

FIRST REGULAR SESSION

HOUSE BILL NO. 299

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WILDBERGER (Sponsor), SATER, BAKER (25), WHORTON,
ROORDA, HARRIS (110), GEORGE AND DARROUGH (Co-sponsors) .

Read 1st time January 24, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0475L.011

AN ACT

To repeal section 287.020, RSMo, and to enact in lieu thereof one new section relating to workers' compensation.

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

Section A. Section 287.020, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.020, to read as follows:

287.020. 1. 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, including executive officers of corporations. 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. The word "employee" shall not include an individual who is the owner and operator of a motor vehicle which is leased or contracted with a driver to a for-hire common or contract motor vehicle carrier operating within a commercial zone as defined in section 390.020 or 390.041, RSMo, or operating under a certificate issued by the motor carrier and railroad safety division of the department of economic development or by the interstate commerce commission.

2. 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 identifiable event

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 or series of events happening suddenly and violently, with or without human fault, and producing
17 at the time objective symptoms of an injury. An injury is compensable if it is clearly work
18 related. An injury is clearly work related if work was a substantial factor in the cause of the
19 resulting medical condition or disability. An injury is not compensable merely because work was
20 a triggering or precipitating factor.

21 3. (1) In this chapter the term "injury" is hereby defined to be an injury which has arisen
22 out of and in the course of employment. The injury must be incidental to and not independent
23 of the relation of employer and employee. Ordinary, gradual deterioration or progressive
24 degeneration of the body caused by aging shall not be compensable, except where the
25 deterioration or degeneration follows as an incident of employment.

26 (2) An injury shall be deemed to arise out of and in the course of the employment only
27 if:

28 (a) It is reasonably apparent, upon consideration of all the circumstances, that the
29 employment is a substantial factor in causing the injury; and

30 (b) It can be seen to have followed as a natural incident of the work; and

31 (c) It can be fairly traced to the employment as a proximate cause; and

32 (d) It does not come from a hazard or risk unrelated to the employment to which workers
33 would have been equally exposed outside of and unrelated to the employment in normal
34 nonemployment life;

35 (3) The terms "injury" and "personal injuries" shall mean violence to the physical
36 structure of the body and to the personal property which is used to make up the physical structure
37 of the body, such as artificial dentures, artificial limbs, glass eyes, eyeglasses, and other
38 prostheses which are placed in or on the body to replace the physical structure and such disease
39 or infection as naturally results therefrom. These terms shall in no case except as specifically
40 provided in this chapter be construed to include occupational disease in any form, nor shall they
41 be construed to include any contagious or infectious disease contracted during the course of the
42 employment, nor shall they include death due to natural causes occurring while the worker is at
43 work.

44 4. "Death" when mentioned as a basis for the right to compensation means only death
45 resulting from such violence and its resultant effects occurring within three hundred weeks after
46 the accident; except that in cases of occupational disease, the limitation of three hundred weeks
47 shall not be applicable.

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

52 **including instances where an off-duty peace officer, fire-fighter, paramedic, or emergency**
53 **medical technician lends aid in or responds to an emergency.**

54 6. A person who is employed by the same employer for more than five and one-half
55 consecutive work days shall for the purpose of this chapter be considered an "employee".

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

59 8. As used in this chapter and all acts amendatory thereof, the term "commission" shall
60 hereafter be construed as meaning and referring exclusively to the labor and industrial relations
61 commission of Missouri, and the term "director" shall hereafter be construed as meaning the
62 director of the department of insurance of the state of Missouri or such agency of government
63 as shall exercise the powers and duties now conferred and imposed upon the department of
64 insurance of the state of Missouri.

65 9. The term "division" as used in this chapter means the division of workers'
66 compensation of the department of labor and industrial relations of the state of Missouri.

67 10. For the purposes of this chapter, the term "minor" means a person who has not
68 attained the age of eighteen years; except that, for the purpose of computing the compensation
69 provided for in this chapter, the provisions of section 287.250 shall control.