

*classified service shall be eligible for leave of absence from the service not to exceed one year upon becoming a candidate for public office. Officers or employees in the state classified service may be candidates for and occupy a city, county, village, township or school district office without taking a leave of absence if such compensation for such office does not exceed \$600 per year and if holding such office will not conflict with such regular state employment.*

Approved June 1, 1967.

---

EXTRA SESSION  
CHAPTER 40—S. F. No. 50  
[Coded in Part]

*An act relating to workmen's compensation; amending Minnesota Statutes 1965, Sections 176.011, Subdivisions 3 and 18; 176.021, Subdivisions 1 and 3; 176.041; 176.061, Subdivision 2; 176.101, Subdivisions 1, 3, 4, and 6, and by adding a new subdivision; 176.111, Subdivisions 19 and 20; 176.151; and 176.461.*

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

Section 1. Minnesota Statutes 1965, Section 176.011, Subdivision 3, is amended to read:

Subd. 3. **Workmen's compensation; benefits; daily wage.** "Daily wage" means the daily wage of the employee in the employment in which he was engaged at the time of injury but does not include tips and gratuities paid directly to an employee by a customer of the employer and not accounted for by the employee to the employer. ~~If at the time of injury the employee is working on part time for the day; his daily wage shall be computed by dividing the amount received or to be received for such part time service and multiplying the result by the number of hours of the normal working day for the employment involved; If the amount of the daily wage received or to be received by the employee in the employment in which he was engaged at the time of injury was irregular or difficult to determine, or if the employment was part time, the daily wage shall be computed by dividing the total amount the employee actually earned in such employment in the last 26 weeks, by the total number of days in which the employee actually performed any of the duties of such employment, provided further, that in the~~

**Changes or additions indicated by italics, deletions by strikeout.**

*case of the construction industry, mining industry, or other industry where the hours of work are affected by seasonal conditions, the weekly wage shall not be less than five times the daily wage. Where board or allowances other than tips and gratuities are made to an employee in addition to wages as a part of the wage contract they are deemed a part of his earnings and computed at their value to the employee. In the case of persons performing services for municipal corporations in the case of emergency, then the normal working day shall be considered and computed as eight hours, and in cases where such services are performed gratis or without fixed compensation the daily wage of the person injured shall, for the purpose of calculating compensation payable under this chapter, be taken to be the usual going wage paid for similar services in municipalities where such services are performed by paid employees. If, at the time of injury, the employee was regularly employed by two or more employers, the employee's earnings in all such employments shall be included in the computation of daily wage.*

Sec. 2. Minnesota Statutes 1965, Section 176.011, Subdivision 18, is amended to read:

Subd. 18. **Weekly wage.** “Weekly wage” is arrived at by multiplying the daily wage by the number of days and fractional days normally worked in the business of the employer for the employment involved, ~~but the weekly wage shall not be less than five times the daily wage.~~ *If the employee normally works less than five days per week or works an irregular number of days per week, the number of days normally worked shall be computed by dividing the total number of days in which the employee actually performed any of the duties of his employment in the last 26 weeks by the number of weeks in which the employee actually performed such duties, provided that the weekly wage for part time employment during a period of seasonal or temporary layoff shall be computed on the number of days and fractional days normally worked in the business of the employer for the employment involved. If, at the time of the injury, the employee was regularly employed by two or more employers, the employee's days of work for all such employments shall be included in the computation of weekly wage. Occasional overtime is not to be considered in computing the weekly wage, but if overtime is regular or frequent throughout the year it shall be taken into consideration. The maximum weekly compensation payable to an employee, or to his dependents in the event of death, shall not exceed 66-2/3 percent of the product of the daily wage times the number of days normally worked, provided that the compensation payable for permanent partial disability under section 176.101, subdivision 3, and for permanent total disability under sec-*

**Changes or additions indicated by italics, deletions by strikeout:**

*tion 176.101, subdivision 4, or death under section 176.111, shall not be computed on less than the number of hours normally worked in the employment or industry in which the injury was sustained, subject also to such maximums as are specifically otherwise provided.*

Sec. 3. Minnesota Statutes 1965, Section 176.021, Subdivision 1, is amended to read:

**176.021 Application to employers and employees.** Subdivision 1. **Liability for compensation.** Except as excluded by this chapter all employers and employees are subject to the provisions of this chapter. Every such employer is liable for compensation according to the provisions of this chapter and is liable to pay compensation in every case of personal injury or death of his employee arising out of and in the course of employment without regard to the question of negligence, unless the injury or death was intentionally self-inflicted or when the intoxication of the employee is the proximate cause of the injury; *; suicides are not compensable.* The burden of proof of ~~that~~ *such* fact is upon the employer.

Sec. 4. Minnesota Statutes 1965, Section 176.061, Subdivision 2, is amended to read:

Subd. 2. **Action for recovery of damages.** If the employee, in case of injury, or his dependents, in case of death, brings an action for the recovery of damages, the amount thereof, the manner in which, and the persons to whom the same are payable, shall be as provided in this chapter. In no case shall such party be liable to any person other than the employee or his dependents for any damages resulting from such injury or death.

*If an action as provided in this chapter prosecuted by the employee, the employer, or both jointly against the third person, results in judgment against such third person, or settlement by such third person, the employer shall have no liability to reimburse or hold such third person harmless on such judgments or settlements in absence of a written agreement to do so executed prior to the injury.*

Sec. 5. Minnesota Statutes 1965, Section 176.021, Subdivision 3, is amended to read:

Subd. 3. **Compensation, commencement of payment.** All employers shall commence payment of the compensation at the time and in the manner prescribed by this chapter without the necessity of any agreement or any order of the commission. Except those

**Changes or additions indicated by italics, deletions by strikeout.**

of medical, burial, and other non-periodic benefits, payments shall be made as nearly as may be at the intervals when the wage was payable; *provided, however, that payments for permanent partial disability shall be made by lump sum payment, and the provisions of section 176.165 shall not apply, without the necessity of any agreement, or order of the commission, upon cessation of payments for the healing period, or as soon thereafter as such disability can be ascertained, unless, upon good cause shown, it is otherwise ordered by the commission. If doubt exists at such time as to the eventual permanent partial disability, payment shall be then made for the minimum permanent partial disability ascertainable in lump sum, and further lump sum payment shall be made upon any later ascertainment of greater permanent partial disability. At the time of the tender of any such lump sum payment, the employee shall be furnished with a copy of the medical report upon which such payment is based, together with a statement by the insurer as to whether the tendered payment is for minimum permanent partial disability or final and eventual disability. No employee shall be requested to sign any final receipt until the weeks covered by the lump sum payment shall have expired.*

Sec. 6. Minnesota Statutes 1965, Section 176.041, is amended to read:

**176.041 Application, exceptions. Subdivision 1. Employments excluded.** This chapter does not apply to any common carrier by railroad engaged in interstate or foreign commerce, domestic servants, farm laborers, or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession, or occupation of his employer. Professional ~~baseball players~~ *athletes* under contract for hire which contract gives compensation not less than that provided by this chapter are not subject thereto if a written consent not to be bound thereby, signed by the professional ~~baseball player~~ *athlete* and the employer ~~professional baseball club~~ and approved by the commission, is filed with the commission.

**Subd. 2. Extra-territorial application.** *If an employee who regularly performs the primary duties of his employment within this state, or who is hired to perform the primary duties of his employment within this state, receives an injury while temporarily outside of this state in the employ of the same employer, the provisions of this chapter shall apply to such injury. If a resident of this state is transferred outside the territorial limits of the United States as an employee of a Minnesota employer, he shall be presumed to be temporarily employed outside of this state while so employed.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~:**

*Subd. 3. Temporary out-of-state employment. If an employee hired in this state by a Minnesota employer, receives an injury while temporarily employed outside of this state, such injury shall be subject to the provisions of this chapter. If the employer's business is in Minnesota and the employee's residence is in Minnesota, employment outside of this state shall be considered temporary.*

*Subd. 4. Out-of-state employments. If an employee who regularly performs the primary duties of his employment outside of this state or is hired to perform the primary duties of his employment outside of this state, receives an injury within this state in the employ of the same employer, such injury shall not be covered within the provisions of this chapter if the employer has provided workmen's compensation coverage for such injury within the laws of any other state or any possession or protectorate of the United States whether or not the injury is compensable under the law; provided, however, that if such employee regularly resides in Minnesota and regularly performs a part of such employment duties within the state of Minnesota, he shall be entitled to such compensation under the provisions of this chapter for such injury; provided further, that any employee who has worked for the employer in whose employment the injury occurred for six or more consecutive weeks in this state shall be deemed to have regularly resided herein.*

*Subd. 5. Except as specifically provided by subdivisions 2 and 3 of this section, injuries occurring outside of this state are not subject to the provisions of this chapter.*

Sec. 7. Minnesota Statutes 1965, Section 176.101, Subdivision 1, is amended to read:

**176.101 Compensation schedule.** Subdivision 1. **Temporary total disability.** For injury producing temporary total disability, 66 $\frac{2}{3}$  percent of the daily wage at the time of injury subject a maximum compensation of ~~\$45~~ \$60 per week and a minimum compensation of \$17.50 per week. This compensation shall be paid during the period of disability, but not exceeding 350 weeks, payment to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 8. Minnesota Statutes 1965, Section 176.101, Subdivision 3, is amended to read:

**Subd. 3. Permanent partial disability.** For the permanent partial disability from the loss of a member the compensation during the healing period, but not exceeding 104 weeks, shall be 66 $\frac{2}{3}$

**Changes or additions indicated by italics, deletions by strikeout.**

percent of the difference between the daily wage of the worker at the time of injury and any wages he is able to earn in his partially disabled condition; , *subject to a maximum as stated in subdivision 1* and thereafter and in addition thereto, compensation shall be that named in the following schedule, *subject to a maximum compensation of \$60 per week:*

(1) For the loss of a thumb, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 65 weeks;

(2) For the loss of a first finger, commonly called index finger, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 40 weeks;

(3) For the loss of a second finger, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 35 weeks;

(4) For the loss of a third finger, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 25 weeks;

(5) For the loss of a fourth finger, commonly called the little finger, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 20 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 the thumb or finger and compensation shall be paid at the prescribed rate during one-half the time specified for the loss of the thumb or finger;

(7) The loss of one and one-half or more phalanges is considered equal to the loss of the entire finger or thumb; but 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  $\frac{2}{3}$  percent of the daily wage at the time of injury during 35 weeks;

(9) For the loss of a toe other than a great toe, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 15 weeks;

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

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

(12) For the loss of a hand, not including the wrist movement, 66  $\frac{2}{3}$  percent of the daily wage at the time of injury during 195 weeks;

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

- (13) For the loss of a hand, including wrist movement,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 220 weeks;
- (14) For the loss of an arm,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 270 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 ankle movement,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 140 weeks;
- (17) For the loss of a foot, including ankle movement,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 165 weeks;
- (18) For the loss of a leg, if enough of the leg remains to permit the use of an effective artificial member,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 195 weeks;
- (19) For the loss of a leg so close to the hip that no effective artificial member can be used,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 220 weeks;
- (20) Amputation of a leg below the knee is considered as equal to 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 as equal to the loss of a leg;
- (21) For the loss of an eye,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 160 weeks;
- (22) For the complete permanent loss of hearing in one ear,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 55 weeks;
- (23) For the complete permanent loss of hearing in both ears,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 170 weeks;
- (24) For the loss of an eye and a leg,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;
- (25) For the loss of an eye and an arm,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;
- (26) For the loss of an eye and a hand,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 450 weeks;
- (27) For the loss of an eye and foot,  $66\frac{2}{3}$  percent of the daily wage at the time of injury during 400 weeks;

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

(28) For the loss of two arms, other than at the shoulder, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(29) For the loss of two hands, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(30) For the loss of two legs, other than so close to the hips that no effective artificial member can be used, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(31) For the loss of two feet, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(32) For the loss of one arm and the other hand, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(33) For the loss of one hand and one foot, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(34) For the loss of one leg and the other foot, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(35) *For the loss of one leg and one hand, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;*

(36) For the loss of one arm and one foot, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(37) For the loss of one arm and one leg, 66 2/3 percent of the daily wage at the time of injury during 500 weeks;

(38) For disfigurement not resulting from the loss of a member or other injury specifically compensated, 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 2/3 percent of the daily wage at the time of injury during such period as the commission determines, not beyond 90 weeks;

(39) For permanent partial disability resulting from injury to the back, 66 2/3 percent of the daily wage at the time of injury for that proportion of 350 weeks which is represented by the percentage of such permanent partial disability as is determined from competent testimony adduced at a hearing before a referee, a commissioner, or the commission;

(40) When an employee sustains concurrent injuries resulting in concurrent disabilities he shall receive compensation only for the injury which entitled him to the largest amount of compensation, but this does not affect liability for disfigurement affecting the

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

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 subdivision 5;

(41) In all cases of permanent partial disability it is considered that the permanent loss of the use of a member is equivalent to and draws 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 percent of the compensation payable under the schedule of this section for the loss of such member;

(42) In cases of permanent partial disability due to injury to a member, resulting in less than total loss of the 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 member which the extent of the injury to the member bears to its total loss;

(43) In cases of permanent partial disability caused by simultaneous injury to two or more members, the applicable schedules in this subdivision shall be increased by 15 percent. This clause shall not apply when the injuries are compensated under paragraphs 24 to 37 inclusive, of this subdivision. In cases of partial disability due to injury to both eyes resulting in less than total loss of vision in one or both eyes compensation shall be paid at the prescribed rate during that part of 450 weeks which the extent of the combined injury to both eyes bears to the complete loss of industrial vision;

(44) The commission may make or revise rules for the determination of the extent of the impairment of the industrial use of one or both eyes taking into account all primary coordinate factors of vision. These rules shall be made or revised after consultation with experts on industrial vision and after public notice to and hearing of interested parties;

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

(45) *In addition to the compensation provided in this chapter, the compensation during the period of retraining for a new occupation, as certified by the division of vocational rehabilitation, department of education, shall be 66 2/3 percent of the daily wage, subject to the maximum compensation provided in this chapter, at the time of the injury, not beyond 52 weeks, provided the commission, after consultation with its bureau of workmen's rehabilitation, finds that the retraining is necessary and makes an order for such compensation;*

(46) (45) In all cases of permanent partial disability not enumerated in this schedule the compensation shall be 66 2/3 percent of the difference between the daily wage of the worker 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 \$45 \$60 per week, and continue during disability, not beyond 350 weeks; and if the employer does not furnish the worker with work which he can do in his permanently partially disabled condition and he is unable to secure such work with another employer after a reasonably diligent effort, the commission may fix a rate of compensation to be paid to the worker during the period of his unemployment, not beyond 350 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;

(48) ~~All compensations provided in this schedule for loss of members or loss of the use of members are subject to the limitations as to maximum and minimum stated in subdivision 4.~~

Sec. 9. Minnesota Statutes 1965, Section 176.101, Subdivision 4, is amended to read:

Subd. 4. **Permanent total disability.** For permanent total disability, as defined in subdivision 5, the compensation shall be 66 2/3 percent of the daily wage at the time of the injury, subject to a maximum compensation of \$45 \$60 per week and a minimum compensation of \$17.50 per week. If the wages of the employee at the time of the injury are \$17.50 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 if the employee is eligible for old age and survivors insurance benefits, such benefits shall be credited on the compensation benefits payable under this subdivision after a total of \$18,000 has been paid. This compensation shall be paid during the permanent total disability of the injured employee but after a total of \$25,000 of weekly compensation has been paid, the amount of the weekly com-~~

**Changes or additions indicated by italics, deletions by strikeout.**

*compensation benefits being paid by the employer shall be reduced by the amount of any disability benefits being paid by any government disability benefit program if such disability benefits are occasioned by the same injury or injuries which give rise to payments under this subdivision. Such reduction shall also apply to any old age and survivor insurance benefits.* Payments shall 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 176.111, subdivisions 1, 2 or 3, in which case the compensation provided for in section 176.111, during the period of such confinement, shall be paid for the benefits of such dependent person during dependency. The dependency of such persons shall be determined as though the employee were deceased.

Sec. 10. Minnesota Statutes 1965, Section 176.101, Subdivision 6, is amended to read:

**Subd. 6. Previous payments, deducted from benefits.** In case a worker sustains an injury arising out of and in the course of employment, and during the period of disability caused thereby death results approximately therefrom, all payments *for temporary or permanent disability* previously made as compensation for such injury are deducted *up to a maximum of \$17,500* from any compensation 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.

Sec. 11. Minnesota Statutes 1965, Section 176.101, is amended by adding a subdivision to read:

**Subd. 8. Compensation during retraining.** *For any injury producing permanent disability which will prevent the employee from adequately performing the duties of the occupation he held at the time of injury, or any other injury which will or is likely to produce indefinite and continuous disability in excess of 26 weeks, the commission shall require that the injured employee be promptly referred to the division of vocational rehabilitation, department of education, or other public or private, properly accredited agency, to determine if retraining for a new occupation would significantly reduce or remove any reduction in employability caused by the injury. The employer shall pay any usual and reasonable expenses and charges for such evaluation. If the evaluating agency certifies to the commission that a period of retraining will significantly reduce*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*or prevent the decrease in employability resulting from the injury, the employer shall pay up to 104 weeks of additional compensation during the actual period of retraining according to the schedule of compensation for temporary total disability. However, the total additional compensation provided by this subdivision shall not be greater than an amount equal to that payable for the injury as compensation for temporary and permanent disability.*

Sec. 12. Minnesota Statutes 1965, Section 176.111, Subdivision 19, is amended to read:

Subd. 19. **Compensation; maximum, minimum.** The compensation payable in case of death to persons wholly dependent is subject to a maximum compensation of ~~\$45~~ \$60 per week and a minimum of \$17.50 per week. If at the time of injury the employee receives wages of \$17.50 or less per week, then the compensation shall be the full amount of the wages per week. The compensation payable to partial dependents is subject to a maximum of ~~\$45~~ \$60 per week and a minimum of \$17.50 per week. If the income loss of partial dependents by such death is \$17.50 or less per week, then the dependents shall receive the full amount of their income loss. This compensation shall be paid during dependency but shall not exceed ~~\$17,500~~ \$25,000 in case of a dependent wife, child, or orphan and shall not exceed 300 weeks in case of any other dependent, payments to be made at the intervals when the wage was payable, as nearly as may be.

Sec. 13. Minnesota Statutes 1965, Section 176.111, Subdivision 20, is amended to read:

Subd. 20. **Actual dependents, compensation.** Actual dependents are entitled to take compensation in the order named in subdivision 3 during dependency until 66 2/3 percent of the daily wage of the deceased at the time of injury is exhausted. This compensation shall not exceed ~~\$17,500~~ \$25,000 in case of a dependent wife, child, or orphan or continue beyond 300 weeks in case of any other dependent. The total compensation to be paid to full actual dependents of a deceased employee shall not exceed in the aggregate ~~\$45~~ \$60 per week.

Sec. 14. Minnesota Statutes 1965, Section 176.151, is amended to read:

176.151 **Time limitations.** The time within which the following acts shall be performed shall be limited to the following periods, respectively:

- (1) Actions or proceedings by an injured employee to de-

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

termine or recover compensation, two years after the employer has made written report of the injury to the commission, but not to exceed six years from the date of the accident.

(2) Actions or proceedings by dependents to determine or recover compensation, two years after the receipt by the commission of written notice of death, given by the employer, but not to exceed six years from the date of ~~the accident injury~~, *provided, however, if the employee was paid compensation for the injury from which the death resulted, such actions or proceedings by dependents must be commenced within two years after the receipt by the commission of written notice of death, given by the employer, but not to exceed six years from the date of death.* In any such case, if a dependent of the deceased, or any one in his behalf, gives written notice of such death to the commission, the commission shall forthwith give written notice to the employer of the time and place of such death. In case the deceased was a native of a foreign country and leaves no known dependent within the United States, the commission shall give written notice of the death to the consul or other representative of the foreign country forthwith.

(3) *Once compensation has been paid to the employee, he must bring any action for further compensation within eight years from the date compensation was last paid except in the case of lump sum payments made pursuant to section 176.021, subdivision 3, in which case any action must be commenced within eight years from what would have been the date of expiration of weekly benefits under section 176.101 had not lump sum payments been made.*

(4) *Clause (3) shall not apply where any existing order or award provides for further payments of compensation for recurrences of the disability from the injury to the employee; or is an injury of a nature where in the opinion of the commission there is a possibility of a future disability and the commission so finds.*

(5) *Clause (3) shall not apply where the employee's injury for which he has received compensation is such that as part of his medical care he is entitled to the future replacement or repair of crutches, apparatus, artificial members, glasses, spectacles, artificial eyes, dental bridge work, dentures or artificial teeth, hearing aids, canes, wheel chairs, or other prosthetic devices and his claim relates to items in this paragraph, or to future medical care as it relates to items in this paragraph.*

~~(3)~~ (6) In case of physical or mental incapacity, other than minority, of the injured person or his dependents to perform or cause to be performed any act required within the time specified in

**Changes or additions indicated by italics, deletions by ~~strikeout~~:**

this section, the period of limitation in any such case shall be extended for two years from the date when the incapacity ceases.

(4) (7) In the case of injury caused by x-rays, radium, radioactive substances or machines, or ionizing radiation, the time limitations otherwise prescribed by Minnesota Statutes 1961, Chapter 176, and acts amendatory thereof, shall not apply, but the employee shall give notice to the employer and commence his action within two years after the employee has knowledge of the cause of such injury and the injury has resulted in disability.

Sec. 15. Minnesota Statutes 1965, Section 176.461, is amended to read:

176.461 **Setting aside award.** Except where a writ of certiorari has been issued by the supreme court and the matter is still pending in that court or where as a matter of law the determination of the supreme court cannot be subsequently modified, the commission, for cause, at any time after an award *within eight years from the date compensation was last paid*, upon application of either party and not less than five days *after* written notice to all interested parties, may set the award aside and grant a new hearing and thereon determine the matter on its merits and make such findings of fact, conclusions of law, and award or disallowance of compensation or other order as the pleadings and the evidence produced before it and the provisions of this chapter shall in its judgment require.

Sec. 16. **Effective date.** *The provisions of this act shall become effective September 1, 1967.*

Approved June 2, 1967.

---

EXTRA SESSION  
CHAPTER 41—S. F. No. 52

[Coded]

*An act relating to the recovery of damages for willful or malicious damage to person or property caused by an unemancipated minor.*

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

Section 1. **[540.18] Minors; responsibility of parent, guard-**

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**