

other than in the State of Minnesota at the time of enlistment, and who served in a designated Minnesota regiment, and who rendered such service subsequent to April 11, 1898, and prior to the official termination of hostilities of the Philippine Insurrection, July 4, 1902, and who was given an honorable or ordinary discharge or release from such service shall be deemed to be a bona fide resident for the purpose of qualifying as such under the provisions of Laws 1931, Chapter 405.

Approved April 23, 1943.

CHAPTER 586—H. F. No. 282.

(AMENDING SECTION 576.31 MINNESOTA STATUTES 1941.)

An act relating to penalties for unreasonable delay by defendants in Workmen's Compensation Cases; and amending Mason's Minnesota Statutes of 1927, Section 4292.

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 4292, is amended to read as follows:

4292. **Penalties for unreasonable delay.**—*Subdivision 1. In all cases of injuries subject to the Workmen's Compensation Act, as amended, payment of compensation commences within 30 days after the employer is notified of the injury or has knowledge thereof, unless within such period the employer or his insurer files with the commission a denial of liability therefor or applies to the commission for an extension of time within which to determine liability. For cause shown, the commission may grant such extension for not more than 30 days. Any employer or insurer who fails, within such 30-day period, to commence payment of compensation or to file with the commission a denial of liability for such injury or to apply to the commission for an extension of time within which to determine liability, shall pay into the special compensation fund a sum equal to the compensation to which the employee or his dependents are entitled for each day of delay after the expiration of such 30-day period in addition to the compensation payable to the employee or his dependents for his injury. If any employer or insurer is granted an extension of time within which to determine liability and fails, within such extension period, to commence payment of compensation or to file a notice of denial of liability therefor, such employer or insurer shall pay into the special compensation fund a sum equal to the compensation to which the*

employee or his dependents are entitled for each day of delay after the expiration of such extension period in addition to the compensation payable to the employee or his dependents for his injury. If any employer or insurer subject to either of these requirements fails to pay into the special compensation fund the sum so required to be paid within 60 days after the expiration of the 30-day period or the extension period, as the case may be, the commission may require such employer or insurer to pay into the special compensation fund a sum equal to double the compensation to which the employee or his dependents are entitled to for each day of such delay in addition to the compensation payable to the employee or his dependents for his injury. The additional payments herein provided shall be assessed by the Commission against the employer or insurer on the basis of where such delay is chargeable. The insurer shall not be liable for a payment assessed against the employer. The additional payments herein provided shall be paid by the party against whom they are assessed.

Subd. 2. In any case where any proceeding has been instituted or carried on or any defense interposed by any employer or insurer liable to pay compensation hereunder which does not present a real controversy but is merely frivolous or for delay, or where there has been any unreasonable or vexatious delay of payment, or neglect or refusal to pay, or intentional underpayment of any compensation due to any employee or dependent, the commission or the supreme court on appeal may, after reasonable notice and hearing or opportunity to be heard, award, in addition to the compensation payable or to become payable, an amount equal to not more than 25 per cent of the compensation payable or to become payable. To secure information as to any act or omission specified in this *subdivision* the industrial commission may examine the books and records of any employer or insurance carrier relative to the payment of compensation hereunder, or require any such employer or insurance carrier to furnish any other information relating to the payment of compensation hereunder. In case of an insurer persisting in any act or omission specified in this *subdivision*, or refusing or failing to allow the commission to examine its books and records or to furnish such information, the commission shall make complaint in writing to the insurance commissioner, setting forth the facts and recommending the revocation of the license of such insurer to do business in this state, whereupon the commissioner of insurance shall hear and determine the matter as provided in Laws 1919, *Chapter 508*; and, if any such charge is found true, the commissioner of insurance shall revoke the license of such insurer and thereafter it shall be unlawful for such insurer to write or effect insurance in this state.

Approved April 23, 1943.