

proposed to be used as a warehouse is suitable for the proposed purpose, and that the applicant or applicants are entitled to a license, notice of such decision shall be given the interested parties, and upon the applicant or applicants filing with the commission the necessary bond, as provided for in this act, the commission shall issue the license provided for, upon the payment of the license fee, as in this section provided. A warehouseman to whom a license is issued shall pay for such license a fee of \$100.00. Such license may be renewed from year to year, but shall never be valid for a period of more than one year, and always upon payment of the full license fee, as provided for in this section for such renewal; provided, that no license shall be issued for any portion of a year for less than the full amount of the license fee, as provided for in this section. Each license obtained under this act shall be publicly displayed in the main office of the place of business of the warehouseman to whom it is issued. Such license shall authorize the warehouseman to carry on the business of warehousing only in the one city named in said application, and in the buildings therein described. But the commission, without requiring an additional bond and license may issue permits from time to time to any warehouseman already duly licensed under the provisions of this act, to operate an additional warehouse or warehouses in the same city for which his original license was issued during the term thereof, upon his filing an application for such permit, and in such form as shall be prescribed by the commission.

*License may be refused for good cause shown and revoked by the commission for violation of law or of any rule or regulation by it prescribed, upon notice and after hearing."*

Approved April 19, 1943.

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#### CHAPTER 496—H. F. No. 283.

(AMENDING SECTION 176.11 MINNESOTA STATUTES 1941.)

*An act relating to the schedule of compensation applying in workmen's compensation cases; and amending Mason's Minnesota Statutes of 1927, Section 4274, as amended by Laws 1929, Chapter 250, and by Laws 1941, Chapter 522.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 4274, as amended by Laws 1929, Chapter 250, and by Laws 1941, Chapter 522, is hereby amended to read as follows:

4274. **Schedule of compensation.**—Following is the schedule of compensation:

(a) For injury producing temporary total disability,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury, subject to a maximum compensation of \$20.00 per week and a minimum of \$8.00 per week; provided, that if at the time of injury the employee receives wages of \$8.00 or less per week, he shall receive the full amount of such wages per week; this compensation shall be paid during the period of such disability, not beyond 300 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be.

(b) In all cases of temporary partial disability the compensation shall be  $66\frac{2}{3}$  per cent of the difference between the daily wage of the workman at the time of injury and the wage he is able to earn in his partially disabled condition; this compensation shall be paid during the period of such disability, not beyond 300 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be, and subject to the maximum stated in clause (a); *and, if the employer does not furnish the workman with work which he can do in his temporary partially disabled condition and, after a reasonably diligent effort, he is unable to procure such work with another employer, the commission may fix a rate of compensation to be paid to the workman during the period of such disability and unemployment, not beyond 300 weeks, which shall be based upon the percentage of his general physical disability as may be determined from competent medical testimony adduced at a hearing before a referee, a commissioner, or the commission.*

(c) For the permanent partial disability from the loss of a member the compensation during the healing period, but not exceeding 15 weeks, shall be  $66\frac{2}{3}$  per cent of the difference between the daily wage of the workman at the time of injury and the wages he is able to earn, if any, in his partially disabled condition, unless on application to the commission, made in the manner provided in section 19 for additional medical service, the period is extended by the commission for not to exceed an additional 35 weeks; and thereafter, and in addition thereto, compensation shall be that named in the following schedule:

(1) For the loss of a thumb,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 60 weeks;

(2) For the loss of a first finger, commonly called index finger,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 35 weeks;

(3) For the loss of a second finger,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 30 weeks;

(4) For the loss of a third finger,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 20 weeks;

(5) For the loss of a fourth finger, commonly called the little finger,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 15 weeks;

(6) The loss of the first phalange of the thumb, or of any finger, is considered equal to the loss of one-half of such thumb or finger, and compensation shall be paid at the prescribed rate during one-half the time specified for such thumb or finger;

(7) The loss of one and one-half or more phalanges is considered as the loss of the entire finger or thumb; provided, that in no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand;

(8) For the loss of a great toe,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 30 weeks;

(9) For the loss of one of the toes, other than a great toe,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during ten weeks;

(10) The loss of the first phalange of any toe is considered equal to the loss of one-half of such toe, and compensation shall be paid at the prescribed rate during one-half the time specified for such toe;

(11) The loss of one and one-half or more phalanges is considered as the loss of the entire toe;

(12) For the loss of a hand, not including the wrist movement,  $66\frac{2}{3}$  per cent of the daily *wage* at the time of injury during 150 weeks;

(13) For the loss of a hand, including the wrist movement,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 175 weeks;

(14) For the loss of an arm,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 200 weeks;

(15) Amputation of the arm below the elbow is considered the loss of a hand, including wrist movement, if enough of the forearm remains to permit the use of an effective artificial member, otherwise it is considered the loss of an arm;

(16) For the loss of a foot, not including the ankle movement,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 125 weeks;

(17) For the loss of a foot, including *the* ankle movement,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 150 weeks;

(18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 175 weeks;

(19) For the loss of a leg so close to the hip that no effective artificial member can be used,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 200 weeks;

(20) Amputation of the leg below the knee is considered *the* loss of a foot, including ankle movement, if enough of the lower leg remains to permit the use of an effective artificial member, otherwise it is considered *the* loss of a leg;

(21) For the loss of an eye,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 100 weeks;

(22) For the complete permanent loss of hearing in one ear,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 52 weeks;

(23) For the complete permanent loss of hearing in both ears,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 156 weeks;

(24) For the loss of an eye and a leg,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 350 weeks;

(25) For the loss of an eye and *an* arm,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 350 weeks;

(26) For the loss of an eye and a hand,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 325 weeks;

(27) For the loss of an eye and a foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 300 weeks;

(28) For the loss of two arms, other than at the shoulder,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(29) For the loss of two hands,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(31) For the loss of two feet,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(32) For the loss of one arm and the other hand,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(33) For the loss of one hand and one foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(34) For the loss of one leg and the other foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(35) For the loss of one leg and one hand,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(36) For the loss of one arm and one foot,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(37) For the loss of one arm and one leg,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury during 400 weeks;

(38) For serious disfigurement not resulting from the loss of a member or other injury specifically compensated, materially affecting the employability of the injured person in the employment in which he was injured or other employment for which the employee is then qualified,  $66\frac{2}{3}$  per cent of the daily wage at the time of injury *during* such period as the commission may determine, not *beyond* 75 weeks;

(39) Where an employee sustains concurrent injuries resulting in concurrent disabilities, he shall receive compensation only for the injury which entitles him to the largest amount of compensation, but this *does* not affect liability for serious disfigurement materially affecting the employability of the injured person or liability for the concurrent loss of more than one member, for which members compensations are provided in the specific schedule and in *clause* (c);

(40) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draw the same compensation as the loss of that member, but the compensation in and by *this* schedule provided shall be in lieu of all other compensation in such cases, except as otherwise provided by this section;

In the event a workman has been awarded, or is entitled to receive, a compensation for loss of use of a member under any workmen's compensation law, and thereafter sustains a loss of such member under circumstances entitling him to compensation therefor under the *Workmen's Compensation Act, as amended*, the amount of compensation awarded, or that he is entitled to receive, for such loss of use, *is to* be deducted from the compensation due

under the schedules of this *section* for the loss of such member, provided, that the amount of compensation due for the loss of the member caused by the subsequent accident is in no case less than 25 per cent of the compensation payable under the schedule of this *section* for the loss of such member;

(41) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of such member, not otherwise compensated in this schedule, compensation shall be paid at the prescribed rate during that part of the time specified in the schedule for the total loss of the respective member which the extent of injury to the member bears to its total loss;

(42) All the compensations provided in *this* clause for loss of members or loss of the use of members are subject to the limitations as to maximum and minimum stated in clause (a);

(43) In addition to the compensation provided in *this* schedule for loss or loss of the use of a member, the compensation during the period of retraining for a new occupation, as certified by the division of re-education, operating under Laws 1919, *Chapter 365*, shall be  $66\frac{2}{3}$  per cent of the daily wage at the time of the injury, not *beyond* 25 weeks, provided the injury is such as to entitle the workman to compensation for at least 75 weeks in the schedule of indemnities for permanent impairments, and provided the commission, on application thereto, *finds* that such retraining is necessary and *makes* an order for such compensation;

(44) In all cases of permanent partial disability not enumerated in *this schedule*, the compensation shall be  $66\frac{2}{3}$  per cent of the difference between the *daily* wage of the workman at the time of the injury and the *daily* wage he is able to earn in his partially disabled condition, subject to a maximum of \$20.00 per week; *and* continue during disability, not beyond 300 weeks, *and if the employer does not furnish the workman with work which he can do in his permanently partially disabled condition and, after a reasonably diligent effort, he is unable to procure such work with another employer, the commission may fix a rate of compensation to be paid to the workman during the period of his unemployment, not beyond 300 weeks, which is to be based upon the percentage of his general physical disability as determined from competent medical testimony adduced at a hearing before a referee, a commissioner, or the commission.*

(d) For permanent total disability, as defined in *clause* (e),  $66\frac{2}{3}$  per cent of the daily wage at the time of the injury, subject to a maximum compensation of \$20.00 per week and a minimum compensation of \$8.00 per week. If, at the time of the injury, the employee *receives* wages of \$8.00 or less per week, he shall receive

the full amount of his wages per week. This compensation shall be paid during the permanent total disability of the injured person, but the total amount payable under this *clause* shall not exceed \$10,000 in any case, payments to be made at the intervals when the wage was payable as nearly as may be. In case an employee who is permanently and totally disabled becomes an inmate of a public institution, no compensation shall be payable during the period of his confinement in such institution, unless he has wholly dependent on him for support *some* person named in section 15, *clauses (1), (2), or (3)*, (whose dependency shall be determined as if the employee were deceased), in which case the compensation provided for in section 15, during the period of such confinement, shall be paid for the benefit of persons so dependent during dependency.

(c) The total and permanent loss of the sight of both eyes, the loss of both arms at the shoulder, the loss of both legs so close to the hips that no effective artificial members can be used, complete and permanent paralysis, total and permanent loss of mental faculties, or any other injury which totally incapacitates the employee from working at an occupation which brings him an income *constitutes* total disability.

(f) In case a workman sustains an injury due to an accident arising out of and in the course of his employment, and during the period of disability caused thereby death results approximately therefrom, all payments previously made as compensation for such injury shall be deducted from the compensation, if any, due on account of the death, *and* accrued compensation due to the deceased prior to his death, but not paid, is payable to such dependent persons or legal heirs as the commission may order without probate administration.

(g) If any employee entitled to the benefits of the workmen's compensation law is a minor *or an apprentice of any age* and sustains injuries *due to an accident arising out of and in the course of his employment* resulting in permanent total or permanent partial disability, the weekly earnings, for the purpose of computing the compensation to which he is entitled, shall be the weekly earnings which such minor *or apprentice* would probably earn after arriving at legal age *or completing the apprenticeship*, if uninjured, which probable earnings shall be approximately the average earnings of adult *journeymen* workmen of the same sex below the rank of superintendent or general foremen in the *department of the plant or industry* in which such minor *or apprentice* was employed at the time of his injury.

Approved April 19, 1943.