

SENATE BILL No. 118

February 8, 1989, Introduced by Senators DILLINGHAM, GEAKE, DI NELLO, CROPSEY, N. SMITH, CRUCE, FREDRICKS, NICHOLS and SHINKLE and referred to the Committee on Human Resources and Senior Citizens.

A bill to amend section 360 of Act No. 317 of the Public Acts of 1969, entitled as amended
"Worker's disability compensation act of 1969,"
being section 418.360 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 360 of Act No. 317 of the Public Acts of
2 1969, being section 418.360 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 360. (1) A person who suffers an injury arising out of
5 and in the course of employment as a professional athlete shall
6 be entitled to weekly WAGE LOSS benefits ~~only when the person's~~
7 ~~average weekly wages in all employments at the time of applica-~~
8 ~~tion for benefits, and thereafter, as computed in accordance with~~
9 ~~section 371, are less than 200% of the state average weekly wage-~~

10 UNDER THIS ACT. HOWEVER, ANY WEEKLY WAGE LOSS BENEFITS A

1 PROFESSIONAL ATHLETE IS ELIGIBLE TO RECEIVE SHALL BE REDUCED BY
2 ANY OF THE FOLLOWING:

3 (A) THE AFTER-TAX AMOUNT OF THE PAYMENTS RECEIVED OR BEING
4 RECEIVED UNDER A SELF-INSURANCE PLAN, A WAGE CONTINUATION PLAN,
5 AN ANNUITY PLAN, AN INCOME CONTINUATION PLAN, A DISABILITY INSUR-
6 ANCE POLICY, OR ANY OTHER INCOME PROVIDED BY OR FUNDED BY THE
7 SAME EMPLOYER FROM WHOM WEEKLY WAGE LOSS BENEFITS WOULD BE
8 RECEIVED AND PURSUANT TO THE TERMS OF THE CONTRACT BETWEEN THE
9 PROFESSIONAL ATHLETE AND HIS OR HER EMPLOYER.

10 (B) ANY OTHER INCOME RECEIVED BY THE PROFESSIONAL ATHLETE
11 THAT IS DIRECTLY ATTRIBUTABLE TO HIS OR HER STATUS AS A PROFES-
12 SIONAL ATHLETE.

13 (2) ~~This section shall not be construed to prohibit an oth-~~
14 ~~erwise eligible person from receiving benefits under section 315,~~
15 ~~319, or 361.~~ THE PERSON SHALL BE ENTITLED TO RECEIVE BENEFITS
16 UNDER SECTION 315 OR 319 TO THE EXTENT THESE BENEFITS ARE NOT
17 PROVIDED BY THE EMPLOYER.

18 (3) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ACT WITH
19 RESPECT TO THE DURATION OF WEEKLY WAGE LOSS BENEFITS, A PERSON
20 WHO SUFFERS AN INJURY ARISING OUT OF AND IN THE COURSE OF EMPLOY-
21 MENT AS A PROFESSIONAL ATHLETE SHALL NOT RECEIVE MORE THAN 260
22 WEEKS OF WEEKLY WAGE LOSS BENEFITS UNDER THIS ACT NOR RECEIVE
23 BENEFITS FOR A PERIOD LONGER THAN 5 YEARS AFTER HE OR SHE CEASES
24 EMPLOYMENT AS A PROFESSIONAL ATHLETE.

25 (4) AS USED IN THIS SECTION, "PROFESSIONAL ATHLETE" MEANS A
26 PERSON WHO IS PAID WAGES FOR PARTICIPATION IN A SPORTS ACTIVITY
27 FOR AN EMPLOYER LOCATED IN THIS STATE.