

CHAPTER 115.

[S. B. 421.]

WORKMEN'S COMPENSATION.

AN ACT relating to industrial insurance; providing workmen's compensation in case of injury or death; and amending sections 51.32.050, 51.32.060, 51.32.090, 51.32.080 and 51.32-.160, R.C.W.

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

SECTION 1. Section 51.32.050, R.C.W., as derived from section 1, chapter 246, Laws of 1947, [and sec. 1, ch. 219, L.' 49] is amended to read as follows:

Burial expenses.

(a) Where death results from the injury the expenses of burial not to exceed two hundred fifty dollars shall be paid to the undertaker conducting the funeral.

Monthly payment to surviving spouse and children.

(b) If the workman leaves a widow or invalid widower, a monthly payment of one hundred dollars shall be made throughout the life of the surviving spouse, to cease at the end of the month in which remarriage occurs, and the surviving spouse shall also receive per month for each child of the deceased at the time any monthly payment is due the following payments: For the youngest or only child, twenty-five dollars, for the next or second youngest child, twenty dollars, and for each additional child, ten dollars, but the total monthly payments shall not exceed one hundred seventy-five dollars and any deficit shall be deducted proportionately among the beneficiaries. In addition to the monthly payments above provided for, a surviving widow, or parent or parents, if there is no surviving widow of any such deceased workman shall be forthwith paid the sum of three hundred dollars.

Additional payment.

Payment upon remarriage of widow.

Upon remarriage of a widow she shall receive, once and for all, a lump sum of one thousand dollars, but the monthly payments for the child or children shall continue as before.

(c) If the workman leaves no wife or husband, but an orphan child or children a monthly payment of forty dollars shall be paid to each such child, but the total monthly payments shall not exceed one hundred sixty dollars and any deficit shall be deducted proportionately among the beneficiaries.

Payments to orphan children.

(d) In the event a surviving spouse receiving monthly payments dies, leaving a child or children, each shall receive the sum of forty dollars per month, but the total monthly payment shall not exceed one hundred sixty dollars and any deficit shall be deducted proportionately among the beneficiaries.

Payments to children on death of surviving spouse.

(e) 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-five dollars per month for each month after his death until the time at which he would have arrived at the age of twenty-one years.

Payment to parents on death of minor unmarried workman.

(f) If the workman leaves no widow, widower or child, 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 sixty dollars per month. If any dependent is under the age of eighteen years at the time of the occurrence of the injury, the payment to such dependent shall cease when such dependent reaches the age of eighteen 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.

Payments to other dependents.

(g) If the injured workman dies during the period of permanent total disability, whatever the cause of death, leaving a widow, invalid widower, or child, the surviving widow or invalid widower shall receive one hundred dollars per month until death or

Payments where death occurs during period of permanent total disability.

Maximum amounts.

Remarriage.

remarriage, to be increased per month for each child of the deceased, as follows: For the youngest or only child, twenty-five dollars, for the next or second youngest child, twenty dollars, and for each additional child, ten dollars: *Provided*, That the total monthly payments shall not exceed one hundred seventy-five dollars and any deficit shall be deducted proportionately among the beneficiaries; but if such child is or shall be without father or mother, such child shall receive forty dollars per month, but the total monthly payment to such children shall not exceed one hundred sixty dollars, and any deficit shall be deducted proportionately among the children. Upon remarriage the payments on account of the child or children shall continue as before to such child or children.

[Am. Rem. Supp. 1949, § 7679 (part).]

[R.C.W. 51.32.050 was also amended by sec. 5, ch. 236, L. 1951.]

Monthly payments during permanent total disability.

Unmarried.

Spouse but no child.

Spouse and children or, being a widow or widower, having a child or children.

SEC. 2. Section 51.32.060, R.C.W., as derived from section 1, chapter 246, Laws of 1947, [and sec. 1, ch. 219, L. '49] is amended to read as follows:

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

(a) If unmarried at the time of the injury, the sum of one hundred dollars.

(b) If the workman has a wife or invalid husband, but no child, the sum of one hundred twenty-five dollars. If the husband is not an invalid the monthly payment of one hundred twenty-five dollars shall be reduced to seventy-five dollars as long as they are living together as husband and wife.

(c) If the workman has a wife or husband and a child or children, or, being a widow or widower having any such child or children, the monthly payment in the preceding paragraph shall be increased by twenty-five dollars for the youngest or only child, twenty dollars for the next or second youngest child,

and ten dollars for each additional child, but the total monthly payments shall not exceed two hundred dollars and any deficit shall be deducted proportionately among the beneficiaries.

(d) In case of permanent total disability, if the character of the injury is such as to render the workman so physically helpless as to require the services of an attendant, the monthly payment to such workman shall be increased fifty dollars per month as long as such requirement continues, but such increases shall not obtain or be operative while the workman is receiving care under or pursuant to any of the provisions of chapters 51.36 and 51.40.

Disability requiring services of attendant.

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

Further accident.

[Am. Rem. Supp. 1949, § 7679 (part).]

[R.C.W. 51.36 is Rem. Supp. 1943, § 7714 (except sentence on p. 458 relating to transfer to care of surgeon at workman's residence), R.C.W., 51.40 is Rem. Supp. § 7724 together with above mentioned sentence of Rem. Supp. 1943, § 7714.]

SEC. 3. Section 51.32.090, R.C.W., as derived from section 1, chapter 246, Laws of 1947, [and sec. 1, ch. 219, L. '49] is amended to read as follows:

(a) When the total disability is only temporary, the schedule of payments contained in paragraphs (a), (b), and (c) of section 51.32.060 shall apply, so long as the total disability continues.

Temporary total disability: schedule of payments.

(b) But if the injured workman has a wife or husband and has no child or has a wife or husband or, being a widow or widower, with one or more children, the compensation for the case during such period of time as the total temporary disability continues, shall be per month as follows, to-wit: (1) Injured workman whose husband is not an invalid, seventy-five dollars, and for the youngest or only child, ten dollars, and for each additional child, seven dollars and fifty cents, but the total monthly

payments shall not exceed one hundred fifteen dollars and any deficit shall be deducted proportionately among the beneficiaries; (2) injured workman with wife or invalid husband and no child, one hundred ten dollars; injured workman with wife or invalid husband and one child, or being a widow or widower and having one child, one hundred thirty-five dollars; (3) injured workman with wife or invalid husband and two children, or being a widow or widower and having two children, one hundred fifty-five dollars and ten dollars for each additional child, but the total monthly payments shall not exceed one hundred eighty-five dollars and any deficit shall be deducted proportionately among the beneficiaries.

Effect of recovery.

(c) 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 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.

When compensation shall commence.

(d) No workman shall receive compensation out of the accident fund for or during the day on which injury was received or the three days following the same.

Payment of wages, effect.

(e) Should a workman suffer a temporary total disability and should his employer at the time of the 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 (a) of this section from the accident fund during the period his employer shall so pay such wages.

[Am. Rem. Supp. 1949, § 7679 (part).]
[R.C.W. 51.32.060 appears as section 2, *supra*, this chapter.]

SEC. 4. Section 51.32.080, R.C.W., as derived from section 1, chapter 219, Laws of 1949, is amended to read as follows:

(a) For the permanent partial disabilities here specifically described, the injured workman shall receive compensation as follows:

Permanent partial disability: schedule of payments.

LOSS BY AMPUTATION

Of one leg so near the hip that an artificial limb cannot be worn.....	\$6000
Of one leg at or above the knee so that an artificial limb can be worn.....	4110
Of one leg below the knee.....	2920
Of great toe with metatarsal bone thereof...	870
Of great toe at the proximal joint.....	540
Of great toe at the second joint.....	200
Of one other toe other than the great toe with the metatarsal bone thereof.....	300
Of second toe at proximal joint.....	135
Of third toe at proximal joint.....	135
Of fourth toe at proximal joint.....	135
Of fifth toe at proximal joint.....	60
Of one metatarsal bone at toe other than great toe.....	150
Of one arm so near the shoulder that an artificial arm cannot be worn.....	5400
Of the major arm at or above the elbow.....	4500
Of forearm at upper third.....	3900
Of the major hand at wrist.....	3480
Of thumb with metacarpal bone thereof.....	1320
Of thumb with proximal joint.....	870
Of thumb at second joint.....	325
Of index or first finger at proximal joint....	710
Of index or first finger at second joint.....	600
Of index or first finger at distal joint.....	270
Of middle or second finger at proximal joint..	540
Of middle or second finger at second joint....	450
Of middle or second finger at distal joint....	150

Of ring or third finger at proximal joint.....	\$490
Of ring or third finger at second joint.....	380
Of ring or third finger at distal joint.....	150
Of little or fourth finger at proximal joint....	190
Of little or fourth finger at second joint.....	135
Of little or fourth finger at distal joint.....	60
Of metacarpal bone in finger except thumb..	135

MISCELLANEOUS

Loss of one eye by enucleation.....	\$2590
Loss of sight of one eye.....	1945
Complete loss of hearing in both ears.....	4100
Complete loss of hearing in one ear.....	1140
Complete broken arch in foot.....	1140

Unspecified disability: how computed.

(b) Compensation for any other permanent partial disability shall be in the proportion which the extent of such other disability, called unspecified disability, shall bear to that 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 six thousand dollars: *Provided*, That the total compensation for all unspecified permanent partial disabilities resulting from the same injury shall not exceed the sum of six thousand dollars. For disability to a member not involving amputation, not more than three-fourths of the foregoing respective specified 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 per centum of the amounts hereinbefore enumerated: *Provided further*, That in case permanent partial disability compensation is followed by permanent total disability compensation, any portion of the permanent partial disability compensation which exceeds the amount that would have been paid the injured workman if permanent total disability compensation had been paid in the first instance, shall be deducted from the pension reserve

Permanent partial disability compensation followed by permanent total disability compensation.

of such injured workman and his monthly compensation payments shall be reduced accordingly.

(c) If the injured workman is 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 to the minor workman.

Payment to parents of unmarried minor workman.

(d) 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 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 injury resulting in increased permanent partial disability but not resulting in permanent total disability.

[Am. Rem. Supp. 1949, § 7679 (part).]

SEC. 5. Section 51.32.160, R.C.W., as derived from section 1, chapter 219, Laws of 1949, is amended to read as follows:

Amendment.

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, through and by means of the division of industrial insurance, may, upon the application of the beneficiary, made within five 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.

Readjustment of rate upon aggravation, diminution, or termination of disability.

No act done or ordered to be done by the director, or the department prior to the signing and filing in the matter of a written order for such readjustment shall be ground for such readjustment.

[Am. Rem. Supp. 1949, § 7679(h).]

"Child."

SEC. 6. The term "child" whenever used in this act means every natural born child, posthumous child, stepchild, child legally adopted prior to the injury, and illegitimate child legitimated prior to the injury, all while under the age of eighteen years and over the age of eighteen years if the child is a dependent invalid child.

Passed the Senate February 23, 1951.

Passed the House March 3, 1951.

Approved by the Governor March 13, 1951.

CHAPTER 116.

[S. B. 31.]

BOUNDARIES OF TAXING DISTRICTS.

AN ACT relating to taxation; establishing boundaries of taxing districts; and amending section 84.08.160, R.C.W.

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

Amendment.

SECTION 1. Section 84.08.160, R.C.W., as derived from section 1, chapter 65, Laws of 1949, is amended to read as follows:

Property taxes; official boundaries of taxing districts established as of March first.

No levy where boundaries not so established.

Filing instrument setting forth boundaries.

For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer