

HOUSE BILL No. 6640

November 14, 2006, Introduced by Reps. Robertson, Condino and Hildenbrand and referred to the Committee on Employment Relations, Training, and Safety.

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending section 360 (MCL 418.360).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 360. (1) A person who suffers an injury arising out of
2 and in the course of employment as a professional athlete shall be
3 entitled to weekly benefits only when the person's average weekly
4 wages in all employments at the ~~time of application for benefits,~~
5 ~~and thereafter~~ **DATE OF INJURY**, as computed in accordance with
6 section 371, are less than 200% of the state average weekly wage.

7 (2) This section shall not be construed to prohibit an
8 otherwise eligible person from receiving benefits under section
9 315, 319, or 361.

1 (3) A PERSON WHO SUFFERS AN INJURY ARISING OUT OF AND IN THE
2 COURSE OF EMPLOYMENT AS A PROFESSIONAL ATHLETE SHALL BE PRESUMED
3 NOT TO HAVE A LOSS OF EARNINGS OR EARNING CAPACITY AS THE RESULT OF
4 A COMPENSABLE INJURY OR DISEASE UNDER THIS ACT DURING THE OFF-
5 SEASON WHEN THE SPORT IS NOT PLAYED. THIS PRESUMPTION MAY BE
6 REBUTTED ONLY BY A PREPONDERANCE OF THE EVIDENCE SHOWING THAT THE
7 PERSON SUFFERED A LOSS OF EARNING CAPACITY AND WAGE LOSS IN ALL
8 OFF-SEASON EMPLOYMENT WITHIN THE EMPLOYEE'S QUALIFICATIONS,
9 TRAINING, AND EXPERIENCE.