.S. ~~27-380(a)~~ 27-12-704(a) in excess
5 of ~~three~~ SIX thousand dollars ~~(\$3,000.00)~~ from a single
6 ~~accident or incident regardless of the number of injured~~
7 ~~employees, if the employer is nonexempt and contributing~~
8 ~~as provided by W.S. 27-323~~ (\$6,000.00) SHALL BE PAID FROM
9 THE REINSURANCE ACCOUNT. THE REMAINING TEN PERCENT (10%)
10 SHALL BE PAID AS PROVIDED BY W.S. 27-12-704(a).

11 (b) If the balance in the reinsurance account is
12 less than ~~one hundred fifty thousand~~ TWO MILLION dollars
13 ~~(\$150,000.00)~~ (\$2,000,000.00), the state treasurer may
14 transfer any amount of money from the general account to
15 the reinsurance account, ~~not to exceed aggregate transfers~~
16 ~~of two hundred fifty thousand dollars (\$250,000.00), which~~
17 he finds necessary to provide the reinsurance account with
18 an adequate operating balance. ~~Two percent--(2%)--interest~~
19 ~~shall be paid to the general account each year on the~~
20 ~~unpaid balance of the~~ A transfer UNDER THIS SUBSECTION
21 SHALL NOT EXCEED AN AGGREGATE AMOUNT OF ONE MILLION
22 DOLLARS (\$1,000,000.00). If the reinsurance account
23 exceeds ~~two hundred fifty thousand~~ FIVE MILLION dollars

1 ~~(\$250,000.00)~~ (\$5,000,000.00) at the end of any calendar
2 year, the excess shall be transferred into the general
3 account. ~~to reduce the unpaid balance of the loan.~~

4 27-12-801. Worker's compensation division created;
5 director; duties; investigations; medical consulting ser-
6 vices.

7 (d) THE DIRECTOR MAY ACQUIRE THE SERVICES OF A
8 LICENSED PHYSICIAN TO PROVIDE MEDICAL EXPERTISE IN INVES-
9 TIGATING ANY CLAIM FOR INJURY OR DEATH RESULTING FROM
10 INJURY OR THE TREATMENT OF ANY INJURY OR DEATH COVERED
11 UNDER THIS ACT. THE PHYSICIAN SHALL BE PAID AN AMOUNT
12 DETERMINED BY THE DIRECTOR.

13 Section 3. W.S. 27-12-302(c)(iii) and 27-12-411 are
14 repealed.

15 Section 4. This act is effective July 1, 1985.

16 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>Fiscal Year 1986</u>	<u>Fiscal Year 19</u>
Trust and Agency Fund (Workers Comp. Accounts)	\$21,600,000.00	
TOTAL ESTIMATED REVENUE	\$21,600,000.00	

=====

<u>Anticipated COST to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
_____	_____	_____
_____	_____	_____
TOTAL ESTIMATED COST	_____	_____

=====

1. According to a spokesman for Workers' Compensation, the bill would increase revenue in the amount of \$21,600,000.
2. No apparent personnel impact.