

1965

✓ WORKMEN'S COMPENSATION

See also PUBLIC OFFICERS AND EMPLOYEES

Experience rating c.546

Authorizes employer to reduce contribution 25 percent if not entitled to experience rating. Limits any annual change in experience rating. Makes employer eligible who has been subject to law for six months and has paid contributions of \$750 or more. Authorizes application of regular claim chargeability in fatal and permanent total disability claims if third party recovery is effected. Amends ORS 656.510, 656.514, 656.516. Effective 1 Jul 65, and repeals such sections when sec. 95, c.285, OL 1965 ("Three-way law") becomes operative. (H 1780)

"Three-way" bill c.285

Revises workmen's compensation law to impose virtually universal coverage, but permits employer to obtain state or private insurance or to qualify as self-insurer. Increases benefits. Changes laws governing claims and appeals, administration and financing. Replaces Industrial Accident Commission with Workmen's Compensation Board and State Compensation Department. Amends and repeals numerous sections in ORS chapter 650 and others. Becomes fully operative on January 1, 1966. (H 1001)

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Disability benefits, modification c.529
HB 1111

Modifies definition of loss for purposes of workmen's compensation benefits to include loss of use of a member as well as loss by separation of that member. Provides new formula for determining award for unscheduled disabilities and increases benefits of unscheduled disabilities. Provides that compensation for permanent partial disability be paid at same rate per week as temporary total disability. Eff. 1 Jul. 67.

Dividends to contributing employers c.252
HB 1147

Authorizes department to declare dividend to employers contributing during all or part of period for which dividend was declared. Eff. 15 May 67.

Employers, definitions and requirements c.341
HB 1149

Changes definition of contributing employer and direct responsibility employer under workmen's compensation law. Provides for assessment against noncomplying employer; confers jurisdiction on circuit court to enjoin such employer and deletes requirement that such employer pay premiums to Industrial Accident Fund. Provides requirements and procedures for any employer to become contributing employer and for contributing employer to cancel coverage with department. Eff. 1 Jul. 67.

Exemption of farm workers c.114
HB 1277

Clarifies definition of "farming" as applied to exemption of farm workers from workmen's compensation law. Eff. 6 Apr. 67.

Garnishment of payments c.468
HB 1200

Exempts workmen's compensation payments from execution or garnishment.

Injury reports, physicians c.626
HB 1594

Requires physicians rendering services under workmen's compensation law to report such injuries within 48 hours and regularly thereafter, or forfeit their right to a fee. Eff. 20 Jun. 67.

1967
WORKMEN'S COMPENSATION

Accident reports, by employer c.150
HB 1109

Deletes requirement that employers furnish reports of accidents to Workmen's Compensation Board. Eff. 1 Jul. 67.

Accidental death benefits, eligibility of spouse c.285
HB 1373

Changes from "widow" to "spouse" designation of person eligible to receive accidental death benefits under workman's compensation law. Eff. 1 Jul. 67.

Inmates, coverage of c.472
HB 1318

Extends workmen's compensation coverage to city or county jail inmates if city or county so elects and furnishes department with list of covered inmates. Appropriates \$25,000 to Inmate Injury Fund, but requires repayment by fund of this advance. Eff. 1 Jul. 67.

Notice of proceedings c.97
HB 1108

Requires notice of proceedings under workmen's compensation law to be sent to employer, department and guaranty contract carrier, if any. Eff. 3 Apr. 67.

State Compensation Department, hearing officers, qualifications c.180
HB 1106

Requires workmen's compensation hearing officers to be members of Oregon State Bar, bar of another state or admitted to practice before federal courts. Eff. 1 Jul. 67.

Insurance coverage c.253
HB 1148

Authorizes department to write complete workmen's compensation coverage and employers liability coverage. Eff. 15 May 67.

Trainees, work experience programs, coverage c.374
HB 1325

Extends coverage of workmen's compensation to trainees in work experience programs of a school district.

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1969

WORKMEN'S COMPENSATION

Administration, cross-appeals 1404 c.212 a
 Provides for cross-appeal when board review of hearing officer's order is requested under Workmen's Compensation provisions. Specifies time limit.

medical service fees 1207 c.611 a
 Authorizes Workmen's Compensation Board to conform local medical service fee schedules for its cases to usual fees for similar services in that area.

permanent disability 1732 c.447 a
 Makes medical and surgical reports for such claims admissible as prima facie evidence if claimant, department or employer has reasonable time to cross-examine doctor by deposition or written interrogatories.

study of industrial accidents 1739 c.448 a
 Replaces present Industrial Accident Advisory Committee with nine-member committee to study industrial accident law.

Benefits, death 1581 c.521 etc.
 Increases amounts and changes limits for benefits to surviving spouses and children of workmen whose deaths resulted from accidental injury or from any cause during permanent total disability. Eff. 1 Jul. 69.

disability 1084 c.500 a
 Deletes statutory benefit schedules for temporary total or permanent total disability benefits and provides fixed rates and minimum payments in each case. Eff. 1 Jul. 69.

teachers 1081 c.398 etc.
 Permits school district to deduct workmen's compensation benefits received from sick leave payments due and pay balance to injured teacher. Eff. 11 Jun. 69.

Benefits (cont.) 1444 X
waiting period c.183 a
 Fixes waiting period for temporary total disability benefits at three calendar days.

Claims, aggravation 1120 c.171 a
 Limits time in which claim for aggravation may be filed where injury occurred prior to January 1, 1966.

denial, authority 1082 c.399 etc.
 Permits an employer's agent of record or insurance carrier to deny compensation claims. Eff. 1 Jul. 69.

denial, hearing 1204 c.206 etc.
 Permits claimant whose claim has been denied on or after effective date of this Act to file request for hearing not later than 180th day after notification of denial, if he establishes that good cause existed for failure to file timely request.

Coverage, emergency volunteer firemen 1656 c.527 a
 Extends coverage to firemen of city, county or other municipality that elects such coverage for its volunteer firemen. Eff. 1 Jul. 69.

equipment operators 1855 c.463 a
 Provides such coverage for any person or partners, who own or lease equipment and operate it for hire. Eff. 11 Jun. 69.

invalid dependent children 1077 c.125 etc.
 Defines "invalid dependent child" for purposes of workmen's compensation benefits. Eff. 1 Jul. 69.

Coverage (cont.) 1250
work experience programs c.406 a
 Extends coverage to unpaid trainees in such programs under State Schools for Deaf and for Blind.

Employer, default, defined 1122 c.248 a
 Makes either failure to pay contributions or failure to make and maintain deposit, not both, sufficient grounds for default by contributing employer.

default, effect 1083 c.400 etc.
 Deletes provision restricting benefits and cancelling coverage where subject workman is injured while employer in default and allows subject partners or sole proprietors to obtain coverage through specified insurance companies as subject workmen. Eff. 1 Jul. 69.

dividends 542 c.589 etc.
 Requires that such dividends to state agencies which are supported in whole or substantial part by General Fund be paid with interest thereon into General Fund. Specifies application. Eff. 13 Jun. 69.

Enforcement, employment safety c
 Provides civil penalty for persons who, after notice, violate any specified safety provision or for persons, with or without notice, where violation results in serious injury or death. Repeals obsolete streetcar provisions.

Sheltered workshops 177 c.53
 Provides for annual reimbursement of 75% of contributions made by such workshops as contributing employers of direct responsibility employers. Eff. 1 Jul. 69.

WORKMEN'S COMPENSATION

Administration, budget c.725
HB 3061

Includes in administrative budget of state agencies, for purposes of State Accident Insurance Fund dividend distribution, receipts and expenditures attributable to federal payments, higher education construction projects financed under Oregon Constitution and administrative budgets of all self-supporting divisions, boards and commissions within an agency. Revises criteria for declaration of dividend from fund. Op. part 1 Jan. 72.

claims cost recovery c. 72
SB 180

Transfers duty to recover claim costs from noncomplying employers from State Accident Insurance Fund to Workmen's Compensation Board. Provides for Administrative Fund to reimburse fund for any loss. Eff. 1 Jul. 71.

fund, emergency c.357
SB 181

Allows payment of administrative expenses out of Emergency Fund created for use by State Accident Insurance Fund. Eff. 1 Jul. 71.

Administration, examination c.385
SB 184

Requires fund to file rates and financial statement with Insurance Commissioner and subjects fund to examination by commissioner and to certain financial restrictions in the same manner as private insurers. Eff. 1 Jan. 72.

office building c.262
SB 182

Permits fund to acquire and sell real property and to construct buildings. Permits fund to rent or lease out unneeded space. Establishes limitation for construction and furnishing buildings. Requires fund to submit plans for construction to Emergency Board or to Ways and Means Committee.

Second Injury Reserve c.768
HB 1722

Authorizes payments to direct responsibility employers from Second Injury Reserve for additional amounts employer pays in compensation or other amounts with respect to subsequent injury. Deletes element of knowledge from definition of "preexisting disability" for administration of Second Injury Reserve. Modifies other uses of Second Injury Reserve. Makes other inter-fund transfers.

Agricultural employees, notice of injury c.386
SB 186

Revises definition of "nonsubject workman" to exclude certain agricultural employes. Revises notice of injury requirements to allow statement by doctor signed by workman. Eff. 1 Jul. 71.

Benefits, minor children

c.415
HB 1279

Increases benefits for minor children. Extends survivor benefits to include child in custody of divorced wife and to include child 19 years old if full-time high-school student. Eff. 1 Jul. 71.

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temporary total disability

c.204
SB 345

Increases workmen's compensation benefits for temporary total disability. Eff. 1 Jul. 71.

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Claims, hand injury

c.178
SB 290

Revises provision on determination of award for hand injuries. Increases award for designated degrees of permanent partial disability from \$55 to \$70 for each degree. Eff. 1 Jul. 71.

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medical fees

c.329
HB 1204

Revises manner of determining payment for medical services to delete standard of "customary" fee for "similar services in the locality where rendered".

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multiple party

c. 70
SB 101

Authorizes board to determine party responsible for paying compensation in multiple party or claim situations. Prohibits joinder of employer or insurer in proceedings unless claimant is entitled to request hearing. Requires claimant to be joined as necessary or nominal party. Deletes provision subrogating rights of compensation claimant to paying party.

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Claims, notice, hearing

c.155
SB 129

Requires determinations in workmen's compensation claims to contain notice advising claimant of right to hearing and review, right to representation by attorney and of certain limits placed upon fees of attorney.

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Coverage, educational trainees

c.634
SB 701

Provides compensation coverage for registered school, community college or area education district apprentices or trainees who incur compensable injuries while performing duties pursuant to related instruction course and who do not receive wages for performing duties.

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rehabilitation trainees

c.581
SB 292

Expands workmen's compensation coverage to vocational rehabilitation trainees.

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Tax, employers

c. 73
SB 187

Requires State Accident Insurance Fund to send demands for payment of deposits or contributions required of contributing employers to last known address by registered or certified mail. Eff. 20 Apr. 71.

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WORKMEN'S COMPENSATION

Benefits, civil defense volunteers

A c. 466
SB 574

Raises maximum amount payable for medical, surgical or hospital expenses, compensation and rehabilitation on any one claim from \$7,500 to \$20,000 for civil defense volunteer who may sustain an injury while doing civil defense work.

_____, payment, lump sum A c. 221
SB 524

Deletes provision relating to lump sum payment of permanent disability awards to out-of-state workmen. Permits, with board approval, payment of up to 100 percent of permanent partial disability award to injured workmen in lump sum. Requires any remaining balance to be paid in accordance with designated provision.

_____, permanent partial disability A c. 459
SB 526

Permits compensation for permanent partial disability to be paid monthly at 4.35 times rate per week as provided for compensation for temporary total disability. Defines "average weekly wage." Requires permanent partial disability payments to be at least \$108.75 per month.

_____, spouses, children N c. 497
SB 46

Extends to surviving spouse of female workman certain death benefits presently allowed surviving spouse of male workman under workmen's compensation law. Extends presumption of abandonment to include spouse of female workman who has lived apart from female workman for period of two years and made no attempt to collect support. Allows compensation to man cohabiting with woman who is injured under same circumstances that benefits are not allowed to woman cohabiting with man who is injured. Revises prescribed death benefits payable to surviving spouse of deceased workman and payable to divorced spouse of deceased workman for child in custody of such spouse. Extends prescribed death benefits payable to child if child is enrolled as full-time student in accredited institution of higher education, technical institute or approved on-the-job training or apprenticeship program until child becomes 23 years of age or graduates, whichever is

Benefits, spouses, children (cont.)

earlier. Modifies provision prescribing benefits payable to certain spouse or child where injured workman dies during period of permanent total disability. Eff. 21 July 73.

_____, total disability, retro-active reserve c. 614
SB 233

Increases maximum limitation on workmen's compensation benefits for permanent total disability to 66-2/3 percent of and for temporary total disability to 80 percent of average weekly wage in Oregon. Defines "average weekly wage" for purposes of computing temporary total and permanent total disability payments. Increases minimum benefits to be paid to \$50 per week or 90 percent of weekly wages, whichever is lesser, for permanent total disability. Increases to \$5 per week additional compensation payable for each additional beneficiary of permanent totally disabled. Imposes burden of proof of permanent total disability status upon workman. Requires Workmen's Compensation Board to assess each subject employer three cents per day for each workman employed for each day or part of day; requires moneys received to be placed in Retroactive Reserve; repealed July 1, 1977. Requires that three-fifths, rather than three-fourths, of all receipts from certain moneys retained from subject workmen's wages be placed in Retroactive Reserve. Eff. 21 July 73.

Claims, death of workman before determination c. 355
SB 255

Directs State Accident Insurance Fund or direct responsibility employer to request examination of claim for compensation if workman's death occurs prior to determination of claim. Permits designated beneficiaries to file or pursue request for hearing on claim.

_____, disabling and nondisabling injuries, aggravation c. 620
SB 458

Revises provisions relating to workmen's compensation. Defines "disabling compensable injury" and "nondisabling compensable injury" for purposes of Workmen's Compensation Law. Provides for reporting

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WORKMEN'S COMPENSATION (cont.)

Claims, disabling and nondis-
abling injuries, aggravation
(cont.)

of claims for disabling injuries and certain nondisabling injuries. Specifies content of notice of acceptance and report of claims or accidents. Requires board to determine whether claim is disabling or nondisabling and to mail copy of determination to interested parties. Requires filing application for increased benefits on account of aggravation either with direct responsibility employer, State Accident Insurance Fund or Workmen's Compensation Board. Repeals provision relating to increased compensation for aggravation of disability and provides new provision therefor.

occupational disease,
generally A c. 543
HB 2376

Extends time period for filing of claims with State Accident Insurance Fund or direct responsibility employer for certain occupational disease claims from three to five years. Extends claims for radiation injury from seven to 10 years. Deletes "silicosis" from definition of "occupational disease." Deletes provisions relating to medical board review of occupational disease claim. Modifies provision relating to procedure for processing occupational disease claims.

occupational disease,
tussock moth A c. 586
HB 2906

Provides that certain claim costs for occupational disease resulting from exposure to tussock moth filed after effective date of Act and prior to December 31, 1975, not be included in rate making process and that certain claims for occupational disease from tussock moth exposure filed after effective date of Act and prior to December 31, 1975, be processed and paid in accordance with applicable provisions of Workmen's Compensation Law. Provides that State Accident Insurance Fund or other insurer be entitled to reimbursement out of Administrative Fund for costs incurred in connection with such claims. Repealed December 31, 1975. Eff. 21 July 73.

Claims, vocational rehabilitation
before closing A c. 634
SB 251

Prohibits closing of workmen's compensation claims until workman's condition is medically stationary, and workman has completed any authorized program of vocational rehabilitation; provides for proportionate reduction in temporary disability compensation during vocational rehabilitation period. Provides for cases where workman has failed or refused to cooperate in authorized vocational rehabilitation program. Provides for use of vocational rehabilitation agency or counselor reports in proceedings for determining additional compensation. Deletes provision which permits employer or fund to commence payment of permanent disability award without waiting for designated determination. Requires board to provide, by rule, for reimbursement to direct responsibility employer or State Accident Insurance Fund from Rehabilitation Reserve sums paid as temporary disability compensation after date workman is determined to be medically stationary until program of rehabilitation has been terminated. Eff. 1 Jan. 74.

Coverage, convicted felons N c. 56
SB 253

Allows person convicted of felony to receive compensation benefits, file claims, request hearings and appeal under workmen's compensation law.

visually handicapped
trainees A c. 429
HB 3045

Extends workmen's compensation benefits to visually handicapped trainees enrolled in special job training programs of Commission for Blind.

Employe contributions,
disposition A c. 55
SB 238

Increases from two cents to five cents each day amount employer is required to retain from money earned by certain workmen for purpose of payment to Retroactive Reserve and Second Injury Reserve. Revises allocation of money deducted to provide that three-fifths be placed in Retroactive Reserve,

Employe contributions, disposition
(cont.)

one-fifth in Second Injury Fund and one-fifth in Administrative Fund for rehabilitation facility. Eff. 1 Jul. 73.

Employers, farming, contri-
butions N c. 669
HB 3216

Provides that State Accident Insurance Fund or any insurer that provides coverage for workmen's compensation shall charge any employer who employs subject workmen in occupation subject to general farming classification code rate for that classification of payroll of \$8.50 per \$100 of payroll; provides that minimum premium not to exceed \$50 may be charged. Repealed January 1, 1976.

noncompliance, civil
penalties A c. 447
SB 459

Provides civil penalties against subject employers who have not provided workmen's compensation coverage for subject workmen. Prescribes procedures for enforcement and collection of penalties.

Hearings, depositions A c. 652
HB 2647

Applies designated provision relating to depositions to workmen's compensation cases, except that hearings officer shall make determinations and orders required of court in such provision and attorneys fees shall not be declared as matter of course but only in cases of harassment or hardship.

evidence, vocational
experts A c. 581
HB 2645

Permits reports from vocational consultants to be admitted in evidence at workmen's compensation hearings. Requires Workmen's Compensation Board to establish rules to govern admissibility of reports from vocational experts, including guidelines to establish competency of vocational experts.

referees A c. 774
SB 54

Changes title of workmen's compensation hearing officer to

Hearings, referees (cont.)

"referee." Deletes requirement that referee complete examination testing his knowledge of state law relating to workmen's compensation. Modifies term of employment and grounds and procedure for removal of referee. Establishes salary. Provides for election and duties of presiding referee. Declares purpose.

1973