

SENATE BILL NO. 282
INTRODUCED BY C. SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT TEMPORARY TOTAL DISABILITY BENEFITS BE PAID FOR THE LESSER OF EITHER THE FIRST 40 HOURS OR 5 DAYS' LOSS OF WAGES IF A CLAIMANT IS TOTALLY DISABLED AND UNABLE TO WORK FOR 6 OR MORE DAYS BECAUSE OF AN INJURY; AMENDING SECTION 39-71-736, MCA; AND PROVIDING AN IMMEDIATE 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 dates paid. (1) (a) ~~Compensation~~ Except as provided in subsection (2), compensation may not be paid for the first 40 hours or 5 days' loss of wages, whichever is less, that the claimant is totally disabled and unable to work ~~due to~~ because of an injury. A claimant is eligible for compensation starting with the 6th day.

(b) Separate benefits of medical and hospital services must be furnished from the date of injury.

(2) If a claimant is totally disabled and unable to work for 6 or more days because of an injury, compensation must be paid for the first 40 hours or 5 days' loss of wages, whichever is less.

~~(2)(3)~~ For the purpose of this section, except as provided in subsection ~~(3)(4)~~, 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 5-day waiting period.

~~(3)(4)~~ 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)(5)~~ Receipt of vacation leave by an injured worker may not affect the worker's eligibility for temporary total disability benefits."

NEW SECTION. **Section 2. Effective date -- applicability.** [This act] is effective on passage and approval and applies to injuries occurring on or after [the effective date of this act].

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