

Unofficial Draft Copy

As of: August 18, 2000 (2:18PM)

LC5002

**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act reducing the waiting period for receiving temporary total disability benefits from 6 to 3 days and providing for compensation retroactively from the first day's loss of wage following the date of injury if loss of wages continues for more than 14 calendar days; amending section 39-71-736, MCA; and providing an effective date and an applicability date."

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

Section 1. Section 39-71-736, MCA, is amended to read:

"39-71-736. Compensation -- from what ~~date~~ dates paid.

(1) (a) ~~No compensation~~ Except as provided in subsection (1)(b), compensation may not be paid for the first ~~48~~ 24 hours or ~~6~~ 3 days' loss of wages, whichever is less, that the claimant is totally disabled and unable to work due to an injury. A claimant is eligible for compensation starting with the ~~7th~~ 4th day.

(b) Compensation must be paid from the first day's loss of wages following the date of injury if the loss of wages continues for more than 14 calendar days.

~~(b)~~ (c) However, separate benefits of medical and hospital services must be furnished from the date of injury.

(2) For the purpose of this section, except as provided in

subsection (3), an injured worker is not considered to be entitled to compensation benefits if the worker is receiving sick leave benefits, except that each day for which the worker elects to receive sick leave counts 1 day toward the ~~6-day~~ 3-day waiting period.

(3) Augmentation of temporary total disability benefits with sick leave by an employer pursuant to a collective bargaining agreement may not disqualify a worker from receiving temporary total disability benefits.

(4) Receipt of vacation leave by an injured worker may not affect the worker's eligibility for temporary total disability benefits."

{Internal References to 39-71-736:
x39-71-701 }

NEW SECTION. **Section 2. {standard} Effective date -- applicability.** [This act] is effective on July 1, 2001 and applies to a claim for benefits for an injury occurring on or after [the effective date of this act].

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