

FILE NAME: Painters and Allied Trades (PAINT)

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to be necessary. If the employe desires, he shall have the right to select his own physician, surgeon, or other such requirement at his own expense. Where such requirements are furnished by a public hospital or other institution, payment therefor shall be made to the proper authorities.

(b) If it be shown to the commission that such requirements are being furnished in such manner that there is reasonable ground for believing that the life, health, or recovery of the employe is endangered thereby, the commission may order a change in the physician, surgeon, hospital or other requirement.

(c) All fees and charges under this section shall be fair and reasonable, shall be subject to regulation by the commission, and shall be limited to such as are fair and reasonable for similar treatment of injured persons of a like standard of living. The commission shall also have jurisdiction to hear and determine all disputes as to such charges.

(d) No compensation shall be payable for the death or disability of an employe, if and in so far as the same may be caused, continued or aggravated by an unreasonable refusal to submit to any medical or surgical treatment or operation, the risk of which is, in the opinion of the commission, inconsiderable in view of the seriousness of the injury. If the employe dies as a result of an operation made necessary by the injury, such death shall be deemed to be caused by the injury.

(e) The testimony of any physician who treated the employe shall be admissible in evidence in any proceedings for compensation under this act.

(f) Every hospital or other person furnishing the employe with medical aid shall permit its record to be copied by and shall furnish full information to the commission, the employer, the employe or his dependents and any other party to any proceedings for compensation under this act, and certified copies of such records shall be admissible in evidence in any such proceedings.

Approved April 16, 1931.

[H. R. 498.]

WORKMEN'S COMPENSATION: Defining Certain Terms as Used in the Act.

AN ACT to amend section 3305 of the Revised Statutes of Missouri, 1929, relating to the workmen's compensation by adding thereto a provision relating to occupational diseases contracted by workmen

SECTION

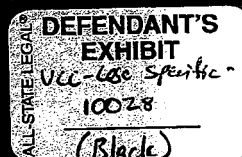
1. Amending section 3305, chapter 28, article 1, Revised Statutes of Missouri, 1929.

SECTION

3305. Certain terms of act defined.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section 1. Amending section 3305, chapter 28, article 1, Revised Statutes of Missouri, 1929.--That section 3305, Re-



vised Statutes, 1929, be amended by striking out the period at the end of paragraph "b" of said section and adding the following: "unless the employer shall file with the commission a written notice that he elects to bring himself with respect to occupational disease within the provisions of this act and by keeping posted in a conspicuous place on his premises a notice thereof to be furnished by the commission, and any employee entering the service of such employer and any employee remaining in such service thirty days after the posting of such notice shall be conclusively presumed to have elected to accept this section unless he shall have filed with the commission and his employer a written notice that he elects to reject this act." So that said section when so amended will read as follows:

Sec. 3305. Certain terms of act defined. (a) The word "employee" as used in this chapter shall be construed to mean every person in the service of any employer, as defined in this chapter, under any contract of hire, express or implied, oral or written, or under any appointment or election; but shall not include persons whose average annual earnings exceed three thousand six hundred dollars. Any reference to any employee who has been injured shall when the employee is dead, also include his dependents, and other persons to whom compensation may be payable. The word "employee" shall also include all minors who work for an employer, whether or not such minors are employed in violation of law, and all such minors are hereby made of full age for all purposes under, in connection with, or arising out of this chapter.

b. The word "accident" as used in this chapter shall, unless a different meaning is clearly indicated by the context, be construed to mean an unexpected or unforeseen event happening suddenly and violently, with or without human fault and producing at the time objective symptoms of an injury. The term "injury" and "personal injuries" shall mean only violence to the physical structure of the body and such disease or infection as naturally results therefrom. The said terms shall in no case except as hereinafter provided be construed to include occupational disease in any form, nor shall they be construed to include any contagious or infectious disease contracted during the course of the employment, nor shall they include death due to natural causes occurring while the workman is at work. "Death" when mentioned as a basis for the right to compensation means only death resulting from such violence and its resultant effects occurring within three hundred weeks after the accident. *Provided*, that nothing in this chapter contained shall be construed to deprive employees of their rights under the laws of this state pertaining to occupational diseases, unless the employer shall file with the commission a written notice that he elects to bring himself with respect to occupational disease within the provisions of this act and by keeping posted in a conspicu-

ous place on his premises a notice thereof to be furnished by the commission, and any employee entering the services of such employer and any employee remaining in such service thirty days after the posting of such notice shall be conclusively presumed to have elected to accept this section unless he shall have filed with the commission and his employer a written notice that he elects to reject this act.

(c) Without otherwise affecting either the meaning or interpretation of the abridged clause, "personal injuries arising out of and in the course of such employment," it is hereby declared not to cover workmen except while engaged in, or about the premises where their duties are being performed, or where their services require their presence as a part of such service.

(d) An employee who is employed by the same employer for more than five and one-half consecutive work days shall for the purpose of this chapter be considered a regular and not a casual employee.

(e) The term "total disability" as used in this chapter shall mean inability to return to any employment and not merely mean inability to return to the employment in which the employee was engaged at the time of the accident.

Approved May 14, 1931.