

PERSONAL INJURIES

Art. 8306

§ 20

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In v. Moore
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pp.1943) 172 S.

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In v. Moore
352.

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tomobile salesman, refusal to submit re-
quested issues raised by evidence as to
salesman's instructions regarding author-
ization to solicit business in Mexico was
reversible error, since, under the pleadings,
requests embodied a special defense which
should have been affirmatively submitted
notwithstanding submission of general in-
quiry as to whether salesman was injured
in the course of his employment. Id.

Issue inquiring whether, if jury found
that plaintiff employee sustained injury,
referred to in other issue, in New Mexico,
such was sustained in continuance of con-
tract of hire entered into at stated day,
submitted in workmen's compensation case
presenting question of coverage under this
section, was not erroneous nor duplicitous.
Travelers Ins. Co. v. Knight (Civ.App.
1963) 370 S.W.2d 792.

Where facts determinative of issue
whether employee who was injured in New
Mexico had status of a Texas employee so
as to be entitled to compensation were not

in dispute, it was a matter of application
of law to those facts by the court, so that
there was no error in failing to submit
such issue to jury. Texas Emp. Ins. Ass'n
v. Dossey (Civ.App.1965) 357 S.W.2d 753,
error granted.

23. Review

The finding of district court that injured
workman was a Texas employee would
stand unless evidence in record showed
the contrary as a matter of law. Fidelity
& Casualty Co. of New York v. McLaugh-
lin (1940) 134 T. 613, 135 S.W.2d 955.

Decedent was not a Texas employee of
Texas lessee of truck-tractor decedent was
operating at time he was killed in an acci-
dent in Missouri where lessor and decedent
had possession of the truck-tractor and
were using and controlling it carrying loads
under contracts negotiated by lessor with
shippers without knowledge of lessee. Aet-
na Cas. & Sur. Co. v. Avant (Civ.App.
1965) 390 S.W.2d 533, ref. n. r. e.

**Art. 8306, sec. 20. "Injury" and "personal injury" defined;
occupational diseases, what are**

Sec. 20. Wherever the terms "injury" or "personal injury" are
used in the Workmen's Compensation Law of this state, such terms
shall be construed to mean damage or harm to the physical structure
of the body and such diseases or infection as naturally result there-
from. Unless from the context the meaning is clearly to the con-
trary, such terms shall also be construed to mean and include occu-
pational diseases, as hereinafter defined. The following diseases
only shall be deemed to be occupational diseases:

(a) Poisoning by: (1) Aluminum Trioxide; (2) Arsenic; (3)
Benzol or its homologues and derivatives; (4) Beryllium; (5) Cad-
mium; (6) Carbon Bisulphide; (7) Carbon Dioxide; (8) Carbon
Monoxide; (9) Chlorine; (10) Cyanide; (11) Formaldehyde; (12)
Halogenated Hydrocarbons; (13) Hydrochloric Acid; (14) Hydro-
fluoric Acid; (15) Hydrogen Sulphide; (16) Lead; (17) Manganese;
(18) Mercury; (19) Methanol (Wood Alcohol); (20) Methanol
Chloride; (21) Nitrous Fumes; (22) Nitric Acid; (23) Petroleum
or Petroleum Products; (24) Phosphorus; (25) Selenium; (26) Sul-
phuric Acid; (27) Sulphuric Dioxide; (28) Sulphur Trioxide; (29)
Tellurium; (30) Thallium; (21) Zinc;

(b) Anthrax caused by handling of wool, hair, bristles, hides
and skins;

Art. 8306 WORKMEN'S COMPENSATION

§ 20

(c) Blisters caused by prolonged or repeated use of tools or mechanical appliances;

(d) Synovitis, Tenosynovitis, or Bursitis due to an occupation involving continual or repeated pressure on the parts affected;

(e) Chrome ulceration;

(f) Compressed air illness;

(g) Dermatitis; that is, inflammation of the skin due to oil, cutting compounds or lubricants, dust, liquids, fumes, gases or vapors;

(h) Diseased condition caused by exposure to x-rays or radioactive substances;

(i) Diseased condition of the eyes due to electric arc and welding, and cataract in glass workers;

(j) (Epitheliomatous cancer) or ulceration of the skin or the corneal surface of the eye caused by tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of these substances;

(k) Glanders and other diseased conditions caused in handling any equine animal or the carcass of any such animal;

(l) Infectious or contagious disease contracted in the course of employment in or in immediate connection with a hospital or sanatorium in which persons or animals suffering from such disease are cared for or treated;

(m) Nystagmus incurred in underground work;

(n) Asbestosis;

(o) Silicosis;

(p) Psittacosis (ornithosis) caused by the handling or processing of meat and poultry. Added Acts 1947, 50th Leg., p. 176, ch. 113, § 2, as amended Acts 1955, 54th Leg., p. 662, ch. 233, § 1.

Complete Text of Article 8306, see pp. 10 to 39.

Historical Note

The amendment of 1955 added the occupational disease of Psittacosis (ornithosis) contained in item (p).

Cross References

Enumerated and concurrent injuries, see art. 8306, § 12.

Injury sustained in course of employment, definitions, see art. 8306, § 1.

Occupational disease, compensation see art. 8306, § 25.