368.41
T3137
1968

Workmen's Compensation Law

Texas

Rules of the
Industrial Accident Board

•

Tables

LEGISLATIVE REFERENCE LIBRARY
P. O. BOX 12488 - CAPITOL STATION
AUSTIN, TEXAS 78711

Published by
THE STECK COMPANY
AUSTIN, TEXAS
1968

PLAINTIFF'S EXHIBIT
Tables
SOTA-118

Published by AsbestosClaims.Law
asbestosclaims.law/library/21627/1

c. In the county where the employee or the employer resided when the contract of hiring was made, as the one filing such suit may elect.

Providing that such injury shall have occurred within one year from the date such injured employee leaves this State; and provided, further, that no recovery can be had by the injured employee hereunder in the event he has elected to pursue his remedy and recovers in the State where such injury occurred. [Acts 1917, p. 269; Acts 1927, 40th Leg., p. 383, Ch. 259; Acts 1, 42nd Leg., p. 133, Ch. 90, Sec. 1.]

"Injury" and "Personal Injury" Defined: Occupational Diseases. What Are

Sec. 20. Wherever the terms 'injury' or 'personal injury,' are used in the Workmen's Compensation Law of this state, such terms shall be construed to mean damage or harm to the physical structure of the body and such diseases or infection as naturally result therefrom. Unless from the context the meaning is clearly to the contrary, such terms shall also be construed to mean and include occupational diseases, as hereinafter defined.

The following diseases only shall be deemed to be occupational diseases:

(a) Poisoning by: (1) Aluminum Trioxide; (2) Arsenic; (3) Benzol or its homologues and derivatives; (4) Beryllium; (5) Cadmium; (6) Carbon Bisulphide; (7) Carbon Dioxide; (8) Carbon Monoxide; (9) Chlorine; (10) Cyanide; (11) Formaldehyde; (12) Halogenated Hydrocarbons; (13) Hydrochloric Acid; (14) Hydrofluoric Acid; (15) Hydrogen Sulphide; (16) Lead; (17) Manganese; (18) Mercury; (19) Methanol (Wood Alcohol); (20) Methanol Chloride; (21) Nitrous Fumes; (22) Nitric Acid; (23) Petroleum or Petroleum Products;

(24) Phosphorus; (25) Selenium; (26) Sulphuric Acid; (27) Sulphur Dioxide; (28) Sulphur Trioxide; (29) Tellumium; (30) Thallium; (31) Zinc;

(b) Anthrax caused by handling of wool, hair, bristles, hides and skins;

(c) Blisters caused by prolonged or repeated use of tools or mechanical appliances;

(d) Synovitis, Tenosynovitis, or Bursitis due to an occupation involving continual or repeated pressure on the parts affected;

(e) Chrome ulceration;

(f) Compressed air illness;

(g) Dermatitis, that is, inflammation of the skin due to oil, cutting compounds or lubricants, dust, liquids, fumes, gases or vapors;

(h) Diseased condition caused by exposure to X-rays or radio-active substances;

(i) Diseased condition of the eyes due to electric arc and welding, and cataract in glass workers;

(j) Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye caused by tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of these substances;

(k) Glanders and other diseased conditions caused by handling any equine animal or the carcass of any such animal;

(l) Infectious or contagious disease contracted in the course of employment in or in immediate connection with a hospital or sanatorium in which persons or animals suffering from such disease are cared for or treated;

(m) Nystagmus incurred in underground work;

(n) Asbestosis;

Published by AsbestosClaims.Law
asbestosclaims.law/library/21627/2

(o) Silicosis;
(p) Psittacosis (ornithosis) caused by the handling or processing of meat and poultry. [Acts 1955, p. 662, Effective May 16, 1955.]

False Representations as to Previous Disease

Sec. 21. If the employee, at the time of his employment, wilfully and falsely represents in writing that he has not previously been afflicted with the occupational disease which is the cause of incapacity or death, no compensation shall be payable. [Acts 1947, p. 176.]

Aggravation of Previously Existing Diseases

Sec. 22. Where an occupational disease is aggravated by any other non-compensable disease or infirmity, or where incapacity or death from any other non-compensable cause, is aggravated, prolonged, accelerated or in anywise contributed to by an occupational disease, the number of weeks of compensation payable by the Association shall be reduced and limited to such proportion only of the total number of weeks of compensation that would be payable if the occupational disease were the sole cause of the incapacity or death, as such occupational disease, as a causative factor, bears to all the causes of such incapacity or death, such reduction in compensation to be effected by reducing the number of weekly payments of compensation for which the Association is liable. [Id.]

Retroactive Effect of Statute

Sec. 23. The provisions of this Act do not apply to cases of incapacity or death resulting from a disease in which the last injurious exposure to the hazards of such disease occurred before the date on which this Act takes effect. [Id.]

Employer, Who Deemed

Sec. 24. Where compensation is payable for an occupational disease, the employer in whose employ the employee was last injuriously exposed to the hazards of such disease shall be deemed the employer

within the meaning of the Act. [Id.]

Compensation for Occupational Disease: Association Liable When

Section 25. The association shall not be liable for any compensation for an occupational disease unless such disease shall be due to the nature of an employment in which the hazards of such disease actually exist, and are characteristic thereof and peculiar to the trade, occupation, process, or employment, and is actually incurred in such employment, and unless incapacity or death results within three (3) years in the case of silicosis or asbestosis after the last injurious exposure to such disease in such employment, or one (1) year in the case of an occupational disease caused by exposure to x-rays or radioactive substances after the date upon which the employee first suffered incapacity therefrom and either knew, or in the exercise of reasonable diligence, should have known, that said disease was caused by his present or prior employment, or one (1) year in case of any other occupational disease, after the last injurious exposure to such disease in such employment; or, in case of death, unless death follows continuous incapacity from such disease commencing within the period above limited, for which compensation has been paid or awarded or timely claim made as provided in this Act, and occurs within three hundred and sixty (360) weeks after such last exposure. [Acts 1959, effective August 11, 1959.]

Silicosis & Asbestosis

Sec. 26. (a) Wherever used in this section 'silicosis' shall mean the characteristic fibrotic condition of the lungs caused by inhalation of silica dust. 'Asbestosis' shall mean the characteristic fibrotic condition of the lungs caused by the inhalation of asbestos dust.

(b) In the absence of conclusive evidence in favor of the claimant, disability or death from silicosis or asbestosis shall be presumed not to be due to the nature of any employment within the provision of

Published by AsbestosClaims.Law
asbestosclaims.law/library/21627/3

this section, unless during the ten (10) years immediately preceding the date of incapacity the employee has been exposed to the inhalation of silica dust or asbestos dust over a period of not less than five (5) years, two (2) years of which shall have been in this state, under a contract of employment existing in this state; provided, however, that if the employee shall have been employed by the same employer during the whole of such five (5) years period, his right to compensation against the association shall not be affected by the fact that he has been employed during any part of said period outside this state; provided further, that the employee has not been working outside of the state for more than one (1) year prior to the commencement of incapacity.

(c) In the event of incapacity or death from silicosis or asbestosis, compensation shall be payable to employees or their beneficiaries as follows: If incapacity occurs, or, in the case of no claim for prior incapacity, if death occurs in the first twelve (12) months period after this section becomes effective, the total compensation or death benefits payable shall be twenty per cent of the number of weeks of compensation otherwise payable for such incapacity or death. If incapacity occurs, or, in the case of no claim for prior incapacity, if death occurs during the next twelve (12) months period, the total compensation or death benefits payable shall be forty per cent of the number of weeks of compensation otherwise payable for such incapacity or death. Thereafter, the total number of weeks of compensation payable for incapacity or death shall increase at the rate of twenty per cent for each succeeding twelve (12) months period; the aggregate number of weeks of compensation payable in each case to be limited according to the foregoing formula for the year in which incapacity occurs, or, in case of no claim for prior incapacity, in which death occurs. Such progressive increase in the

limitation of the total number of weeks of compensation in any event payable for incapacity or death due to silicosis or asbestosis shall continue only until such total number of weeks equals but does not exceed the number which would be payable to the particular employee or his beneficiaries had such incapacity or death been due to an injury other than an occupational disease.

(d) In the event of incapacity from silicosis or asbestosis, the Association shall provide reasonable medical treatment; but liability for such treatment shall not extend beyond ninety-one (91) days.

(e) Where an employee, though not actually incapacitated, is found to be affected by silicosis or asbestosis, he may, subject to the approval of the Board, be permitted to waive in writing full compensation for any aggravation of his condition that may result from his continuing in the hazardous occupation. In the event of total incapacity or death as a result of the disease with which the employee was so affected, after such a waiver, compensation shall nevertheless be payable as herein elsewhere provided; but in no case, whether for incapacity or death or both, for longer than one hundred (100) weeks. A waiver so permitted shall remain effective, for the trade, occupation, process, or employment for which executed, notwithstanding a change or changes of employer. The Board shall make reasonable rules and regulations relative to the form, execution, filing or registration and public inspection of waivers or records thereof. [Acts 1947, p. 176.]

Acute State of Certain Diseases, Compensation Only During

Sec. 27. In any case wherein the employment causes an acute disease, condition or allergy which can be arrested by a change of employment or by

Published by AsbestosClaims.Law
asbestosclaims.law/library/21627/4