

## CHAPTER 310.

[S. H. B. 230.]

COMPENSATION AND MEDICAL CARE OF INJURED  
WORKMEN.

AN ACT relating to the compensation and medical and surgical care of workmen injured, and the safety of workmen engaged in extra-hazardous employments, and amending Sections 7674, 7675, 7676, 7679, 7680, 7686, 7697, 7724 and 7784 of Remington's Compiled Statutes of Washington.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. That section 1 of chapter 182 of the Laws of 1921, page 719 (section 7674 of Remington's Compiled Statutes) be amended to read as follows:

§ 3469,  
Pierce's  
Code.

Section 1. There is a hazard in all employment, but certain employments have come to be, and to be recognized as being inherently constantly dangerous. This act is intended to apply to all such inherently hazardous works and occupations, and it is the purpose to embrace all of them, which are within the legislative jurisdiction of the state, in the following enumeration, and they are intended to be embraced within the term "extra-hazardous" wherever used in this act, to-wit:

"Extra-hazardous" employments.

Factories, mills and workshops where machinery is used; printing, electrotyping, photo-engraving and stereotyping plants where machinery is used; foundries, blast furnaces, mines, wells, gas works, water works, reduction works, breweries, elevators, wharves, docks, dredges, smelters, powder works; laundries operated by power; quarries; engineering works; logging, lumbering and ship-building operations; logging, street and interurban railroads; buildings being constructed, repaired, moved or demolished; telegraph, telephone, electric light or power plants or lines, steam heating or power plants, steamboats, tugs, ferries and railroads, general

What included.

warehouse and storage; transfer, drayage and hauling; warehousing and transfer; fruit warehouse and packing houses. If there be or arise any extra hazardous occupation or work other than those hereinabove enumerated, it shall come under this act, and its rate of contribution to the accident fund hereinafter established, shall be, until fixed by legislation, determined by the department hereinafter created, upon the basis of the relation which the risk involved bears to the risk classified in section 4: *Provided, however,* the following operations shall not be deemed extra-hazardous within the meaning, or be included in the enumeration, of this section, to-wit: using power driven coffee grinders in wholesale or retail grocery stores; using power driven washing machines in establishments selling washing machines at retail; using power driven machinery in shoe repair shops; using computing machines in offices; using power driven taffy pullers in retail candy stores; using power driven milk shakers in establishments operating soda fountains; the duties of employees in restaurants; using power driven hair cutters in barber shops; using power driven machinery in beauty parlors; using power driven machinery in optical stores; driving automobiles, exclusive of trucks mentioned in class 11-1 of section 7676 of Remington's Compiled Statutes.

Operations excluded from extra-hazardous classification.

Director to declare occupation extra-hazardous.

Notice of hearing.

The director of labor and industries through and by means of the division of industrial insurance shall have power, after hearing had upon its own motion, or upon the application of any party interested, to declare any occupation or work to be extra-hazardous and to be under this act. The director of labor and industries shall fix the time and place of such hearing and shall cause notice thereof to be published once at least ten days before the hearing in at least one daily newspaper of general circulation, published and circulated in each city of the first class

of this state. No defect or inaccuracy in such notice or in the publication thereof shall invalidate any order issued by the director of labor and industries after hearing had. Any person affected shall have the right to appear and be heard at any such hearing. Any order, finding or decision of the director of labor and industries made and entered under the foregoing provisions of this act shall be subject to review within the time and in the manner specified in section 8 of this act, and not otherwise.

Review  
of finding.

SEC. 2. That section 2 of chapter 182 of the Laws of 1921, page 720 (section 7675 of Remington's Compiled Statutes) be amended to read as follows:

§ 3470,  
Pierce's  
Code.

Section 2. In the sense of this act words employed mean as here stated, to-wit:

Definitions.

Factories mean undertakings in which the business of working at commodities is carried on with power-driven machinery, either in manufacture, repair or change, and shall include the premises, yard and plant of the concern, except when otherwise expressly stated.

Factories.

Workshop means any plant, yard, premises, room or place wherein power-driven machinery is employed and manual labor is exercised by way of trade for gain or otherwise in or incidental to the process of making, altering, repairing, printing or ornamenting, finishing or adapting for sale or otherwise any article or part of article, machine or thing, over which premises, room or place the employer of the person working therein has the right of access or control, except when otherwise expressly stated.

Workshop.

Mill means any plant, premises, room or place wherein machinery is used, any process of machinery, changing, altering or repairing any article or commodity for sale or otherwise, together with the yards and premises which are a part of the plant, including elevators, warehouses and bunkers, except when otherwise expressly stated.

Mills.

Mine.

Mine means any mine where coal, clay, ore, mineral, gypsum or rock is dug or mined underground.

Quarry.

Quarry means an open cut from which coal is mined, or clay, ore, mineral, gypsum, sand, gravel or rock is cut or taken for manufacturing, building or construction purposes.

Engineering work.

Engineering work means any work of construction, improvement or alteration or repair of buildings, structures, streets, highways, sewers, street railways, railroads, logging roads, interurban railroads, harbors, docks, canals, electric, steam or water power plants, telegraph and telephone plants and lines, electric light or power lines, and includes any other works for the construction, alteration or repair of which machinery driven by mechanical power is used, except when otherwise expressly stated.

Employer.

Except when otherwise expressly stated, employer means any person, body of persons, corporate or otherwise, and the legal personal representatives of a deceased employer, all while engaged in this state in any extra-hazardous work or who contracts with another to engage in extra-hazardous work.

Workman.

Workman means every person in this state, who is engaged in the employment of any employer coming under this act whether by way of manual labor or otherwise, in the course of his employment: *Provided, however,* That if the injury to a workman is due to the negligence or wrong of another not in the same employ, the injured workman, or if death result from the injury, his widow, children, or dependents, as the case may be, shall elect whether to take under this act or seek a remedy against such other, such election to be in advance of any suit under this section; and if he take under this act, the cause of action against such other shall be assigned to the state for the benefit of the accident

Election of dependents to take under act.

Subrogation.

fund; if the other choice is made, the accident fund shall contribute only the deficiency, if any, between the amount of recovery against such third person actually collected, and the compensation provided or estimated by this act for such case. Any such cause of action assigned to the state may be prosecuted or compromised by the department, in its discretion. Any compromise by the workman of any such suit, which would leave a deficiency to be made good out of the accident fund, may be made only with the written approval of the department.

Compromise.

Deficiency payable from accident fund.

Any individual employer or any member or officer of any corporate employer who shall be carried upon the payroll at a salary or wage not less than the average salary or wage named in such payroll and who shall be injured, shall be entitled to the benefit of this act as and under the same circumstances, and subject to the same obligations, as a workman: *Provided*, That no such employer or the beneficiaries or dependents of such employer shall be entitled to benefits under this act unless the director of labor and industries prior to the date of the injury has received notice in writing of the fact that such employer is being carried upon the payroll prior to the date of the injury as the result of which claims for a compensation are made.

Injured employer may come under act.

Notice to director employer under act.

Dependent means any of the following named relatives of a workman whose death results from any injury and who leave surviving no widow, widower, or child under the age of sixteen years, viz: Invalid child over the age of eighteen years, daughter between sixteen and eighteen years of age, father, mother, grandfather, grandmother, stepfather, stepmother, grandson, granddaughter, brother, sister, half-sister, half-brother, niece, nephew, who at the time of the accident are actually and necessarily dependent in whole or in part for their support upon the earnings of the workman. Except

Dependent.

Invalid child.

Aliens, if not parents, excluded.

where otherwise provided by treaty, aliens other than father or mother, not residing within the United States at the time of the accident are not included. A dependent shall at all times furnish to the director of labor and industries proof satisfactory to the director of labor and industries of the nature, amount and extent of the contribution made by such deceased workman.

Proof of dependency.

Beneficiary.

Beneficiary means a husband, wife, child or dependent of a workman in whom shall vest a right to receive payment under this act.

Invalid.

Invalid means one who is physically or mentally incapacitated from earning.

Child.

The word "child" as used in this act, includes a posthumous child, a stepchild, a child legally adopted prior to the injury and an illegitimate child legitimated prior to the injury.

Injury.

The word "injury" as used in this act means a sudden and tangible happening, of a traumatic nature, producing an immediate or prompt result, and occurring from without, and such physical condition as results therefrom.

Hernia.

The word "hernia" means a real traumatic hernia resulting from the application of force which either punctures or tears the abdominal wall, as distinguished from all others which are either congenital or of slow development and not included within the meaning of the word "hernia".

Educational standard.

The term "educational standard" shall mean such standards as the supervisor of safety shall make for the purpose of educating and training both employer and workman in the appreciation and avoidance of danger, and in the maintenance and proper use of safe place and safety device standards.

§ 3471,  
Pierce's  
Code.

SEC. 3. That section 3 of chapter 131 of the Laws of 1919, page 345, as amended by section 1 of chapter 136 of the Laws of 1923, page 373, (section 7676

of Remington's Compiled Statutes) be amended to read as follows:

Section 3. Inasmuch as industry should bear the greater portion of the burden of the cost of its accidents, each employer shall, prior to the fifteenth day of each month hereafter, pay into the state treasury for the accident fund, a sum equal to a percentage of his total payroll for the preceding calendar month, and for the medical aid fund a certain number of cents for each day worked by workmen in extra-hazardous employment during the preceding calendar month, in accordance with the following schedule, to-wit: (The same being deemed the most accurate method of equitable distribution of burden in proportion to relative hazard) *Provided*, That, as nearly as may be practicable, the balance in the accident fund of any class, on the first day of each calendar month, together with the estimated payments to be made on or before the fifteenth day of each respective calendar month, shall not exceed one hundred and twenty-five per cent of the estimated amount required to carry such class for such month, based on the previous five years experience of such class, but there may be added the amount of the estimated deficit, if any, in the accident fund of such class on the first of such calendar month.

Accident fund payments.

Medical aid fund payments.

How computed.

INDUSTRIES.

CLASS 1:	Industrial Insurance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
1-1 Ditches and canals (not otherwise specified)	1¾%	3	Class 1
Canals other than irrigation.....	1¾%	3	
Excavations (not otherwise specified).....	1¾%	3	
Pipe laying (not otherwise specified).....	2%	6	
Grading (not otherwise specified).....	1¾%	3	
Diking .....	1¾%	3	
1-2 Drilling wells .....	2%	3	
1-3 Shaft sinking (not otherwise specified).....	8%	10	
Digging wells .....	8%	10	

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
1-4 Sewers (including all operations incidental to sewer construction, pipe laying, back filling, etc.) .....	2%	6
Back filling (incidental to pipe laying).....	2%	6
Side Sewers .....	2%	6
Conduit Construction .....	2%	6
Water main construction (includes all operations incidental to water main construction; back filling, pipe laying, etc.)....	2%	6
Tunnel work in connection with sewer and water main construction.....	2%	6
Trenches, ditches, excavations where depth is greater than width.....	2%	6
1-5 Tunnels (not otherwise specified includes lining of tunnels).....	3%	5
(Includes all labor in connection with and incidental to tunnel construction.)		
1-6 Tunnels, railroad (includes lining of tunnels) .....	2½%	4
1-7 Land clearing (includes clearing by all methods) .....	4½%	5
Clearing rights of way for roads and railroads .....	4½%	5
Clearing rights of way (not otherwise specified) .....	4½%	5
Grubbing stumps (includes grubbing stumps by all methods) .....	3%	3
1-8 Railroad construction (not otherwise specified) .....	3¼%	6
(Excludes all bridge and trestle work)		
Class 2. Railroad grading .....	2½%	3
CLASS 2:		
2-1 Bridges and bridge work.....	2½%	6
Steel bridges .....	2½%	6
Concrete bridges .....	2½%	6
Wooden bridges .....	2½%	6
Concrete or other types of culverts with span greater than 12 feet.....	2½%	6
Bridge foundations .....	2½%	6
Sub-aqueous work .....	2½%	6
Trestles, framed or pile.....	2½%	6
Wharf and pier construction.....	2½%	6
Pile driving .....	2½%	6
Bulkhead construction .....	2½%	6
Breakwaters and jetties.....	2½%	6
Railroads, steam (bridge and trestle work). .....	2½%	6
Marine railways .....	2½%	6



CLASS 5:		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	Class 5.
5-1	Window washing (excludes domestic servants regularly employed for other purposes..	2½%	4	
	Washing or cleaning buildings.....	2½%	4	
5-2	Brick work .....	1½%	2	
	Stone work .....	1½%	2	
	Marble, tile, terra cotta.....	1½%	2	
	Chimneys, (brick) .....	1½%	2	
	Slate work .....	1½%	2	
5-3	Plumbing .....	1%	2	
	Installation of heating and ventilation sys- tems .....	1%	2	
	Furnaces (installation in buildings).....	1%	2	
5-4	Painting of buildings or structures.....	2%	2½	
	Painting (inside or outside work).....	2%	2½	
	Sign painting .....	2%	2½	
	Frescoing .....	2%	2½	
	Whitewashing .....	2%	2½	
	Kalsomining .....	2%	2½	
5-5	Carpenter work (not otherwise specified)...	2%	3½	
	Hot house building .....	2%	3½	
	Wooden stair building.....	2%	3½	
	Lathing .....	2%	3½	
	Grain elevators (wood).....	2%	3½	
	House wrecking and moving store or bank fixtures installations .....	2%	3½	
	Advertising signs (wood).....	2%	3½	
	Elevators, freight or passenger (installation)	2%	3½	
	Roof work .....	2%	3½	
	Ornamental metal work.....	2%	3½	
	Glass setting (not otherwise specified).....	2%	3½	
	Galvanized iron and tin work.....	2%	3½	
	Fireproof doors and shutters.....	2%	3½	
	Demolishing structures .....	2%	3½	
	Safes and vaults (installation).....	2%	3½	
	Metal ceiling work.....	2%	3½	
5-6	Concrete construction (not otherwise speci- fied) .....	2%	3½	
	Concrete culverts (less than 12 ft. span)....	2%	3½	
	Concrete, plain or reinforced (not otherwise specified) .....	2%	3½	
	Concrete floors and foundations.....	2%	3½	
	Chimneys (concrete) .....	2%	3½	
	Erection and tearing down of forms in con- nection with concrete work.....	2%	3½	
5-7	Plastering .....	½%	1½	
	Paper hanging .....	½%	1½	

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Floor compositions (hot or cold).....	½%	1½
Mantel setting .....	½%	1½
Tile setting in floors.....	½%	1½
5-8 Iron and steel structures (not otherwise specified) .....	8%	8
Tanks, wood or metal (erection).....	8%	8
Chimneys, metal (erection).....	8%	8
Metal smoke stacks or chimneys.....	8%	8
Windmills, wood or metal (erection).....	8%	8
Water towers, metal or wood (erection)....	8%	8
Fire escapes .....	8%	8
5-9 Hardwood floors (laying).....	½%	1
5-10 General construction (includes all operations by temporary employers in building con- struction) .....	2%	4
CLASS 6:		
6-1 Electric apparatus (installation in build- ings) .....	¾%	2½
Electric wiring (inside).....	¾%	2½
Automatic sprinklers (installation).....	¾%	2½
Conduit work (excludes construction of con- duit) .....	¾%	2½
Fire alarm systems (installation).....	¾%	2½
6-2 Electric railway construction.....	1½%	4
Street railway construction (including cable) (excludes grading and bridge work) .....	1½%	4
Street railway grading.....	1½%	4
Telegraph and telephone construction.....	1½%	4
Transmission lines (construction).....	1½%	4
6-3 Installation of machinery (not otherwise specified) .....	1½%	2
Dynamo installation .....	1½%	2
Covering steam pipes and boilers.....	1½%	2
Gas engines (installation).....	1½%	2
Boilers and engines, steam (installation)..	1½%	2
Belts, pulleys, shafting (installation).....	1½%	2
Dismantling machinery .....	1½%	2
Moving machinery, boilers, etc.....	1½%	2
6-4 Junk dealers .....	1%	1½
8-1 Street and highway paving (construction)	1½%	3
Asphalt paving .....	1½%	3
Brick paving (construction and repair)....	1½%	3
Block paving (wood, stone).....	1½%	3
Concrete paving.....	1½%	3
Bituminous pavements (all types).....	1½%	3

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
Asphalt mixing .....	1½%	3	
Concrete sidewalks .....	1½%	3	
Plank sidewalks .....	1½%	3	
Road and highway pavements (not otherwise specified) .....	1½%	3	
Plank road and street construction.....	1½%	3	
8-2 Road and street grading.....	2%	3	
8-3 Road and street maintenance.....	2%	2	
Road and street employees.....	2%	2	
Irrigation ditches (maintenance).....	2%	2	
Ditches (not otherwise specified) (main- tenance) .....	2%	2	
Engineers and surveyors (includes city, county or state engineers engaged in field work) .....	2%	2	
8-4 Gravel bunkers (operation).....	2½%	3	
Gravel pits (operated in connection with road work) .....	2½%	2	
Sand bunkers (operation).....	2½%	3	
CLASS 9:			Class 9.
9-1 Ship or boat building (steel hulls).....	1¾%	2	
Repair work on steel vessels (includes all operations incidental to this industry within ship yard) .....	1¾%	4	
9-2 Ship or boat building (wooden hulls).....	1¾%	4	
Repair work on wooden vessels (includes all operations within shipyard) .....	1¾%	4	
9-3 Ship or boat building (concrete hulls).....	1¾%	4	
Repair work on concrete vessels (includes all operations within shipyard).....	1¾%	4	
9-4 Steamboats, tugs, ferries (operation).....	1¾%	3	
CLASS 10:			Class 10.
10-2 Saw mills .....	1¾%	3	
Wood saws in fuel yards.....	1¾%	3	
Planing mills (independent) .....	1¾%	3	
Tie mills .....	1¾%	3	
Planing mills (not otherwise specified)....	1¾%	3	
Lath mills .....	1¾%	3	
Masts (with or without machinery).....	1¾%	3	
Spars (with or without machinery).....	1¾%	3	
10-3 Shingle mills .....	1¾%	3½	
10-6 Creosote works .....	3%	6	
Pile treating works .....	3%	6	
10-7 Lumber inspectors .....	½%	2	

		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Class 11.	CLASS 11:		
	11-1 Team and truck driving (includes all ware- houses operated by transfer companies) . . . . .	1¼%	2½
	Safe moving (in connection with transfer, drayage, etc.) . . . . .	1¼%	2½
	11-2 Retail lumber yards . . . . .	1¾%	3
	Trucking (contract) . . . . .	3%	4
	Retail fuel yards (includes wood saws and all employees in fuel yards) . . . . .	1¾%	3
	General hauling (N. O. S.) and contract trucking . . . . .	3%	4
	11-3 Lumber yards (retail) (without power driven machinery) . . . . .	1½%	1½
	11-4 Auto freight transportation . . . . .	2%	2
Class 12.	CLASS 12:		
	12-1 Dredging (operation) . . . . .	1¾%	3
Class 13.	CLASS 13:		
	13-1 Electric light and power plants (operation) . . . . .	1¾%	2
	Electric systems (not otherwise specified) . . . . .	1¾%	2
	Bridge tenders electrically operated . . . . .	1¾%	2
	13-2 Steam heat and power plants . . . . .	2%	1½
	13-3 Telephone and telegraph (operation and maintenance) (excludes telephone and telegraph operators) . . . . .	2%	3
Class 14.	CLASS 14:		
	14-1 Street railways (operation) . . . . .	¾%	1½
	14-2 Interurban railways (operation) . . . . .	1%	3
	14-3 Steam railroad operations (excludes logging railroads) . . . . .	2½%	2½
Class 16.	CLASS 16:		
	16-1 Coal mines (includes shaft sinking and all tunnelling in connection with coal mines) . . . . .	3%	8
	Coke ovens (operation) (excludes office force only) . . . . .	3%	8
Class 17.	CLASS 17:		
	17-1 Gravel pits . . . . .	1%	4
	17-2 Mines (other than coal) (includes all shaft sinking and tunnelling in connection with mines other than coal) . . . . .	1½%	4
	Ore reduction (by wet or dry process at the mine) . . . . .	1½%	4
	17-3 Quarries . . . . .	2¾%	4
	Stone cutting (quarry hazard) . . . . .	2¾%	4
	17-4 Stone crushing . . . . .	1½%	4

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
<b>CLASS 18:</b>			
18-1 Blast furnaces (operation).....	¾%	2½	Class 18.
Rolling mills (operation).....	¾%	2½	
Steel and iron making.....	¾%	2½	
Open hearth furnaces (operation).....	¾%	2½	
18-2 Smelters (operation) .....	½%	4	
Copper, lead, zinc, etc., smelting.....	½%	4	
<b>CLASS 19:</b>			
19-1 Gas works (operation) (excludes meter readers, complaint men, solicitors, and store room employees).....	1%	1	Class 19.
<b>CLASS 21:</b>			
21-1 Chop, feed, and flour mills (operation)....	¾%	1½	Class 21.
Seed cleaning .....	¾%	1½	
21-2 Grain warehouse and elevators (operation)	¾%	1½	
21-3 General warehouse and storage (operation)	½%	1	
(Excludes operations in connection with Class 11.)			
21-4 Fruit warehouses .....	¾%	1	
<b>CLASS 22:</b>			
22-1 Laundries (operation) .....	35%	1	Class 22.
Dye works and cleaners.....	35%	1	
<b>CLASS 23:</b>			
23-1 Water works (operation).....	¾%	1½	Class 23.
<b>CLASS 24:</b>			
24-1 Paper mills (operation).....	1%	2	Class 24.
Pulp mills (operation).....	1%	2	
<b>CLASS 29:</b>			
29-1 Cooperage (manufacturing) .....	1%	2½	Class 29.
Staves, barrel, tub (manufacturing).....	1%	2½	
Barrels, kegs, pails (manufacturing).....	1%	2½	
Basket manufacturing .....	1%	2½	
29-2 Sash, door, blinds, etc.....	1%	2½	
Planing mill (in connection with sash and door factory) .....	1%	2½	
Glazing and beveling glass (in connection with sash and door).....	1%	2½	
29-3 Excelsior (manufacturing) .....	1¼%	2	
Veneering (manufacturing) .....	1¼%	2	
Cabinet works .....	1¼%	2	
Furniture (manufacturing) .....	1½%	2	
Boxes and packing cases (manufacturing)..	1¼%	2	
Wooden and fibre ware (manufacturing)..	1½%	2	
Wood working (not otherwise specified)...	1¼%	2	
Kindling wood .....	1¼%	2	
Wood pipe (manufacturing).....	1¼%	2	
Pattern shops (independent).....	1¼%	2	

		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Class 31.	CLASS 31:		
	31-1 Building material (manufacturing) (not otherwise specified) .....	1%	2
	Concrete blocks and files (independent of concrete construction) .....	1%	2
	Cement staves (independent of concrete con- struction) .....	1%	2
	Lime (manufacturing) .....	1%	2
	Paint and oils (manufacturing) .....	$\frac{3}{4}\%$	2
	31-2 Cement (manufacturing) .....	$\frac{3}{4}\%$	2½
	31-3 Stone handling and cutting (not quarry hazard) .....	1%	1½
	Paving blocks (cutting) .....	1%	1½
Class 33.	CLASS 33:		
	33-1 Fish canneries (operation) .....	1¾%	2
	33-2 Fish oil (manufacturing) .....	½%	1
	Fish products (not otherwise specified) .....	½%	1
Class 34.	CLASS 34:		
	34-1 Auto repair shops (operation) .....	½%	2
	Auto garages (operation) .....	½%	2
	Vulcanizing tires and tubes .....	½%	2
	Automobile painting .....	½%	2
	34-2 Machine shops (operation) .....	$\frac{3}{4}\%$	2
	Blacksmith shops (operation) .....	$\frac{3}{4}\%$	2
	Boiler works (operation) .....	$\frac{3}{4}\%$	2
	Foundries (operation) .....	$\frac{3}{4}\%$	2
	Wood working (incidental to car and ma- chine building) .....	$\frac{3}{4}\%$	2
	Welding (not otherwise specified) .....	$\frac{3}{4}\%$	2
	34-4 Metal working trades (not otherwise speci- fied) .....	1%	2
	Sheet metal (manufacturing) .....	1%	2
	Metal stamping .....	1%	2
	Tin stamping .....	1%	2
	Hardware (manufacturing) .....	1%	2
	Galvanized iron works .....	1%	2
	Cans, (manufacturing) .....	1%	2
	34-5 Aeroplane pilots and instructors .....	2½%	3
	34-6 Gas service stations .....	¼%	2
	Oil service stations .....	¼%	2
Class 35.	CLASS 35:		
	35-1 Brick and tile (manufacturing) .....	1¼%	2
	Earthenware (manufacturing) .....	1¼%	2
	Porcelain (manufacturing) .....	1¼%	2
	Fireclay (manufacturing) .....	1¼%	2
	Terra cotta .....	1¼%	2
	Pottery (manufacturing) .....	1¼%	2

	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day	
35-2 Briquettes (manufacturing) .....	1%	1	
Peat fuel (manufacturing).....	1%	1	
Charcoal (manufacturing) .....	1%	1	
35-3 Glass (manufacturing) .....	½%	1	
CLASS 37:			Class 37.
37-1 Alcohol, ammonia, nitrogen, oxygen (manu- facturing) .....	1%	2½	
37-2 Bottling works (operation).....	¾%	2	
Breweries (operation) .....	¾%	2	
CLASS 38:			Class 38.
38-1 Brooms and brushes (manufacturing).....	½%	1	
38-2 Textile (manufacturing) .....	¼%	1	
Wool (working in).....	¼%	1	
Cloth (working in).....	¼%	1	
38-3 Cordage (manufacturing) .....	½%	1	
38-4 Leather (working in).....	½%	1	
Rubber (working in).....	½%	1	
Vulcanizing (excludes work in garages)....	½%	2	
Asbestos products (manufacturing) .....	½%	1	
38-5 Paper products (manufacturing).....	½%	1	
Paper (working in).....	½%	1	
CLASS 39:			Class 39.
39-1 Bakeries, candy and crackers (manufactur- ing) .....	¼%	1	
Maccaroni (making) .....	¼%	1	
39-2 Foodstuffs (not otherwise specified).....	¾%	2	
Fruits and vegetables (working in) (in- cludes canning, preserving, pickling)...	¾%	2	
Oils (working in edible oils).....	¾%	2	
39-3 Sugar refineries (operation).....	4%	5	
CLASS 40:			Class 40.
40-1 Condensed milk (operation).....	1¼%	1½	
40-2 Creameries (operation) .....	⅓%	1½	
Ice cream (manufacturing).....	⅓%	1½	
Cheese making .....	⅓%	1½	
CLASS 41:			Class 41.
41-1 Electrotyping .....	¼%	1	
Engraving, photo .....	¼%	1	
Photoengraving .....	¼%	1	
Lithographing .....	¼%	1	
41-2 Printing .....	¼%	½	
Linotype (includes all employes in room with machinery and shafting).....	¼%	½	
41-3 Jewelry manufacturing .....	¼%	½	
Jewelry engraving .....	¼%	½	

		Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Class 42.	CLASS 42:		
	42-1 Wharf operations .....	½%	2
	Longshoring .....	2%	4
Class 43.	CLASS 43:		
	43-1 Packing houses (operation).....	1¼%	3
	Sausage making .....	1¼%	3
	Slaughtering .....	1¼%	3
	Soap and tallow making.....	1¼%	3
	Lard making .....	1¼%	3
	Tallow (making) .....	1¼%	3
	Fertilizer manufacturing .....	1¼%	3
	Stock yards (operation).....	1¼%	3
	Tanneries (operation) .....	1¼%	3
	Meat products, canneries .....	1¼%	3
	43-2 Garbage works (operation).....	3%	8
	Incinerators (operation) .....	3%	8
	43-3 Meat markets (retail) (with power machin- ery) .....	½%	1½
Class 44.	CLASS 44:		
	44-1 Cold storage (operation).....	1%	2
	Artificial ice, manufacturing and delivery. 1%		2
	44-2 Natural ice, producing and handling.....	10%	8
Class 45.	CLASS 45:		
	45-1 Theatre stage employees.....	1/10%	½
	Moving picture operators.....	1/10%	½
Class 46.	CLASS 46:		
	46-1 Powder works (manufacturing).....	2¾%	3
	46-2 Fire works (manufacturing).....	1%	1
Class 48.	CLASS 48:		
	Elective adoption for non-hazardous indus- tries .....	1%	2
	Elective adoption (subclasses)		
	48-1 Office employees, clerks, janitors, care- takers and N. O. S.....	½%	1
	48-2 Automobile and truck drivers (where gen- eral occupation is not extra-hazardous) .	¾%	2
	48-3 Agricultural workers .....	2%	3
	48-5 Inside occupations (not otherwise specified)	¾%	1½
	48-6 Outside occupations (not otherwise speci- fied) .....	¾%	1½
Class 49.	CLASS 49:		
	49-1 Guards, penitentiary and other state institu- tions .....	2%	2
	Highway patrol .....	2%	3
	Marshals and other salaried peace officers..	2%	2
	Peace officers on salary.....	2%	2



	Industrial In- surance Rate, Per Cent of Payroll	Medical Aid Rate, Cents Per Day
Policemen .....	2%	2
Sheriffs and their salaried deputies.....	2%	2
Wardens, fish and game, on salary.....	2%	2
49-2 Foresters (rangers having police power)...	1%	2
 CLASS 50:		
50-1 Logging (includes all operations in connec- tion with and incidental to logging)....	3¼%	6
Logging railroad operations.....	3¼%	6
Logging railroad grading.....	3¼%	6
Logging railroad construction (includes bridge and trestle work on logging rail- roads) .....	3½%	6
Cutting wood and bolts.....	3½%	6
Booming and driving logs (not otherwise specified) .....	3½%	6
Tie cutting .....	3½%	6
50-2 Booming logs (this sub-class exclusively for independent boom companies. All boom- ing and driving done by logging com- panies must be classified as 50-1).....	1½%	2

Class 50.

The application of this act as between employers and workmen shall date from and include the first day of July, 1927: *Provided*, That this section shall not be effective until the first day of October, 1927. At least once each year an adjustment of accounts shall be made upon the basis of the actual payroll, whereupon class rates shall be adjusted accordingly. Every employer who shall enter into business at any intermediate day, or who shall resume operations in any work or plant after the final adjustment of his payroll in connection therewith, shall, before so commencing or resuming operations, as the case may be, notify the director of labor and industries of such fact, accompanying such notification with an estimate of his payroll for the first calendar month of his proposed operations, and shall make payment of the premium on such estimated payroll. Every such employer shall be liable for a premium of at least such estimated payroll. Every such employer

Act to date  
from July 1,  
1927.

Commencing  
or resuming  
operations.

shall be liable for a premium of at least one dollar irrespective of the amount of his payroll.

True  
payroll.

Every employer within the provisions of this act shall on or before the fifteenth day of each month hereafter furnish the department with a true and accurate payroll showing the aggregate number of work days, that is men-days, during which workmen were employed by him during the preceding calendar month, the total amount paid to such workmen during such preceding calendar month, and a segregation of employment in the different classes provided in this act, and shall pay his premiums thereon to the accident fund and medical aid fund. The sufficiency of such statement shall be subject to the approval of the director of labor and industries.

Record of  
employment.

Every employer shall keep at his place of business a record of his employment from which the above information may be obtained and such record shall at all times be open to the inspection of the director of labor and industries, supervisor of industrial insurance, or the traveling auditors, agents or assistants of the department, as provided in section 7690 of Remington's Compiled Statutes of Washington.

Names of  
partners or  
others  
excluded  
from  
payroll.

In all cases where partners or other persons are excluded on the payroll such statement shall state both the names and occupations of the parties excluded and no such person shall be entitled to compensation unless notice in writing that such excluded person has been included is received by the department prior to the date of injury to such person. Such employer shall at the time of reporting his payroll also state the names and addresses of any contractor or subcontractor operating for or under him.

Notice to  
department.

Penalty for  
failure to  
keep record.

Every person, firm or corporation who shall fail to keep such record or fail to make such report in the manner and at the time herein provided shall be subject to a penalty of one hundred dollars (\$100.00)

for each such offense, to be collected by civil action in the name of the state and paid into the accident fund.

Every employer who shall fail to furnish an estimated payroll and make payments as above provided shall be liable to a penalty of not to exceed five hundred dollars (\$500.00) and shall also be liable if an accident has been sustained by an employee prior to the time such estimate is received by the department, to a penalty in a sum equal to fifty per cent of the cost to the accident fund and medical aid fund of such accident, to be collected in a civil action in the name of the state, and paid into the accident fund. In case the consequent payment to the injured workman, his dependents or beneficiaries, be payable in monthly payments, the cost to the accident fund shall be estimated in accordance with the rules stated in section 7681 of Remington's Compiled Statutes of Washington. The director of labor and industries may waive the whole or any part of any penalty charged under this act. In respect to any injury happening to any of his workmen during the period such employer shall be in default in the payment of any premium, if such default be after demand for payment, or if such employer shall be in default for failure to furnish the department with an estimated payroll or with monthly reports of his payroll as required under section 7676 of Remington's Compiled Statutes, the defaulting employer shall not be entitled to the benefits of this act, but shall be liable to suit by the injured workman (or his beneficiaries and dependents), at his or their option, as he would have been on March 14, 1911, and in any action brought against such employer, it shall be no defense for such employer to show that such injury was caused in whole or in part by the negligence of a fellow servant of the injured workman,

Failure to furnish estimated payroll.

Penalty.

Director may waive penalty.

Injury to workmen during default.

Employer's liability.

Defenses not available to employer.

that the negligence of the injured workman, other than his wilful act committed for the purpose of sustaining the injury, contributed to the accident, or that the injured workman had knowledge of the danger or assumed the risk which resulted in his injury. If such injured workman or his beneficiaries, or dependents, shall elect to take under this act, such action against the employer shall revert to the state for the benefit of the accident fund.

Take under act. Proceeds from action revert to state.

Any employer who shall misrepresent to the department the amount of his payroll or the number of days upon which the premium under this act is based shall be liable to the state in ten times the amount of the difference in premium paid and the amount the employer should have paid, and shall also be guilty of a misdemeanor if such misrepresentation shall be made knowingly. Civil penalties to the state under this act shall be collected by civil action in the name of the state and paid into the accident fund.

Payroll misrepresentation.

Penalty.

Collection of civil penalties.

Any person, firm or corporation who not having previously reported to the department shall establish any new plant, or works, or enter upon the performance of any new building contract or construction contract and who shall fail to send written notice thereof to the department within five days after such establishing or entering shall be guilty of a misdemeanor.

New plant or works.

Failure to report.

Penalty.

For the purpose of such payments into the accident fund accounts shall be kept with each industry in accordance with the classification herein provided and no class shall be liable for the depletion of the accident fund from accidents happening in any other class. Each class shall meet and be liable for the accidents occurring in such class. The fund thereby created shall be termed the "accident fund" which shall be devoted to the purpose specified for it in this act.

Industry classification.

Class liability.

"Accident fund."

The medical aid fund created in Section 7713 of Remington's Compiled Statutes of Washington shall not be kept by classes and all payments shall be made from the one fund, but accounts shall be kept with each class and sub-class of industry in accordance with the classification herein provided for the purpose of computing the medical aid cost experience of such classes and sub-classes and determining the correctness of the medical aid rates charged such classes and sub-classes.

How medical aid fund kept.

In that the intent is that the accident fund created under this section shall ultimately become neither more nor less than self-supporting, exclusive of the expense of administration, the rates named in this section are subject to future adjustment by the director of labor and industries, in accordance with any relative increase or decrease in hazard shown by experience, and if in the adjustment by the director of labor and industries the moneys paid into the fund of any class or classes shall be insufficient to properly and safely distribute the burden of accidents occurring therein, the department may divide, rearrange or consolidate such class or classes, making such adjustment or transfer of funds as it may deem proper.

Accident fund to be self-supporting.

Increase or decrease in hazard.

Adjustment.

It shall be unlawful for the employer to deduct or obtain any part of the premium required by this section to be by him paid into the accident fund from the wages or earnings of his workmen or any of them, and the making or attempting to make any such deduction shall be a gross misdemeanor. The director of labor and industries shall make corrections of classifications as between classes of industries if and as experience shall show error or inaccuracy therein. From the original classification or premium rating or any change made therein, any employer claiming to be aggrieved may upon application have a hearing before the joint board created

Unlawful to deduct premium from workmen's earnings.

Penalty.

Corrections of classifications.

Appeal from  
classification.

by the administrative code upon notice to the interested parties, and in the manner provided in section 8 hereof, a review by the courts.

Establishment comprising different classes of occupations.

If a single establishment or work comprises several occupations listed in this section in different risk classes, the premium shall be computed according to the payroll of each occupation, or in the discretion of the director of labor and industries, a single rate of premium may be charged for the entire establishment based upon the rate of premium of the occupation reporting the largest payroll. In computing the payroll the entire compensation received by every workman employed in extra-hazardous employment shall be included, whether it be in the form of salary, wage, piecework, overtime, or any allowance in the way of profit sharing, premium or otherwise, and whether payable in money, board, or otherwise.

Rate of premium.

How payroll computed.

Attorney of department of labor.

The director of labor and industries shall have power to authorize any employee of the department who is an attorney admitted to practice law in the State of Washington to appear for the department in any action instituted for the purpose of collecting industrial insurance premiums.

§ 3472,  
Pierce's  
Code.

SEC. 4. That section 4 of chapter 131 of the Laws of 1919, page 355, as amended by section 2 of chapter 136 of the Laws of 1923, page 387 (section 7679 of Remington's Compiled Statutes) be amended to read as follows:

Workman injured.

Compensation.

Section 4. Each workman who shall be injured in the course of his employment, or his family or dependents in case of death of the workman, shall receive out of the accident fund compensation in accordance with the following schedule, and, except as in this act otherwise provided, such payment shall be in lieu of any and all rights of action whatsoever against any person whomsoever.

## COMPENSATION SCHEDULE.

(a) Where death results from the injury the expenses of burial not to exceed one hundred dollars (\$100.00) in any case where the deceased was an unmarried man, or one hundred and fifty dollars (\$150.00) in any case where the deceased left a widow or an orphan child or children shall be paid to the undertaker conducting the funeral: *Provided*, That no sum shall be paid an undertaker for the burial expenses where the deceased left a widow or an orphan child or children unless the undertaker shall make and file with the department an affidavit that no part of the burial expenses have been either directly or indirectly paid by or charged to the widow or orphan child or children.

Compensation schedule.

Burial fee.

Undertaker's affidavit.

(1) If the workman leaves a widow or invalid widower, a monthly payment of thirty-five dollars (\$35.00) shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage shall occur, and the surviving spouse shall also receive per month for each child of the deceased under the age of sixteen years at the time any monthly payment is due the following payments: For the youngest or only child twelve dollars and fifty cents (\$12.50), for the next or second youngest child seven dollars and fifty cents (\$7.50), and for each additional child five dollars (\$5.00): *Provided*, That in addition to the monthly payments above provided for, a surviving widow of any such deceased workman shall be forthwith paid the sum of two hundred and fifty dollars (\$250.00).

Widow or invalid widower.

Children.

Additional payment to widow.

Upon remarriage of a widow she shall receive once and for all, a lump sum of two hundred forty dollars (\$240.00), but the monthly payments for the child or children shall continue as before.

Widow remarries.

(2) If the workman leave no wife or husband, but an orphan child or children under the age of sixteen years, a monthly payment of twenty-five

Children under 16 years.

dollars (\$25.00) shall be made to each such child until such child shall reach the age of sixteen years, but the total monthly payment shall not exceed seventy-five dollars (\$75.00) and any deficit shall be deducted proportionately among the beneficiaries.

Dependents.

(3) If the workman leaves no widow, widower or child under the age of sixteen years, but leaves a dependent or dependents, a monthly payment shall be made to each dependent equal to fifty per cent of the average monthly support actually received by such dependent from the workman during the twelve months next preceding the occurrence of the injury, but the total payment to all dependents in any case shall not exceed twenty dollars (\$20.00) per month. If any dependent is under the age of sixteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent shall reach the age of sixteen years. The payment to any dependent shall cease if and when, under the same circumstances, the necessity creating the dependency would have ceased if the injury had not happened.

Workman  
under age  
of 21 years.

Payments  
to parents.

If the workman is under the age of twenty-one years and unmarried at the time of his death, the parents or parent of the workman shall receive twenty dollars (\$20.00) per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Surviving  
spouse dies  
leaving  
children.

(4) In the event a surviving spouse receiving monthly payments shall die, leaving a child or children under the age of sixteen years, such child or children shall receive each the sum of twenty-five dollars (\$25.00) per month until arriving at the age of sixteen years, but the total monthly payment shall not exceed seventy-five dollars (\$75.00) and any deficit shall be deducted proportionately among the beneficiaries.



(b) Permanent total disability means loss of both legs, or arms, of one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the workman from performing any work at any gainful occupation.

Permanent total disability defined.

When permanent total disability results from the injury, the workman shall receive monthly during the period of such disability:

(1) If unmarried at the time of the injury, the sum of thirty-five dollars (\$35.00).

Schedule of compensation. Workman unmarried.

(2) If the workman have a wife or invalid husband, but no child under the age of sixteen years, the sum of forty dollars (\$40.00).

Workman with wife or invalid husband.

If the husband is not an invalid the monthly payment of forty dollars (\$40.00) shall be reduced to twenty dollars (\$20.00) as long as they are living together as husband and wife.

Husband not an invalid.

(3) If the workman have a wife or husband and a child or children under the age of sixteen years, or, being a widow or widower, having any such child or children, the monthly payment provided in the preceding paragraph shall be increased by twelve dollars and fifty cents (\$12.50) for the youngest or only child, seven dollars and fifty cents (\$7.50) for the next or second youngest child, and five dollars (\$5.00) for each additional child under the age of sixteen years.

Workman has wife or husband and minor children.

(4) In case of total permanent disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of a constant attendant, the monthly payment to such workman shall be increased twenty-five dollars (\$25.00) per month as long as such requirement shall continue, but such increase shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of sections 7712 to 7725, inclusive, of Remington's Compiled Statutes.

Services of constant attendant required.

Death during  
disability  
period.

(c) If the injured workman die, during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower or child under the age of sixteen years, the surviving widow or invalid widower shall receive thirty-five dollars (\$35.00) per month until death or remarriage, to be increased per month for each child of the deceased under the age of sixteen years at the time any monthly payment is due, as follows: for the youngest or only child twelve dollars and fifty cents (\$12.50), for the next or second youngest child seven dollars and fifty cents (\$7.50), and for each additional child five dollars (\$5.00); but if such child is or shall be without father or mother, such child shall receive twenty-five dollars (\$25.00) per month until arriving at the age of sixteen years. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

Invalid  
child in state  
institution.

An invalid child while being supported and cared for in a state institution shall not receive compensation under this act. If an injured workman, or the surviving spouse of an injured workman, shall not have the custody of a minor child for, or on account of, whom payments are required to be made under this section, such payment or payments shall be made to the person having the lawful custody of such minor child.

Payments to  
one having  
legal custody  
of minor  
children.

(d) (1) When the total disability is only temporary, the schedule of payments contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall apply, so long as the total disability shall continue, (2) but if the injured workman have a wife or husband and have no child or have a wife or husband, or being a widow or widower, with one or more children under the age of sixteen years, the compensation for the case during the first six months or such lesser period of time as the total tem-

Temporary  
total  
disability.

porary disability shall continue, shall be per month as follows, to-wit: Injured workman whose husband is not an invalid, twenty-two dollars and fifty cents (\$22.50); injured workman having one child, whose husband is not an invalid, thirty dollars (\$30.00); injured workman having two children whose husband is not an invalid, thirty-seven dollars and fifty cents (\$37.50); injured workman having three children, whose husband is not an invalid, forty-five dollars (\$45.00); injured workman having four or more children, whose husband is not an invalid, fifty-two dollars and fifty cents (\$52.50); injured workman with wife or invalid husband and no child, forty-two dollars and fifty cents (\$42.50); injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, fifty-two dollars and fifty cents (\$52.50); injured workman with a wife or invalid husband and two children, or being a widow or widower and having two children, sixty dollars (\$60.00), and five dollars (\$5.00) for each additional child.

Should a workman suffer a temporary total disability, and should his employer, at the time of his injury, continue to pay him the wages which he was earning at the time of such injury, such injured workman shall not receive any payment provided in paragraph (d) subdivision (1) from the accident fund during the period his employer shall so pay such wages.

If wages paid during disability, no payments under act.

(3) If such temporary total disability shall endure longer than said six months' period, the schedule of compensation contained in paragraphs (1), (2) and (3) of the foregoing subdivision (b) shall at the end of said six months' period again obtain.

Temporary total disability for more than six months.

(4) As soon as recovery is so complete that the present earning power of the workman, at any kind of work, is restored to that existing at the time of the occurrence of the injury, the payments shall

Partially or wholly recovered.

cease. If and so long as the present earning power is only partially restored, the payments shall continue in the proportion which the new earning power shall bear to the old. No compensation shall be payable out of the accident fund unless the loss of earning power shall exceed five per cent.

Loss of earning power basis of payment.

No payment for natural and as step-child.

No payment shall be made to or for a natural child of a deceased workman, and at the same time, as the step-child of a deceased workman.

Reserve fund created.

(e) There is hereby created in the office of the state treasurer a fund to be known and designated as the reserve fund out of which shall be made the payments specified in this section for all cases of death or permanent total disability including future payments to be made for the cases of that character which have heretofore arisen. Into the reserve fund there shall be forthwith placed all unexpended funds, in cash or invested, heretofore set aside for cases requiring a reserve. For every case resulting in death or permanent total disability hereafter arising it shall be the duty of the department to make transfer on their books from the accident fund of the proper class to the reserve fund a sum of money for that case equal to the estimated present cash value of the monthly payments provided for it, to be calculated upon the basis of an annuity covering the payments in this section provided to be made for the case. Such annuities shall be based upon tables to be prepared for that purpose by the state insurance commissioner and by him furnished to the state treasurer, calculated upon standard mortality tables with an interest assumption of four (4) per cent per annum.

Death or total disability.

Annuities.

How computed.

Investment of reserve.

The department shall notify the state treasurer from time to time of such transfers as a whole and the state treasurer shall invest the reserve in either state capital building bonds issued to take up capitol building warrants now outstanding, or in the

class of securities provided by law for the investment of the permanent school fund, and the interest or other earnings of the reserve fund shall become a part of the reserve fund itself. The department shall, on October 1st of each year, apportion the interest or other earnings of the reserve fund as certified to it by the state treasurer, to the various class reserve funds according to the average class balance for the preceding year. As soon as possible after October 1st of each year, beginning in the year 1927, the state insurance commissioner shall expert the reserve fund of each class to ascertain its standing as of October 1st, of that year, and the relation of its outstanding annuities at their then value to the cash on hand or at interest belonging to that fund. He shall promptly report the result of his examination to the department and to the state treasurer in writing not later than December 31st, following. If the report shows that there was on said October 1st, in the reserve fund of any class in cash or at interest a greater sum than the then annuity value of the outstanding pension obligations of that class, the surplus shall be forthwith turned over to the accident fund of that class, but if the report shows the contrary condition of any class reserve, the deficiency shall be forthwith made good out of the accident fund of that class. The state treasurer shall keep accurate accounts of the reserve fund and the investment and earnings thereof, to the end that the total reserve funds shall at all times, as near as may be, be properly and fully invested, and to meet current demands for pension or lump sum payments may, if necessary, make temporary loans to the reserve fund out of the accident fund for that class, repaying same from the earnings of that reserve fund or from collections of its investments, or, if necessary, sales of the same.

Insurance  
commission  
to expert  
reserve fund.

Reserve fund  
surplus.

Deficiency.

State  
treasurer to  
keep reserve  
fund  
accounts.

Permanent  
partial  
disability  
defined.

Schedule of  
compensation.

(f) Permanent partial disability means the loss of either one foot, one leg, one hand, one arm, one eye, one or more fingers, one or more toes, any dislocation where ligaments were severed where repair is not complete, or any other injury known in surgery to be permanent partial disability. For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Major  
permanent  
partial  
disability.

SPECIFIC MAJOR PERMANENT PARTIAL DISABILITY  
INJURIES.

Loss of one leg amputated so near the hip that an artificial limb cannot be worn.....	\$3,000 00
Loss of one leg at or above the knee so that an artificial limb can be worn.....	2,280 00
Loss of one leg below the knee.....	1,560 00
Loss of the major arm at or above the elbow.....	2,280 00
Loss of one arm so near the shoulder that an artificial arm cannot be worn.....	3,000 00
Loss of the major hand at wrist.....	1,920 00
Loss of one eye by enucleation.....	1,440 00
Loss of sight of one eye.....	1,080 00
Complete loss of hearing in both ears.....	2,280 00
Complete loss of hearing in one ear.....	600 00

Minor  
permanent  
partial  
disability.

SPECIFIC MINOR PERMANENT PARTIAL DISABILITY  
INJURIES.

Loss of one thigh at upper third.....	\$2,280 00
Loss of one thigh at lower third.....	2,280 00
Loss of one leg at lower third.....	1,560 00
Loss of foot at the ankle.....	1,560 00
Loss of great toe with metatarsal bone thereof.....	480 00
Loss of great toe at the proximal joint.....	300 00
Loss of great toe at the second joint.....	105 00
Loss of one other toe other than the great toe with metatarsal bone thereof.....	165 00
Loss of second toe at proximal joint.....	75 00
Loss of third toe at proximal joint.....	75 00
Loss of fourth toe at proximal joint.....	75 00
Loss of fifth toe at proximal joint.....	30 00
Loss of metatarsal bone on toe other than great toe...	90 00
Loss of fore-arm at upper third.....	2,100 00
Loss of fore-arm at lower third.....	2,100 00
Loss of thumb with metacarpal bone thereof.....	720 00
Loss of thumb at proximal joint.....	480 00
Loss of thumb at second joint.....	180 00

Loss of index or first finger at proximal joint.....	390 00
Loss of index or first finger at second joint.....	330 00
Loss of index or first finger at distal joint.....	150 00
Loss of middle or second finger at proximal joint.....	300 00
Loss of middle or second finger at second joint.....	250 00
Loss of middle or second finger at distal joint.....	90 00
Loss of ring or third finger at proximal joint.....	270 00
Loss of ring or third finger at second joint.....	210 00
Loss of ring or third finger at distal joint.....	90 00
Loss of little or fourth finger at proximal joint.....	105 00
Loss of little or fourth finger at second joint.....	75 00
Loss of little or fourth finger at distal joint.....	30 00
Loss of metacarpal bone in finger except thumb.....	75 00
Broken arch in foot.....	600 00
Ankylosed ankle .....	480 00
Ankylosed knee .....	600 00

*Provided, however,* If any of the above mentioned specific minor permanent partial disability injuries shall not result in or involve amputation, not more than three-fourth (3/4) of the foregoing respective sums shall be paid. *Provided, further,* That payment for any injury to minor hand or arm or any part thereof, shall not exceed ninety-five (95) per centum of the amounts hereinbefore enumerated.

Compensation for any other specific major permanent partial disability or specific minor permanent partial disability shall be in the proportion which the extent of such other disability shall bear to that major specific or minor specific permanent partial disability above specified, which most closely resembles and approximates in degree of disability such other disability, but not in any case to exceed the sum of two thousand four hundred dollars (\$2,400.00).

Other major or minor permanent partial disabilities.

Maximum compensation.

If the injured workman be under the age of twenty-one years and unmarried, the parents or parent shall also receive a lump sum payment equal to ten per cent of the amount awarded the minor workman.

Workman under age and unmarried.  
Payment to parents.

(g) Should a further accident occur to a workman who has been previously the recipient of a lump

Further accident to workman.

sum payment under this act, his future compensation shall be adjudged according to the other provisions of this section and with regard to the combined effect of his injuries and his past receipt of money under this act.

Further accident to workman not resulting in permanent total disability.

Should a workman receive an injury to a member or part of his body already from whatever cause permanently partially disabled, resulting in the amputation thereof or in an aggravation or increase in such permanent partial disability but not resulting in the permanent total disability of such workman, his compensation for such permanent partial disability shall be adjudged with regard to the previous disability of the injured member or part and the degree or extent of the aggravation or increase of disability thereof.

Further accident causing permanent total disability.

Should such further accident result in the permanent total disability of such injured workman, he shall receive the pension to which he would be entitled notwithstanding the payment of a lump sum for his prior injury.

Aggravation, diminution or termination of disability.

(h) If aggravation, diminution, or termination of disability takes place or be discovered after the rate of compensation shall have been established or compensation terminated, in any case the director of labor and industries, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within three years after the establishment or termination of such compensation, or upon his own motion, readjust for further application the rate of compensation in accordance with the rules in this section provided for the same, or in a proper case terminate the payment: *Provided*, Any such applicant whose compensation has heretofore been established or terminated shall have three years from the taking effect

Application for readjustment.

Time limit.

of this act within which to apply for such readjustment.



No act done or ordered to be done by the director of labor and industries, or the department of industrial insurance, prior to the signing and filing in the matter of a written order for such readjustment, shall be ground for such readjustment; *Provided, however,* That if within the time limited for taking an appeal from an order closing a claim, the department shall order the submission of further evidence or the investigation of any further fact, the time for appeal from such order closing the claim shall be extended until the applicant shall have been advised in writing of the final order of the department in the matter.

Extension of time for appeal from order closing claim.

(i) A husband or wife of an injured workman, living in a state of abandonment for more than one year at the time of the injury or subsequently, shall not be a beneficiary under this act. A wife who has lived separate and apart from her husband for the period of two years and who has not, during that time, received, or attempted by process of law to collect, funds for her support or maintenance, shall be deemed living in a state of abandonment.

Husband or wife abandoned.

(j) If a beneficiary shall reside or remove out of the state the department may, in its discretion, convert any monthly payments provided for such case into a lump sum payment (not in any case to exceed the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, but in no case to exceed the sum of four thousand dollars (\$4,000.00).

Non-resident beneficiary.

(k) No workman injured after June 30th, 1923, shall receive or be entitled to receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

No compensation for portion of time of injury.

SEC. 5. That section 5 of chapter 131 of the Laws of 1919, page 364 (section 7680 of Remington's Compiled Statutes) be amended to read as follows:

Injuries self-inflicted.

Section 5. If injury or death results to a workman from the deliberate intention of the workman himself to produce such injury or death, or while the workman is engaged in the attempt to commit, or the commission of, a crime, neither the workman nor the widow, widower, child or dependent of the workman shall receive any payment whatsoever out of the accident fund. If injury or death result to a workman from the deliberate intention of his employer to produce such injury, or death, the workman, the widow, widower, child or dependent of the workman shall have the privilege to take under this act, and also have cause of action against the employer, as if this act had not been enacted, for any excess of damages over the amount received or receivable under this act.

Intentional injury by employer.

Minors.

A minor working at an age legally permitted under the laws of this state shall be deemed *sui juris* for the purpose of this act, and no other person shall have any cause of action or right to compensation for an injury to such minor workman except as expressly provided in this act, but in the event of a lump sum payment becoming due under this act to such minor workman, the management of the sum shall be within the probate jurisdiction of the courts the same as other property of minors; *Provided*, That in the event it is necessary to procure the appointment of a guardian to receive the money to which any minor workman is entitled under the provisions of this act, the director of labor and industries may allow from the accident fund, toward the expenses of such guardianship, not to exceed the sum of twenty-five dollars (\$25.00) in any one case: *Provided, further*, That in case any such minor shall be awarded a lump sum payment of the sum of two hundred fifty dollars (\$250.00), or less, the director of labor and industries shall have power, in his dis-

Guardianship expenses.

cretion, to make payment direct to such minor without the necessity of the appointment of a guardian.

SEC. 6. That section 7 of chapter 182 of the Laws of 1921, page 727 (section 7686 of Remington's Compiled Statutes) be amended to read as follows:

§ 3480,  
Pierce's  
Code.

Section 7. (a) Where a workman is entitled to compensation under this act he shall file with the department, his application for such, together with the certificate of the physician who attended him, and it shall be the duty of the physician to inform the injured workman of his rights under this act and to lend all necessary assistance in making this application for compensation and such proof of other matters as required by the rules of the department without charge to the workman.

Application  
for compen-  
sation by  
workman.

(b) Where death results from injury the parties entitled to compensation under this act, or someone in their behalf, shall make application for the same to the department, which application must be accompanied with proof of death and proof of relationship showing the parties to be entitled to compensation under this act, certificates of attending physician, if any, and such proof as required by the rules of the department.

In case of  
death.

(c) If change of circumstances warrants an increase or re-arrangement of compensation, like application shall be made therefor. No increase or re-arrangement shall be operative for any period prior to application therefor.

Application  
for readjust-  
ment of com-  
pensation.

(d) No application shall be valid or claim thereunder enforceable unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued.

Application  
barred;  
when.

(e) Any physician who fails, neglects or refuses to file a report with the director of labor and industries as required by this act within ten days of the date of treatment, showing the condition of the in-

Physician to  
file report.

jured workman at the time of treatment, a description of the treatment given, and an estimate of the probable duration of the injury, or who fails or refuses to render all necessary assistance to the injured workman as required in this act, shall be guilty of a misdemeanor.

§ 3475,  
Pierce's  
Code.

SEC. 6a. That section 22 of the Laws of 1917, page 97 (section 7681 of Remington's Compiled Statutes) be amended to read as follows:

Conversion  
into lump  
sum pay-  
ment.

Section 22. In case of death or permanent total disability the monthly payment provided may be converted, in whole or in part, into a lump sum payment (not in any case to exceed four thousand dollars (\$4,000.00)), equal or proportionate as the case may be to the value of the annuity then remaining, to be fixed and certified by the state insurance commissioner, in which event the monthly payment shall cease in whole or in part accordingly or proportionately. Such conversions may only be made after the happening of the injury and upon the written application of the beneficiary (in case of minor children, the application may be by either parent) to the department, and shall rest in the discretion of the department. Within the rule aforesaid the amount and value of the lump sum payment may be agreed upon between the department and the beneficiary. In the event any payment shall be due to an alien residing in a foreign country, the department may settle the same by making a lump sum payment in such amount as may be agreed to by such alien, not to exceed 50% of the value of the annuity then remaining.

Allen.

§ 3478,  
Pierce's  
Code.

SEC. 7. That section 6 of chapter 182 of the Laws of 1921, page 726, as amended by section 4 of chapter 136 of the Laws of 1923, page 399 (section 7684 of Remington's Compiled Statutes) be amended to read as follows:

Section 6. No money paid or payable under this act out of the accident fund shall, prior to the issuance and delivery of the warrant therefor, be capable of being assigned, charged, nor ever be taken in execution or attached or garnished, nor shall the same pass, or be paid, to any other person by operation of law, or by any form of voluntary assignment, or power of attorney. Any such assignment or charge shall be void: *Provided*, That if any workman shall suffer a permanent partial injury, and shall die from some other cause than the accident which produced such injury before he shall have received payment of his award for such permanent partial injury, or if any workman shall suffer any other injury and shall die from some other cause than the accident which produced such injury before he shall have received payment of any monthly installment covering any period of time prior to his death, the amount of such permanent partial award, or of such monthly payment or both, shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children and shall not leave a widow: *Provided*, That if any workman shall suffer any injury and shall die therefrom before he shall have received payment of any monthly installment covering time loss for any period of time prior to his death, the amount of such monthly payment shall be paid to his widow, if he leave a widow, or to his child or children if he leave a child or children, and shall not leave a widow: *Provided, further*, That if the injured workman shall have resided in the United States as long as three years prior to the date of such injury such payment shall not be made to any widow or child who was at the time of such injury a non-resident of the United States.

Payments from fund cannot be assigned or garnished.

Death of workman from cause other than accident.

Award due payable to widow and children.

Widow a non-resident.

Except as otherwise provided by treaty, whenever under the provisions of this act, compensation

Non-resident  
alien bene-  
ficiary.

is payable to a beneficiary or dependent who is an alien not residing in the United States, the department shall pay fifty per centum of the compensation herein otherwise provided to such beneficiary or dependent. But if a non-resident alien, beneficiary or dependent, is a citizen of a government having a compensation law which excludes citizens of the United States either resident or non-resident, from partaking of the benefit of such law in as favorable a degree as herein extended to non-resident aliens he shall receive no compensation. No payment shall be made to any beneficiary or dependent residing in any country with which the United States does not maintain diplomatic relations, when such payment is due.

Proof of  
dependency  
of non-  
resident.

Proof of dependency by any beneficiary or dependent residing without the United States shall be made before the nearest United States consul or consular agent, under the seal of such consul or consular agent, and the department may cause any warrant or warrants to which such beneficiary or dependent is entitled to be transmitted to the beneficiary or dependent through the nearest United States consul or consular agent.

§ 3491,  
Pierce's  
Code.

SEC. 8. That section 20 of chapter 74 of the Laws of 1911, page 368 (section 7697 of Remington's Compiled Statutes) be amended to read as follows:

Claimant or  
employer  
served with  
copy of  
decision of  
department.

Section 20. Whenever the department of labor and industries has made any order, decision or award, it shall promptly serve the claimant, employer or other person affected thereby, with a copy thereof by mail, which shall be addressed to such claimant, employer or person at his last known address as shown by the records of the department. Any claimant, employer or other person aggrieved by any such order, decision or award must, before he appeals to the courts, serve upon the director of labor and industries, by mail or personally, within

Application  
for rehear-  
ing before  
appeal to  
courts.

sixty days from the day on which such copy of such order, decision or award was communicated to the applicant, an application for rehearing before the joint board of said department, consisting of the director of labor and industries, the supervisor of industrial insurance and the supervisor of safety. Such application shall set forth in full detail the grounds upon which the applicant considers such order, decision or award is unjust or unlawful, and shall include every issue to be considered by the joint board, and it must contain a detailed statement of facts upon which such claimant, employer or other person relies in support thereof. The claimant, employer or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such rehearing is sought other than those specifically set forth in such application for rehearing, or appearing in the records of the department. If the joint board, in its opinion, considers that the department has previously considered fully all matters raised by such application it may, without further hearing, deny the same and confirm the previous decision or award, or if the evidence on file with the joint board sustains the applicant's contention, it may, without further hearing, allow the relief asked in such application; otherwise, it shall order a rehearing to decide the issues raised. If a rehearing be granted it shall be heard in the county of the residence of the applicant, at a place designated by the joint board, but the hearing thereof may be adjourned from time to time and from place to place within said county, as the convenience of witnesses may require. Such rehearing shall be *de novo* and summary, but no witness' testimony shall be received unless he shall first have been sworn to testify the truth, the whole truth and nothing but the truth in the matter being heard, or unless his testimony shall have been taken by deposition according to the stat-

Recitals of application for rehearing.

Rehearing.

utes relating to superior courts of this state. The joint board shall cause all oral testimony to be stenographically reported and thereafter transcribed, and when transcribed the same, with all depositions, shall be filed in, and remain a part of, the record on the rehearing. Such rehearing may be conducted by one or more of the members of the joint board, but the record on rehearing shall be considered by all of the members of said joint board, and the decision of a majority of said joint board shall be the decision of said joint board, and upon such decision being rendered all parties to said rehearing shall be given written notice thereof by the joint board.

An application for rehearing shall be deemed to have been denied by the joint board unless it shall have been acted upon within thirty days from the date of service: *Provided, however,* That the joint board may in its discretion, extend the time within which it may act upon such application, not exceeding thirty days.

Each of the members of the joint board shall have power to administer oaths; to preserve and enforce order during such rehearing; to issue subpoenas for, and to compel the attendance and testimony of, witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of his office.

If any person in proceedings before the joint board disobeys or resists any lawful order or process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or neglects to produce, after having been ordered so to do, any pertinent book, paper, or document, or refuses to

Denied if  
no action  
within 30  
days.

Power to  
compel  
attendance  
of witnesses,  
etc.

Obstructing  
hearing.



appear after having been subpoenaed, or upon appearing refuses to take oath as a witness, or after having taken the oath refuses to be examined according to law, the joint board or any member thereof shall certify the facts to the superior court having jurisdiction in the place in which said joint board or member thereof is sitting; it shall thereupon, in a summary manner, hear the evidence as to the acts complained of, and, if the evidence so warrants, punish such person in the same manner and to the same extent as for a contempt committed before the court, or commit such person upon the same conditions as if the doing of the forbidden act had occurred with reference to the proceedings, or in the presence, of the court.

Certified to superior court for contempt proceedings.

Within thirty days after the final order of the joint board upon such application for rehearing has been communicated to such applicant, or within thirty days after rehearing is deemed denied as herein provided, such applicant may appeal to the superior court of the county of his residence, but upon such appeal may raise only such issues of law or fact as were properly included in his application for rehearing, or in the complete record in the department. On such appeal the hearing shall be *de novo*, but the appellant shall not be permitted to offer, and the court shall not receive, in support of such appeal, evidence or testimony other than, or in addition to, that offered before the joint board or included in the record filed by the department: *Provided*, That the right of cross examination shall not be limited by the testimony before the joint board. The proceedings in every such appeal shall be informal and summary, but full opportunity to be heard shall be had before judgment is pronounced. Such appeal shall be perfected by filing with the clerk of the court a notice of appeal and by serving a copy thereof by mail, or personally, on the director

Appeal to superior court.

Extent of hearing.

Notice of appeal.

Bond.

of labor and industries. The department of labor and industries shall, within twenty days after receipt of such notice of appeal, serve and file its notice of appearance and such appeal shall thereupon be deemed at issue. No bond shall be required on such appeal or on appeals to the supreme court, except that an appeal by the employer from a decision of the department under section 7683 of Remington's Compiled Statutes shall be ineffectual unless, within five days following the service of notice thereof, a bond, with surety satisfactory to the court, shall be filed, conditioned to perform the judgment of the court. Except in the case last named an appeal shall not be a stay. The calling of a jury shall rest in the discretion of the court, except that in cases arising under sections 7683 and 7690 of Remington's Compiled Statutes, either party shall be entitled to a jury trial upon demand.

Copy of record filed with court.

The department of labor and industries shall serve upon the appellant and file with the clerk of the court before trial, a certified copy of its complete record on the claim, which shall, upon being so filed, become a part of the record in such case.

Affirmance, reversal or modification.

If the court shall determine that the department has acted within its power and has correctly construed the law and found the facts, the decision of the department shall be confirmed; otherwise, it shall be reversed or modified. In case of a modification or reversal the superior court shall refer the same to the department of labor and industries with an order directing it to proceed in accordance with the findings of the court: *Provided*, That any award shall be in accordance with the schedule of compensation set forth in this act.

Attorney's fee.

It shall be unlawful for any attorney engaged in any such appeal to charge or receive any fee therein in excess of a reasonable fee, to be fixed by the court in the case, and if the decision of the joint board

shall be reversed or modified, such fee and the fees of medical and other witnesses and the costs shall be payable out of the administration fund, if the accident fund is affected by the litigation. In other respects the practice in civil cases shall apply. Appeal shall lie from the judgment of the superior court as in other civil cases. The attorney general shall be the legal advisor of the joint board and shall represent it in all proceedings. In all court proceedings under or pursuant to this act the decision of the department shall be *prima facie* correct, and the burden of proof shall be upon the party attacking the same.

Appeal to  
supreme  
court.

Attorney  
general legal  
advisor.

This act shall not affect any appeal pending, or right to appeal existing, at the time this act shall take effect.

Pending  
appeals.

SEC. 9. That section 12 of chapter 182 of the Laws of 1921, page 735 (section 7724 of Remington's Compiled Statutes) be amended to read as follows:

§ 3513,  
Pierce's  
Code.

Section 12. Any contract made in violation of this act shall be invalid, except that any employer engaged in extra-hazardous work may, with the consent of a majority of his workmen, enter into written contracts with physicians, surgeons and owners of hospitals operating the same, or with hospital associations, for medical, surgical and hospital care to workmen injured in such employment, by, and under the control and administration of, and at the direct expense of the employer and his workmen. Such a contract shall not be assignable or transferable by operation of law or otherwise except with the consent of the supervisor of industrial insurance endorsed thereon. Before any such contract shall go into effect it shall be submitted to the supervisor of industrial insurance, and may be disapproved by the supervisor of industrial insurance when found not to provide for such care of injured

Contracts  
for medical  
aid in lieu  
of state  
medical aid.

Contract to  
be approved  
by industrial  
insurance  
supervisor

workmen as is contemplated by the provisions of section 6604-36, and if a contract so submitted be with the owners of a hospital operating the same, or with a hospital association, the supervisor of industrial insurance shall have power to disapprove the same if in his judgment the ownership or management of such hospital or hospital association shall not be such as to produce satisfactory service. Any such contract with physician, surgeon, or owner and operator of a hospital, or with a hospital association, so disapproved shall not be valid. Otherwise it shall be approved, and take and continue in effect for any period of time specified therein, not exceeding three years from the date of such approval: *Provided, however,* That the director of labor and industries, through the division of industrial insurance, may, before approving any such contract, require the giving by any physician, surgeon, hospital or hospital association, of a bond in such sum and in such form, as the director may determine, conditioned that the obligor will faithfully perform such contract. Every such contract to be valid must provide that the expenses incident to it shall be borne one-half by the employer and one-half by such employees, and that it shall be administered by the two interests jointly and equally. So long as such contract shall be in effect the subject matter of the contract shall (except as in this section otherwise specified) be outside of, and not affected by, the provisions of sections 6604-33 to 6604-44, inclusive, and section 6604-46, other than the provisions of section 6604-35 relating to artificial substitutes and lenses and the basis of compensation when lenses are supplied, and to transportation of injured workmen, and to educational standards of safety, and other than the provisions of section 6606-40 relating to the analyses and reports of accidents, and the employer shall pay monthly

Bond of  
contracting  
physician,  
etc.

Expenses  
borne by  
employer  
and em-  
ployees.

into the medical aid fund ten per centum of the amount he would have been required to pay in that month if such contract had not been made, and of that ten per centum he shall collect one-half from his said workmen by proper deduction from the daily wage of each, and in addition thereto, each such employer shall, when required by the director of labor and industries through, and by means of, the division of industrial insurance, pay into the surplus fund, hereby created, a sum not exceeding one per cent of the amount he would have been required to pay into the medical aid fund, had such contract not been made, and the employer shall collect such one per cent from the party agreeing to furnish such medical aid and hospital service. Such surplus fund shall be maintained as nearly as practicable at the sum of five thousand dollars (\$5,000.00) and shall be used by the director of labor and industries for the purpose of furnishing necessary medical aid to workmen included in the contract provided for in this section, where the necessity therefor arises after the expiration of such contract. Disbursements from said surplus fund shall be made by warrants drawn against the same by the state auditor upon certificate thereof, or requisition therefor, by the director of labor and industries through, and by means of, the division of industrial insurance. Payment of such one per cent shall not relieve the party agreeing to furnish such medical aid and hospital service from his obligation so to do. During the operation of any such contract the supervisor of industrial insurance or any interested person may file a complaint with the supervisor of industrial insurance alleging that the service and care actually rendered thereunder are not up to the standard provided in section 6604-36, and, upon a hearing had upon notice to the employer and workmen interested thereunder, the supervisor of indus-

Contribution to medical aid fund by employer and employees.

Payments into surplus fund.

Proper service and care under contract not rendered.

Notice.

Hearing.

trial insurance may make an order that the contract shall terminate unless the defect or deficiency complained of shall be remedied to his satisfaction within a period to be fixed in such order, or he may at such hearing sustain the complaint and make an order that the contract shall terminate forthwith.

Contract terminated.

Appeal.

Notice to the workmen may be effected in the manner provided in section 6604-33. The employer or any interested workman may appeal from such decision in the manner provided in section 8 hereof. During the appeal the contract shall remain in force and operation, but the costs of the appeal shall be paid out of the medical aid fund only in case the decision of the supervisor of industrial insurance is reversed. If during the operation of any such contract, any injured workman shall not receive medical or surgical treatment with reasonable promptness upon the occurrence of his injury, or at any time during his treatment, the supervisor of industrial insurance may provide such treatment during the emergency at the expense of his employer, who may charge such expense against such contract, and such emergency treatment shall continue until supplanted by like treatment under such contract, notwithstanding the pendency of an appeal from such action. The cost of such emergency treatment shall not exceed the rates specified in the fee bill provided by section 6604-36. The acceptance of employment by any workman shall be and be held to be an acceptance of any existing contract made under this section to which his employer is a party.

Prompt service not rendered under contract.

Emergency treatment by state medical aid.

Prior medical care contracts.

No contract for medical, surgical, or hospital care of injured workmen entered into prior to the time this act shall go into effect shall be invalidated by anything in this act contained.

§ 3515-61, Pierce's Code.

SEC. 10. That section 15 of chapter 182 of the Laws of 1921, page 739, as amended by section 18, chapter 136 of the Laws of 1923, page 409 (section

7784 of Remington's Compiled Statutes) be amended to read as follows:

Section 15. Each employer who shall be certified by the supervisor of safety for any calendar year to have failed to comply during the calendar year preceding the current year with any safety standard or order applicable to his establishment or case and who shall have cost for that year and for the preceding year the accident fund of any class or class subdivision to which he is a contributor for such calendar year preceding the current year, more than one hundred and twenty-five per cent of his total premiums to the accident fund for said aggregate two-year period in such class or class subdivision, shall pay into the accident fund upon demand of the supervisor of industrial insurance in addition to the amount which he would otherwise have paid for such calendar year into the accident fund on account of the plant, works or system in respect to which such excess cost shall have occurred, a sum equal to ten per cent of his premium to the accident fund for that year in such class or class subdivision. All establishments or plants in which extra-hazardous industry is engaged, which are operated separately from, and independently of, each other shall, for all purposes of this act, be treated as separate and distinct from each other, even though of the same class or class subdivision and of common ownership, control or management.

Non-compliance with safety standards.

Penalty.

Plants operated separately of same class and ownership.

SEC. 11. Adjudication of invalidity of any of the sections of this act, or any part of any section shall not impair or otherwise affect the validity of any other of said sections or part thereof.

Partial invalidity.

Passed the House February 28, 1927.

Passed the Senate March 7, 1927.

Approved by the Governor March 15, 1927.