

WORKER'S DISABILITY COMPENSATION ACT OF 1969 (EXCERPT)
Act 317 of 1969

CHAPTER 9
VOCATIONALLY HANDICAPPED

418.901 Definitions.

Sec. 901. As used in this chapter:

(a) "Vocationally disabled" means a person who has a medically certifiable impairment of the back or heart, or who is subject to epilepsy, or who has diabetes, and whose impairment is a substantial obstacle to employment, considering such factors as the person's age, education, training, experience, and employment rejection.

(b) "Certifying agency" means the division of vocational rehabilitation of the department of education.

(c) "Certificate" means documentation issued by the certifying agency to an individual who is vocationally disabled.

(d) "Fund" means the second injury fund created in chapter 5. Payments made by the fund under this chapter shall be treated the same as all other payments made by the second injury fund.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1973, Act 198, Imd. Eff. Jan. 11, 1974;—Am. 1998, Act 74, Imd. Eff. May 4, 1998.

Popular name: Act 317

418.905 Application for certification as vocationally disabled; investigation; issuance, expiration, renewal, and validity of certificate.

Sec. 905. An unemployed person who wishes to be certified as vocationally disabled for purposes of this chapter shall apply to the certifying agency on forms furnished by the agency. The certifying agency shall conduct an investigation and shall issue a certificate to a person who meets the requirements for vocationally disabled certification. The certificate is valid for 2 calendar years after the date of issuance. After expiration of a certificate an unemployed person may apply for a new certificate. A certificate is not valid with an employer by whom the person has been employed within 52 weeks before issuance of the certificate.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1998, Act 74, Imd. Eff. May 4, 1998.

Popular name: Act 317

418.911 Filing by employer of information requested by certifying agency.

Sec. 911. Upon commencement of employment of a certified vocationally disabled person the employer shall submit to the certifying agency, on forms furnished by the agency, all pertinent information requested by the agency. The certifying agency shall acknowledge receipt of the information. Failure to file the required information with the certifying agency within 60 days after the first day of the vocationally disabled person's employment precludes the employer from the protection and benefits of this chapter unless such information is filed before an injury for which benefits are payable under this act.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1998, Act 74, Imd. Eff. May 4, 1998.

Popular name: Act 317

418.915 Rules.

Sec. 915. The director of the certifying agency shall promulgate rules of procedure for certification of vocationally disabled persons in accordance with the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1998, Act 74, Imd. Eff. May 4, 1998.

Popular name: Act 317

418.921 Compensation for personal injury resulting in death or disability; liability of fund.

Sec. 921. A person certified as vocationally disabled who receives a personal injury arising out of and in the course of his employment and resulting in death or disability, shall be paid compensation in the manner and to the extent provided in this act, or in case of his death resulting from such injury, the compensation shall be paid to his dependents. The liability of the employer for payment of compensation, for furnishing medical care or for payment of expenses of the employee's last illness and burial as provided in this act shall be limited to those benefits accruing during the period of 52 weeks after the date of injury. Thereafter, all compensation and the cost of all medical care and expenses of the employee's last sickness and burial shall be the liability of the fund. The fund shall be liable, from the date of injury, for those vocational rehabilitation

benefits provided in section 319.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1998, Act 74, Imd. Eff. May 4, 1998.

Compiler's note: For legislative intent as to severability, see Compiler's note to MCL 418.213.

Popular name: Act 317

418.925 Procedure and practice applicable in personal injury proceedings; notice to fund; payments by carrier on behalf of fund; reimbursement; direct payments by fund.

Sec. 925. (1) When a vocationally disabled person receives a personal injury, the procedure and practice provided in this act applies to all proceedings under this chapter, except where specifically otherwise provided herein. Not less than 90 nor more than 150 days before the expiration of 52 weeks after the date of injury, the carrier shall notify the fund whether it is likely that compensation may be payable beyond a period of 52 weeks after the date of injury. The fund, thereafter, may review, at reasonable times, such information as the carrier has regarding the accident, and the nature and extent of the injury and disability.

(2) If the fund does not notify the carrier of its intent to dispute the payment of compensation, the carrier shall continue to make payments on behalf of the fund, and shall be reimbursed by the fund for all compensation paid and pertaining to the period beyond 52 weeks after the date of injury. However at any time subsequent to 52 weeks after the date of injury, the fund may notify the carrier of a dispute as to the payment of compensation. The liability of the fund to reimburse the carrier shall be suspended 30 days thereafter until such controversy is determined.

(3) The obligation imposed by this section on a carrier to make payments on behalf of the fund does not impose an independent liability on the carrier. After a carrier has established the right to reimbursement, payment shall be made promptly on a proper showing every 6 months. If a carrier does not make the payments on behalf of the fund, the fund may make the payments directly to the persons entitled to such payments.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1998, Act 74, Imd. Eff. May 4, 1998.

Compiler's note: For legislative intent as to severability, see Compiler's note to MCL 418.213.

Popular name: Act 317

418.931 Dispute or controversy as to payment of compensation; notice to and claim upon employer; hearing; joinder of fund; notice to fund; objection; evidence; appearances; order.

Sec. 931. (1) If an employee was employed under the provisions of this chapter and a dispute or controversy arises as to payment of compensation or the liability therefor, the employee shall give notice to, and make claim upon, the employer as provided in chapters 3 and 4 and apply for a hearing. On motion made in writing by the employer, the director, or the worker's compensation magistrate to whom the case is assigned, shall join the fund as a party defendant.

(2) The bureau within 5 days of the entry of an order joining the fund as a party defendant shall give the fund written notice thereof by first-class mail which notice shall be mailed not less than 30 days before the date of hearing and shall include the name of the employee and employer and the date of the alleged personal injury or disability.

(3) The fund, named as a defendant pursuant to motion, shall have 10 days after the date of mailing of notice of joinder to file objection to being named a party defendant. On the date of the hearing at which the liability of the parties is determined, the worker's compensation magistrate first shall hear arguments and take evidence concerning the joinder as party defendant. If the fund has filed a timely objection, and if the argument and evidence warrant, the worker's compensation magistrate shall grant a motion to dismiss.

(4) At the time of the hearing, the employer and the fund may appear, cross-examine witnesses, give evidence, and defend both on the issue of liability of the employer to the employee and on the issue of the liability of the fund.

(5) The worker's compensation magistrate shall enter an order determining the respective liability of the employer and the fund.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1985, Act 103, Imd. Eff. July 30, 1985;—Am. 1994, Act 271, Imd. Eff. July 11, 1994.

Compiler's note: For legislative intent as to severability, see Compiler's note to MCL 418.213.

Popular name: Act 317

418.935 Redemption of liability.

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Sec. 935. After an employer has paid an employee those benefits which have accrued during the period of 52 weeks after the date of injury, the trustees may compromise the liability of the fund by entering into a redemption of liability directly with the employee if in the judgment of the trustees it is in the employee's best interest to do so. Redemption of liability terminates all liability, including vocational rehabilitation, of the fund. A redemption of liability by the employer made with the employee before actual payment by the employer of those benefits which have accrued during the period of 52 weeks after the date of injury eliminates all liability, including vocational rehabilitation, of the fund.

History: Add. 1971, Act 183, Eff. July 1, 1972;—Am. 1985, Act 103, Imd. Eff. July 30, 1985.

Compiler's note: For legislative intent as to severability, see Compiler's note to MCL 418.213.

Popular name: Act 317

418.941 Reports; investigation.

Sec. 941. A copy of all reports required by the bureau of the carrier under the bureau's rules shall be sent to the fund. The fund may conduct an investigation of the personal injury.

History: Add. 1971, Act 183, Eff. July 1, 1972.

Popular name: Act 317