

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 52 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 6-3.1-20 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JANUARY 1, 2001]:
- 5 **Chapter 20. Worker's Compensation Coverage Credit**
- 6 **Sec. 1. As used in this chapter, "state tax liability" means a**
- 7 **taxpayer's total tax liability that is incurred under:**
- 8 (1) IC 6-2.1 (gross income tax);
- 9 (2) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);
- 10 (3) IC 6-3-8 (supplemental net income tax);
- 11 (4) IC 6-5-10 (bank tax);
- 12 (5) IC 6-5-11 (savings and loan association tax);
- 13 (6) IC 27-1-18-2 (insurance premiums tax);
- 14 (7) IC 6-5.5 (financial institutions tax); and
- 15 (8) IC 6-2.5 (state gross retail and use tax);
- 16 as computed after the application of the credits that, under
- 17 IC 6-3.1-1-2, are to be applied before the credit provided by this
- 18 chapter.
- 19 **Sec. 2. As used in this chapter, "taxpayer" means an individual**
- 20 **or entity that:**
- 21 (1) has any state tax liability; and
- 22 (2) had any worker's compensation coverage amount;
- 23 for the taxable year.
- 24 **Sec. 3. As used in this chapter, "worker's compensation**

1 coverage amount" means expenses incurred by a taxpayer to pay
 2 for worker's compensation coverage required by IC 22, including
 3 those taxpayers that provide coverage under a self-insurance
 4 program or substitute system of insurance.

5 **Sec. 4. (a) A taxpayer is entitled to a credit against the**
 6 **taxpayer's state tax liability for a taxable year if the taxpayer had**
 7 **employees covered by worker's compensation under IC 22-3 in that**
 8 **taxable year.**

9 **(b) The amount of the credit to which a taxpayer is entitled is**
 10 **the taxpayer's worker's compensation coverage amount multiplied**
 11 **by twelve and seven-tenths percent (12.7%).**

12 **Sec. 5. (a) If the amount determined under section 4(b) of this**
 13 **chapter for a taxpayer in a taxable year exceeds the taxpayer's**
 14 **state tax liability for that taxable year, the taxpayer may carry the**
 15 **excess over to the following taxable years. The amount of the credit**
 16 **carryover from a taxable year shall be reduced to the extent that**
 17 **the carryover is used by the taxpayer to obtain a credit under this**
 18 **chapter for any subsequent taxable year.**

19 **(b) A taxpayer is not entitled to a carryback or refund of any**
 20 **unused credit.**

21 **Sec. 6. To receive the credit provided by this chapter, a taxpayer**
 22 **must claim the credit on the taxpayer's state tax return or returns**
 23 **in the manner prescribed by the department. The taxpayer shall**
 24 **submit to the department all information that the department**
 25 **determines is necessary for the calculation of the credit provided**
 26 **by this chapter.**

27 SECTION 2. IC 22-3-3-10, AS AMENDED BY P.L.235-1999,
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JANUARY 1, 2001]: Sec. 10. (a) With respect to injuries in the
 30 following schedule occurring prior to April 1, 1951, the employee shall
 31 receive in addition to temporary total disability benefits not exceeding
 32 twenty-six (26) weeks on account of the injuries, a weekly
 33 compensation of fifty-five percent (55%) of the employee's average
 34 weekly wages. With respect to injuries in the following schedule
 35 occurring on and after April 1, 1951, and prior to July 1, 1971, the
 36 employee shall receive in addition to temporary total disability benefits
 37 not exceeding twenty-six (26) weeks on account of the injuries, a
 38 weekly compensation of sixty percent (60%) of the employee's average
 39 weekly wages. With respect to injuries in the following schedule
 40 occurring on and after July 1, 1971, and before July 1, 1977, the
 41 employee shall receive in addition to temporary total disability benefits
 42 not exceeding twenty-six (26) weeks on account of the injuries, a
 43 weekly compensation of sixty percent (60%) of the employee's average
 44 weekly wages not to exceed one hundred dollars (\$100) average weekly
 45 wages, for the periods stated for the injuries. With respect to injuries
 46 in the following schedule occurring on and after July 1, 1977, and
 47 before July 1, 1979, the employee shall receive, in addition to

1 temporary total disability benefits not exceeding twenty-six (26) weeks
 2 on account of the injury, a weekly compensation of sixty percent (60%)
 3 of his average weekly wages, not to exceed one hundred twenty-five
 4 dollars (\$125) average weekly wages, for the period stated for the
 5 injury. With respect to injuries in the following schedule occurring on
 6 and after July 1, 1979, and before July 1, 1988, the employee shall
 7 receive, in addition to temporary total disability benefits not to exceed
 8 fifty-two (52) weeks on account of the injury, a weekly compensation
 9 of sixty percent (60%) of the employee's average weekly wages, not to
 10 exceed one hundred twenty-five dollars (\$125) average weekly wages,
 11 for the period stated for the injury. With respect to injuries in the
 12 following schedule occurring on and after July 1, 1988, and before July
 13 1, 1989, the employee shall receive, in addition to temporary total
 14 disability benefits not exceeding seventy-eight (78) weeks on account
 15 of the injury, a weekly compensation of sixty percent (60%) of the
 16 employee's average weekly wages, not to exceed one hundred sixty-six
 17 dollars (\$166) average weekly wages, for the period stated for the
 18 injury.

19 With respect to injuries in the following schedule occurring on and
 20 after July 1, 1989, and before July 1, 1990, the employee shall receive,
 21 in addition to temporary total disability benefits not exceeding
 22 seventy-eight (78) weeks on account of the injury, a weekly
 23 compensation of sixty percent (60%) of the employee's average weekly
 24 wages, not to exceed one hundred eighty-three dollars (\$183) average
 25 weekly wages, for the period stated for the injury.

26 With respect to injuries in the following schedule occurring on and
 27 after July 1, 1990, and before July 1, 1991, the employee shall receive,
 28 in addition to temporary total disability benefits not exceeding
 29 seventy-eight (78) weeks on account of the injury, a weekly
 30 compensation of sixty percent (60%) of the employee's average weekly
 31 wages, not to exceed two hundred dollars (\$200) average weekly
 32 wages, for the period stated for the injury.

33 (1) Amputation: For the loss by separation of the thumb, sixty
 34 (60) weeks, of the index finger forty (40) weeks, of the second
 35 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
 36 weeks, of the fourth or little finger twenty (20) weeks, of the hand
 37 by separation below the elbow joint two hundred (200) weeks, or
 38 the arm above the elbow two hundred fifty (250) weeks, of the big
 39 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
 40 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
 41 of the fifth or little toe ten (10) weeks, and for loss occurring
 42 before April 1, 1959, by separation of the foot below the knee
 43 joint one hundred fifty (150) weeks and of the leg above the knee
 44 joint two hundred (200) weeks; for loss occurring on and after
 45 April 1, 1959, by separation of the foot below the knee joint, one
 46 hundred seventy-five (175) weeks and of the leg above the knee

1 joint two hundred twenty-five (225) weeks. The loss of more than
2 one (1) phalange of a thumb or toes shall be considered as the loss
3 of the entire thumb or toe. The loss of more than two (2)
4 phalanges of a finger shall be considered as the loss of the entire
5 finger. The loss of not more than one (1) phalange of a thumb or
6 toe shall be considered as the loss of one-half (1/2) of the thumb
7 or toe and compensation shall be paid for one-half (1/2) of the
8 period for the loss of the entire thumb or toe. The loss of not more
9 than one (1) phalange of a finger shall be considered as the loss
10 of one-third (1/3) of the finger and compensation shall be paid for
11 one-third (1/3) the period for the loss of the entire finger. The loss
12 of more than one (1) phalange of the finger but not more than two
13 (2) phalanges of the finger, shall be considered as the loss of
14 one-half (1/2) of the finger and compensation shall be paid for
15 one-half (1/2) of the period for the loss of the entire finger.
16 (2) For the loss by separation of both hands or both feet or the
17 total sight of both eyes, or any two (2) such losses in the same
18 accident, five hundred (500) weeks.
19 (3) For the permanent and complete loss of vision by enucleation
20 or its reduction to one-tenth (1/10) of normal vision with glasses,
21 one hundred seventy-five (175) weeks.
22 (4) For the permanent and complete loss of hearing in one (1) ear,
23 seventy-five (75) weeks, and in both ears, two hundred (200)
24 weeks.
25 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
26 both testicles, one hundred fifty (150) weeks.
27 (b) With respect to injuries in the following schedule occurring prior
28 to April 1, 1951, the employee shall receive in lieu of all other
29 compensation on account of the injuries, a weekly compensation of
30 fifty-five percent (55%) of the employee's average weekly wages. With
31 respect to injuries in the following schedule occurring on and after
32 April 1, 1951, and prior to April 1, 1955, the employee shall receive in
33 lieu of all other compensation on account of the injuries a weekly
34 compensation of sixty percent (60%) of the employee's average weekly
35 wages. With respect to injuries in the following schedule occurring on
36 and after April 1, 1955, and prior to July 1, 1971, the employee shall
37 receive in addition to temporary total disability benefits not exceeding
38 twenty-six (26) weeks on account of the injuries, a weekly
39 compensation of sixty percent (60%) of the employee's average weekly
40 wages. With respect to injuries in the following schedule occurring on
41 and after July 1, 1971, and before July 1, 1977, the employee shall
42 receive in addition to temporary total disability benefits not exceeding
43 twenty-six (26) weeks on account of the injuries, a weekly
44 compensation of sixty percent (60%) of the employee's average weekly
45 wages, not to exceed one hundred dollars (\$100) average weekly
46 wages, for the period stated for such injuries respectively. With respect

1 to injuries in the following schedule occurring on and after July 1,
 2 1977, and before July 1, 1979, the employee shall receive, in addition
 3 to temporary total disability benefits not exceeding twenty-six (26)
 4 weeks on account of the injury, a weekly compensation of sixty percent
 5 (60%) of the employee's average weekly wages not to exceed one
 6 hundred twenty-five dollars (\$125) average weekly wages, for the
 7 period stated for the injury. With respect to injuries in the following
 8 schedule occurring on and after July 1, 1979, and before July 1, 1988,
 9 the employee shall receive, in addition to temporary total disability
 10 benefits not exceeding fifty-two (52) weeks on account of the injury, a
 11 weekly compensation of sixty percent (60%) of the employee's average
 12 weekly wages not to exceed one hundred twenty-five dollars (\$125)
 13 average weekly wages for the period stated for the injury. With respect
 14 to injuries in the following schedule occurring on and after July 1,
 15 1988, and before July 1, 1989, the employee shall receive, in addition
 16 to temporary total disability benefits not exceeding seventy-eight (78)
 17 weeks on account of the injury, a weekly compensation of sixty percent
 18 (60%) of the employee's average weekly wages, not to exceed one
 19 hundred sixty-six dollars (\$166) average weekly wages, for the period
 20 stated for the injury.

21 With respect to injuries in the following schedule occurring on and
 22 after July 1, 1989, and before July 1, 1990, the employee shall receive,
 23 in addition to temporary total disability benefits not exceeding
 24 seventy-eight (78) weeks on account of the injury, a weekly
 25 compensation of sixty percent (60%) of the employee's average weekly
 26 wages, not to exceed one hundred eighty-three dollars (\$183) average
 27 weekly wages, for the period stated for the injury.

28 With respect to injuries in the following schedule occurring on and
 29 after July 1, 1990, and before July 1, 1991, the employee shall receive,
 30 in addition to temporary total disability benefits not exceeding
 31 seventy-eight (78) weeks on account of the injury, a weekly
 32 compensation of sixty percent (60%) of the employee's average weekly
 33 wages, not to exceed two hundred dollars (\$200) average weekly
 34 wages, for the period stated for the injury.

35 (1) Loss of use: The total permanent loss of the use of an arm,
 36 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 37 as the equivalent of the loss by separation of the arm, hand,
 38 thumb, finger, leg, foot, toe, or phalange, and compensation shall
 39 be paid for the same period as for the loss thereof by separation.

40 (2) Partial loss of use: For the permanent partial loss of the use of
 41 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 42 compensation shall be paid for the proportionate loss of the use of
 43 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

44 (3) For injuries resulting in total permanent disability, five
 45 hundred (500) weeks.

46 (4) For any permanent reduction of the sight of an eye less than a

1 total loss as specified in subsection (a)(3), compensation shall be
2 paid for a period proportionate to the degree of such permanent
3 reduction without correction or glasses. However, when such
4 permanent reduction without correction or glasses would result in
5 one hundred percent (100%) loss of vision, but correction or
6 glasses would result in restoration of vision, then in such event
7 compensation shall be paid for fifty percent (50%) of such total
8 loss of vision without glasses, plus an additional amount equal to
9 the proportionate amount of such reduction with glasses, not to
10 exceed an additional fifty percent (50%).

11 (5) For any permanent reduction of the hearing of one (1) or both
12 ears, less than the total loss as specified in subsection (a)(4),
13 compensation shall be paid for a period proportional to the degree
14 of such permanent reduction.

15 (6) In all other cases of permanent partial impairment,
16 compensation proportionate to the degree of such permanent
17 partial impairment, in the discretion of the worker's compensation
18 board, not exceeding five hundred (500) weeks.

19 (7) In all cases of permanent disfigurement which may impair the
20 future usefulness or opportunities of the employee, compensation,
21 in the discretion of the worker's compensation board, not
22 exceeding two hundred (200) weeks, except that no compensation
23 shall be payable under this subdivision where compensation is
24 payable elsewhere in this section.

25 (c) With respect to injuries in the following schedule occurring on
26 and after July 1, 1991, the employee shall receive in addition to
27 temporary total disability benefits, not exceeding one hundred
28 twenty-five (125) weeks on account of the injury, compensation in an
29 amount determined under the following schedule to be paid weekly at
30 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's
31 average weekly wages during the fifty-two (52) weeks immediately
32 preceding the week in which the injury occurred.

33 (1) Amputation: For the loss by separation of the thumb, twelve
34 (12) degrees of permanent impairment; of the index finger, eight
35 (8) degrees of permanent impairment; of the second finger, seven
36 (7) degrees of permanent impairment; of the third or ring finger,
37 six (6) degrees of permanent impairment; of the fourth or little
38 finger, four (4) degrees of permanent impairment; of the hand by
39 separation below the elbow joint, forty (40) degrees of permanent
40 impairment; of the arm above the elbow, fifty (50) degrees of
41 permanent impairment; of the big toe, twelve (12) degrees of
42 permanent impairment; of the second toe, six (6) degrees of
43 permanent impairment; of the third toe, four (4) degrees of
44 permanent impairment; of the fourth toe, three (3) degrees of
45 permanent impairment; of the fifth or little toe, two (2) degrees of
46 permanent impairment; by separation of the foot below the knee

- 1 joint, thirty-five (35) degrees of permanent impairment; and of the
 2 leg above the knee joint, forty-five (45) degrees of permanent
 3 impairment.
- 4 ~~(2)~~ **Amputations:** For the loss by separation of any of the body
 5 parts described in subdivision (1) on or after July 1, 1997, and for
 6 the loss by separation of any of the body parts described in
 7 subdivision (3); (5); or (8); on or after July 1, 1999; the dollar
 8 values per degree applying on the date of the injury as described
 9 in subsection (d) shall be multiplied by two (2). However, the
 10 doubling provision of this subdivision does not apply to a loss of
 11 use that is not a loss by separation.
- 12 ~~(3)~~ **(2)** The loss of more than one (1) phalange of a thumb or toe
 13 shall be considered as the loss of the entire thumb or toe. The loss
 14 of more than two (2) phalanges of a finger shall be considered as
 15 the loss of the entire finger. The loss of not more than one (1)
 16 phalange of a thumb or toe shall be considered as the loss of
 17 one-half (1/2) of the degrees of permanent impairment for the loss
 18 of the entire thumb or toe. The loss of not more than one (1)
 19 phalange of a finger shall be considered as the loss of one-third
 20 (1/3) of the finger and compensation shall be paid for one-third
 21 (1/3) of the degrees payable for the loss of the entire finger. The
 22 loss of more than one (1) phalange of the finger but not more than
 23 two (2) phalanges of the finger shall be considered as the loss of
 24 one-half (1/2) of the finger and compensation shall be paid for
 25 one-half (1/2) of the degrees payable for the loss of the entire
 26 finger.
- 27 ~~(4)~~ **(3)** For the loss by separation of both hands or both feet or the
 28 total sight of both eyes or any two (2) such losses in the same
 29 accident, one hundred (100) degrees of permanent impairment.
- 30 ~~(5)~~ **(4)** For the permanent and complete loss of vision by
 31 enucleation, thirty-five (35) degrees of permanent impairment.
- 32 ~~(6)~~ **(5)** For the reduction of vision to one-tenth (1/10) of normal
 33 vision with glasses, thirty-five (35) degrees of permanent
 34 impairment.
- 35 ~~(7)~~ **(6)** For the permanent and complete loss of hearing in one (1)
 36 ear, fifteen (15) degrees of permanent impairment, and in both
 37 ears, forty (40) degrees of permanent impairment.
- 38 ~~(8)~~ **(7)** For the loss of one (1) testicle, ten (10) degrees of
 39 permanent impairment; for the loss of both testicles, thirty (30)
 40 degrees of permanent impairment.
- 41 ~~(9)~~ **(8)** Loss of use: The total permanent loss of the use of an arm,
 42 a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall
 43 be considered as the equivalent of the loss by separation of the
 44 arm, hand, thumb, finger, leg, foot, toe, or phalange, and
 45 compensation shall be paid in the same amount as for the loss by
 46 separation. However, the doubling provision of subdivision (2)

1 ~~does not apply to a loss of use that is not a loss by separation.~~

2 ~~(10) (9)~~ Partial loss of use: For the permanent partial loss of the
3 use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
4 phalange, compensation shall be paid for the proportionate loss of
5 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

6 ~~(11) (10)~~ For injuries resulting in total permanent disability, the
7 amount payable for impairment or five hundred (500) weeks of
8 compensation, whichever is greater.

9 ~~(12) (11)~~ For any permanent reduction of the sight of an eye less
10 than a total loss as specified in subsection (a)(3), the
11 compensation shall be paid in an amount proportionate to the
12 degree of a permanent reduction without correction or glasses.
13 However, when a permanent reduction without correction or
14 glasses would result in one hundred percent (100%) loss of
15 vision, then compensation shall be paid for fifty percent (50%) of
16 the total loss of vision without glasses, plus an additional amount
17 equal to the proportionate amount of the reduction with glasses,
18 not to exceed an additional fifty percent (50%).

19 ~~(13) (12)~~ For any permanent reduction of the hearing of one (1)
20 or both ears, less than the total loss as specified in subsection
21 (a)(4), compensation shall be paid in an amount proportionate to
22 the degree of a permanent reduction.

23 ~~(14) (13)~~ In all other cases of permanent partial impairment,
24 compensation proportionate to the degree of a permanent partial
25 impairment, in the discretion of the worker's compensation board,
26 not exceeding one hundred (100) degrees of permanent
27 impairment.

28 ~~(15) (14)~~ In all cases of permanent disfigurement which may
29 impair the future usefulness or opportunities of the employee,
30 compensation, in the discretion of the worker's compensation
31 board, not exceeding forty (40) degrees of permanent impairment
32 except that no compensation shall be payable under this
33 subdivision where compensation is payable elsewhere in this
34 section. **If compensation is payable elsewhere in this section,**
35 **additional compensation may be payable at the discretion of**
36 **the worker's compensation board not to exceed fifteen (15)**
37 **degrees of permanent impairment.**

38 (d) Compensation for permanent partial impairment shall be paid
39 according to the degree of permanent impairment for the injury
40 determined under subsection (c) and the following:

41 (1) With respect to injuries occurring on and after July 1, 1991,
42 and before July 1, 1992, for each degree of permanent impairment
43 from one (1) to thirty-five (35), five hundred dollars (\$500) per
44 degree; for each degree of permanent impairment from thirty-six
45 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
46 degree of permanent impairment above fifty (50), one thousand

- 1 five hundred dollars (\$1,500) per degree.
- 2 (2) With respect to injuries occurring on and after July 1, 1992,
3 and before July 1, 1993, for each degree of permanent impairment
4 from one (1) to twenty (20), five hundred dollars (\$500) per
5 degree; for each degree of permanent impairment from
6 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
7 per degree; for each degree of permanent impairment from
8 thirty-six (36) to fifty (50), one thousand three hundred dollars
9 (\$1,300) per degree; for each degree of permanent impairment
10 above fifty (50), one thousand seven hundred dollars (\$1,700) per
11 degree.
- 12 (3) With respect to injuries occurring on and after July 1, 1993,
13 and before July 1, 1997, for each degree of permanent impairment
14 from one (1) to ten (10), five hundred dollars (\$500) per degree;
15 for each degree of permanent impairment from eleven (11) to
16 twenty (20), seven hundred dollars (\$700) per degree; for each
17 degree of permanent impairment from twenty-one (21) to
18 thirty-five (35), one thousand dollars (\$1,000) per degree; for
19 each degree of permanent impairment from thirty-six (36) to fifty
20 (50), one thousand four hundred dollars (\$1,400) per degree; for
21 each degree of permanent impairment above fifty (50), one
22 thousand seven hundred dollars (\$1,700) per degree.
- 23 (4) With respect to injuries occurring on and after July 1, 1997,
24 and before July 1, 1998, for each degree of permanent impairment
25 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
26 degree; for each degree of permanent impairment from eleven
27 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
28 for each degree of permanent impairment from thirty-six (36) to
29 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
30 for each degree of permanent impairment above fifty (50), one
31 thousand seven hundred dollars (\$1,700) per degree.
- 32 (5) With respect to injuries occurring on and after July 1, 1998,
33 and before July 1, 1999, for each degree of permanent impairment
34 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
35 degree; for each degree of permanent impairment from eleven
36 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
37 for each degree of permanent impairment from thirty-six (36) to
38 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
39 for each degree of permanent impairment above fifty (50), one
40 thousand seven hundred dollars (\$1,700) per degree.
- 41 (6) With respect to injuries occurring on and after July 1, 1999,
42 **and before January 1, 2001**, for each degree of permanent
43 impairment from one (1) to ten (10), nine hundred dollars (\$900)
44 per degree; for each degree of permanent impairment from eleven
45 (11) to thirty-five (35), one thousand one hundred dollars
46 (\$1,100) per degree; for each degree of permanent impairment

1 from thirty-six (36) to fifty (50), one thousand six hundred dollars
 2 (\$1,600) per degree; for each degree of permanent impairment
 3 above fifty (50), two thousand dollars (\$2,000) per degree.

4 **(7) With respect to injuries occurring on and after January 1,**
 5 **2001, for each degree of permanent impairment from one (1)**
 6 **to ten (10), one thousand four hundred dollars (\$1,400) per**
 7 **degree; for each degree of permanent impairment from eleven**
 8 **(11) to thirty-five (35), two thousand one hundred dollars**
 9 **(\$2,100) per degree; for each degree of permanent**
 10 **impairment from thirty-six (36) to fifty (50), three thousand**
 11 **six hundred dollars (\$3,600) per degree; for each degree of**
 12 **permanent impairment above fifty (50), four thousand five**
 13 **hundred dollars (\$4,500) per degree.**

14 (e) The average weekly wages used in the determination of
 15 compensation for permanent partial impairment under subsections (c)
 16 and (d) shall not exceed the following:

17 (1) With respect to injuries occurring on or after July 1, 1991, and
 18 before July 1, 1992, four hundred ninety-two dollars (\$492).

19 (2) With respect to injuries occurring on or after July 1, 1992, and
 20 before July 1, 1993, five hundred forty dollars (\$540).

21 (3) With respect to injuries occurring on or after July 1, 1993, and
 22 before July 1, 1994, five hundred ninety-one dollars (\$591).

23 (4) With respect to injuries occurring on or after July 1, 1994, and
 24 before July 1, 1997, six hundred forty-two dollars (\$642).

25 (5) With respect to injuries occurring on or after July 1, 1997, and
 26 before July 1, 1998, six hundred seventy-two dollars (\$672).

27 (6) With respect to injuries occurring on or after July 1, 1998, and
 28 before July 1, 1999, seven hundred two dollars (\$702).

29 (7) With respect to injuries occurring on or after July 1, 1999, and
 30 before July 1, 2000, seven hundred thirty-two dollars (\$732).

31 (8) With respect to injuries occurring on or after July 1, 2000, **and**
 32 **before January 1, 2001**, seven hundred sixty-two dollars (\$762).

33 **(9) With respect to injuries occurring on or after January 1,**
 34 **2001, eight hundred ten dollars (\$810).**

35 SECTION 3. IC 22-3-3-22 IS AMENDED TO READ AS
 36 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 22. (a) In
 37 computing the compensation under this law with respect to injuries
 38 occurring on and after April 1, 1963, and prior to April 1, 1965, the
 39 average weekly wages shall be considered to be not more than seventy
 40 dollars (\$70) nor less than thirty dollars (\$30). In computing the
 41 compensation under this law with respect to injuries occurring on and
 42 after April 1, 1965, and prior to April 1, 1967, the average weekly
 43 wages shall be considered to be not more than seventy-five dollars
 44 (\$75) and not less than thirty dollars (\$30). In computing the
 45 compensation under this law with respect to injuries occurring on and
 46 after April 1, 1967, and prior to April 1, 1969, the average weekly

1 wages shall be considered to be not more than eighty-five dollars (\$85)
2 and not less than thirty-five dollars (\$35). In computing the
3 compensation under this law with respect to injuries occurring on and
4 after April 1, 1969, and prior to July 1, 1971, the average weekly wages
5 shall be considered to be not more than ninety-five dollars (\$95) and
6 not less than thirty-five dollars (\$35). In computing the compensation
7 under this law with respect to injuries occurring on and after July 1,
8 1971, and prior to July 1, 1974, the average weekly wages shall be
9 considered to be: (A) Not more than: (1) one hundred dollars (\$100) if
10 no dependents; (2) one hundred five dollars (\$105) if one (1)
11 dependent; (3) one hundred ten dollars (\$110) if two (2) dependents;
12 (4) one hundred fifteen dollars (\$115) if three (3) dependents; (5) one
13 hundred twenty dollars (\$120) if four (4) dependents; and (6) one
14 hundred twenty-five dollars (\$125) if five (5) or more dependents; and
15 (B) Not less than thirty-five dollars (\$35). In computing compensation
16 for temporary total disability, temporary partial disability, and total
17 permanent disability under this law with respect to injuries occurring
18 on and after July 1, 1974, and before July 1, 1976, the average weekly
19 wages shall be considered to be (A) not more than one hundred
20 thirty-five dollars (\$135), and (B) not less than seventy-five dollars
21 (\$75). However, the weekly compensation payable shall in no case
22 exceed the average weekly wages of the employee at the time of the
23 injury. In computing compensation for temporary total disability,
24 temporary partial disability and total permanent disability under this
25 law with respect to injuries occurring on and after July 1, 1976, and
26 before July 1, 1977, the average weekly wages shall be considered to
27 be (1) not more than one hundred fifty-six dollars (\$156) and (2) not
28 less than seventy-five dollars (\$75). However, the weekly
29 compensation payable shall not exceed the average weekly wages of
30 the employee at the time of the injury. In computing compensation for
31 temporary total disability, temporary partial disability, and total
32 permanent disability, with respect to injuries occurring on and after
33 July 1, 1977, and before July 1, 1979, the average weekly wages are
34 considered to be (1) not more than one hundred eighty dollars (\$180);
35 and (2) not less than seventy-five dollars (\$75). However, the weekly
36 compensation payable may not exceed the average weekly wages of the
37 employee at the time of the injury. In computing compensation for
38 temporary total disability, temporary partial disability, and total
39 permanent disability, with respect to injuries occurring on and after
40 July 1, 1979, and before July 1, 1980, the average weekly wages are
41 considered to be (1) not more than one hundred ninety-five dollars
42 (\$195), and (2) not less than seventy-five dollars (\$75). However, the
43 weekly compensation payable shall not exceed the average weekly
44 wages of the employee at the time of the injury. In computing
45 compensation for temporary total disability, temporary partial
46 disability, and total permanent disability, with respect to injuries

1 occurring on and after July 1, 1980, and before July 1, 1983, the
2 average weekly wages are considered to be (1) not more than two
3 hundred ten dollars (\$210), and (2) not less than seventy-five dollars
4 (\$75). However, the weekly compensation payable shall not exceed the
5 average weekly wages of the employee at the time of the injury. In
6 computing compensation for temporary total disability, temporary
7 partial disability, and total permanent disability, with respect to injuries
8 occurring on and after July 1, 1983, and before July 1, 1984, the
9 average weekly wages are considered to be (1) not more than two
10 hundred thirty-four dollars (\$234) and (2) not less than seventy-five
11 dollars (\$75). However, the weekly compensation payable shall not
12 exceed the average weekly wages of the employee at the time of the
13 injury. In computing compensation for temporary total disability,
14 temporary partial disability, and total permanent disability, with respect
15 to injuries occurring on and after July 1, 1984, and before July 1, 1985,
16 the average weekly wages are considered to be (1) not more than two
17 hundred forty-nine dollars (\$249) and (2) not less than seventy-five
18 dollars (\$75). However, the weekly compensation payable shall not
19 exceed the average weekly wages of the employee at the time of the
20 injury. In computing compensation for temporary total disability,
21 temporary partial disability, and total permanent disability, with respect
22 to injuries occurring on and after July 1, 1985, and before July 1, 1986,
23 the average weekly wages are considered to be (1) not more than two
24 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five
25 dollars (\$75). However, the weekly compensation payable shall not
26 exceed the average weekly wages of the employee at the time of the
27 injury. In computing compensation for temporary total disability,
28 temporary partial disability, and total permanent disability, with respect
29 to injuries occurring on and after July 1, 1986, and before July 1, 1988,
30 the average weekly wages are considered to be (1) not more than two
31 hundred eighty-five dollars (\$285) and (2) not less than seventy-five
32 dollars (\$75). However, the weekly compensation payable shall not
33 exceed the average weekly wages of the employee at the time of the
34 injury. In computing compensation for temporary total disability,
35 temporary partial disability, and total permanent disability, with respect
36 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
37 the average weekly wages are considered to be (1) not more than three
38 hundred eighty-four dollars (\$384) and (2) not less than seventy-five
39 dollars (\$75). However, the weekly compensation payable shall not
40 exceed the average weekly wages of the employee at the time of the
41 injury.

42 In computing compensation for temporary total disability, temporary
43 partial disability, and total permanent disability, with respect to injuries
44 occurring on and after July 1, 1989, and before July 1, 1990, the
45 average weekly wages are considered to be (1) not more than four
46 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars

1 (\$75). However, the weekly compensation payable shall not exceed the
2 average weekly wages of the employee at the time of the injury.

3 In computing compensation for temporary total disability, temporary
4 partial disability, and total permanent disability, with respect to injuries
5 occurring on and after July 1, 1990, and before July 1, 1991, the
6 average weekly wages are considered to be (1) not more than four
7 hundred forty-one dollars (\$441) and (2) not less than seventy-five
8 dollars (\$75). However, the weekly compensation payable shall not
9 exceed the average weekly wages of the employee at the time of the
10 injury.

11 In computing compensation for temporary total disability, temporary
12 partial disability, and total permanent disability, with respect to injuries
13 occurring on and after July 1, 1991, and before July 1, 1992, the
14 average weekly wages are considered to be (1) not more than four
15 hundred ninety-two dollars (\$492) and (2) not less than seventy-five
16 dollars (\$75). However, the weekly compensation payable shall not
17 exceed the average weekly wages of the employee at the time of the
18 injury.

19 In computing compensation for temporary total disability, temporary
20 partial disability, and total permanent disability, with respect to injuries
21 occurring on and after July 1, 1992, and before July 1, 1993, the
22 average weekly wages are considered to be (1) not more than five
23 hundred forty dollars (\$540) and (2) not less than seventy-five dollars
24 (\$75). However, the weekly compensation payable shall not exceed the
25 average weekly wages of the employee at the time of the injury.

26 In computing compensation for temporary total disability, temporary
27 partial disability, and total permanent disability, with respect to injuries
28 occurring on and after July 1, 1993, and before July 1, 1994, the
29 average weekly wages are considered to be (1) not more than five
30 hundred ninety-one dollars (\$591) and (2) not less than seventy-five
31 dollars (\$75). However, the weekly compensation payable shall not
32 exceed the average weekly wages of the employee at the time of the
33 injury.

34 In computing compensation for temporary total disability, temporary
35 partial disability, and total permanent disability, with respect to injuries
36 occurring on and after July 1, 1994, and before July 1, 1997, the
37 average weekly wages are considered to be (1) not more than six
38 hundred forty-two dollars (\$642) and (2) not less than seventy-five
39 dollars (\$75). However, the weekly compensation payable shall not
40 exceed the average weekly wages of the employee at the time of the
41 injury.

42 (b) In computing compensation for temporary total disability,
43 temporary partial disability, and total permanent disability, the average
44 weekly wages are considered to be:

45 (1) with respect to injuries occurring on and after July 1, 1997,
46 and before July 1, 1998:

- 1 (A) not more than six hundred seventy-two dollars (\$672); and
- 2 (B) not less than seventy-five dollars (\$75);
- 3 (2) with respect to injuries occurring on and after July 1, 1998,
- 4 and before July 1, 1999:
- 5 (A) not more than seven hundred two dollars (\$702); and
- 6 (B) not less than seventy-five dollars (\$75);
- 7 (3) with respect to injuries occurring on and after July 1, 1999,
- 8 and before July 1, 2000:
- 9 (A) not more than seven hundred thirty-two dollars (\$732);
- 10 and
- 11 (B) not less than seventy-five dollars (\$75); ~~and~~
- 12 (4) with respect to injuries occurring on and after July 1, 2000,
- 13 **and before January 1, 2001:**
- 14 (A) not more than seven hundred sixty-two dollars (\$762); and
- 15 (B) not less than seventy-five dollars (\$75); **and**
- 16 **(5) with respect to injuries occurring on and after January 1,**
- 17 **2001:**
- 18 **(A) not more than eight hundred ten dollars (\$810); and**
- 19 **(B) not less than one hundred sixty-five dollars (\$165).**

20 However, the weekly compensation payable shall not exceed the
 21 average weekly wages of the employee at the time of the injury.

22 (c) For the purpose of this section only and with respect to injuries
 23 occurring on and after July 1, 1971, and prior to July 1, 1974, only, the
 24 term "dependent" as used in this section shall mean persons defined as
 25 presumptive dependents under section 19 of this chapter, except that
 26 such dependency shall be determined as of the date of the injury to the
 27 employee.

28 (d) With respect to any injury occurring on and after April 1, 1955,
 29 and prior to April 1, 1957, the maximum compensation exclusive of
 30 medical benefits, which shall be paid for an injury under any provisions
 31 of this law or under any combination of its provisions shall not exceed
 32 twelve thousand five hundred dollars (\$12,500) in any case. With
 33 respect to any injury occurring on and after April 1, 1957 and prior to
 34 April 1, 1963, the maximum compensation exclusive of medical
 35 benefits, which shall be paid for an injury under any provision of this
 36 law or under any combination of its provisions shall not exceed fifteen
 37 thousand dollars (\$15,000) in any case. With respect to any injury
 38 occurring on and after April 1, 1963, and prior to April 1, 1965, the
 39 maximum compensation exclusive of medical benefits, which shall be
 40 paid for an injury under any provision of this law or under any
 41 combination of its provisions shall not exceed sixteen thousand five
 42 hundred dollars (\$16,500) in any case. With respect to any injury
 43 occurring on and after April 1, 1965, and prior to April 1, 1967, the
 44 maximum compensation exclusive of medical benefits which shall be
 45 paid for any injury under any provision of this law or any combination
 46 of provisions shall not exceed twenty thousand dollars (\$20,000) in any

1 case. With respect to any injury occurring on and after April 1, 1967,
2 and prior to July 1, 1971, the maximum compensation exclusive of
3 medical benefits which shall be paid for an injury under any provision
4 of this law or any combination of provisions shall not exceed
5 twenty-five thousand dollars (\$25,000) in any case. With respect to any
6 injury occurring on and after July 1, 1971, and prior to July 1, 1974, the
7 maximum compensation exclusive of medical benefits which shall be
8 paid for any injury under any provision of this law or any combination
9 of provisions shall not exceed thirty thousand dollars (\$30,000) in any
10 case. With respect to any injury occurring on and after July 1, 1974,
11 and before July 1, 1976, the maximum compensation exclusive of
12 medical benefits which shall be paid for an injury under any provision
13 of this law or any combination of provisions shall not exceed forty-five
14 thousand dollars (\$45,000) in any case. With respect to an injury
15 occurring on and after July 1, 1976, and before July 1, 1977, the
16 maximum compensation, exclusive of medical benefits, which shall be
17 paid for any injury under any provision of this law or any combination
18 of provisions shall not exceed fifty-two thousand dollars (\$52,000) in
19 any case. With respect to any injury occurring on and after July 1,
20 1977, and before July 1, 1979, the maximum compensation, exclusive
21 of medical benefits, which may be paid for an injury under any
22 provision of this law or any combination of provisions may not exceed
23 sixty thousand dollars (\$60,000) in any case. With respect to any injury
24 occurring on and after July 1, 1979, and before July 1, 1980, the
25 maximum compensation, exclusive of medical benefits, which may be
26 paid for an injury under any provisions of this law or any combination
27 of provisions may not exceed sixty-five thousand dollars (\$65,000) in
28 any case. With respect to any injury occurring on and after July 1,
29 1980, and before July 1, 1983, the maximum compensation, exclusive
30 of medical benefits, which may be paid for an injury under any
31 provisions of this law or any combination of provisions may not exceed
32 seventy thousand dollars (\$70,000) in any case. With respect to any
33 injury occurring on and after July 1, 1983, and before July 1, 1984, the
34 maximum compensation, exclusive of medical benefits, which may be
35 paid for an injury under any provisions of this law or any combination
36 of provisions may not exceed seventy-eight thousand dollars (\$78,000)
37 in any case. With respect to any injury occurring on and after July 1,
38 1984, and before July 1, 1985, the maximum compensation, exclusive
39 of medical benefits, which may be paid for an injury under any
40 provisions of this law or any combination of provisions may not exceed
41 eighty-three thousand dollars (\$83,000) in any case. With respect to
42 any injury occurring on and after July 1, 1985, and before July 1, 1986,
43 the maximum compensation, exclusive of medical benefits, which may
44 be paid for an injury under any provisions of this law or any
45 combination of provisions may not exceed eighty-nine thousand dollars
46 (\$89,000) in any case. With respect to any injury occurring on and after

1 July 1, 1986, and before July 1, 1988, the maximum compensation,
2 exclusive of medical benefits, which may be paid for an injury under
3 any provisions of this law or any combination of provisions may not
4 exceed ninety-five thousand dollars (\$95,000) in any case. With respect
5 to any injury occurring on and after July 1, 1988, and before July 1,
6 1989, the maximum compensation, exclusive of medical benefits,
7 which may be paid for an injury under any provisions of this law or any
8 combination of provisions may not exceed one hundred twenty-eight
9 thousand dollars (\$128,000) in any case.

10 With respect to any injury occurring on and after July 1, 1989, and
11 before July 1, 1990, the maximum compensation, exclusive of medical
12 benefits, which may be paid for an injury under any provisions of this
13 law or any combination of provisions may not exceed one hundred
14 thirty-seven thousand dollars (\$137,000) in any case.

15 With respect to any injury occurring on and after July 1, 1990, and
16 before July 1, 1991, the maximum compensation, exclusive of medical
17 benefits, which may be paid for an injury under any provisions of this
18 law or any combination of provisions may not exceed one hundred
19 forty-seven thousand dollars (\$147,000) in any case.

20 With respect to any injury occurring on and after July 1, 1991, and
21 before July 1, 1992, the maximum compensation, exclusive of medical
22 benefits, that may be paid for an injury under any provisions of this law
23 or any combination of provisions may not exceed one hundred
24 sixty-four thousand dollars (\$164,000) in any case.

25 With respect to any injury occurring on and after July 1, 1992, and
26 before July 1, 1993, the maximum compensation, exclusive of medical
27 benefits, that may be paid for an injury under any provisions of this law
28 or any combination of provisions may not exceed one hundred eighty
29 thousand dollars (\$180,000) in any case.

30 With respect to any injury occurring on and after July 1, 1993, and
31 before July 1, 1994, the maximum compensation, exclusive of medical
32 benefits, that may be paid for an injury under any provisions of this law
33 or any combination of provisions may not exceed one hundred
34 ninety-seven thousand dollars (\$197,000) in any case.

35 With respect to any injury occurring on and after July 1, 1994, and
36 before July 1, 1997, the maximum compensation, exclusive of medical
37 benefits, which may be paid for an injury under any provisions of this
38 law or any combination of provisions may not exceed two hundred
39 fourteen thousand dollars (\$214,000) in any case.

40 (e) The maximum compensation, exclusive of medical benefits, that
41 may be paid for an injury under any provision of this law or any
42 combination of provisions may not exceed the following amounts in
43 any case:

44 (1) With respect to an injury occurring on and after July 1, 1997,
45 and before July 1, 1998, two hundred twenty-four thousand
46 dollars (\$224,000).

- 1 (2) With respect to an injury occurring on and after July 1, 1998,
- 2 and before July 1, 1999, two hundred thirty-four thousand dollars
- 3 (\$234,000).
- 4 (3) With respect to an injury occurring on and after July 1, 1999,
- 5 and before July 1, 2000, two hundred forty-four thousand dollars
- 6 (\$244,000).
- 7 (4) With respect to an injury occurring on and after July 1, 2000,
- 8 **and before January 1, 2001**, two hundred fifty-four thousand
- 9 dollars (\$254,000).
- 10 **(5) With respect to an injury occurring on and after January**
- 11 **1, 2001, two hundred seventy thousand dollars (\$270,000).**

12 SECTION 4. IC 22-3-7-16 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 16. (a)
 14 Compensation shall be allowed on account of disablement from
 15 occupational disease resulting in only temporary total disability to work
 16 or temporary partial disability to work beginning with the eighth day of
 17 such disability except for the medical benefits provided for in section
 18 17 of this chapter. Compensation shall be allowed for the first seven (7)
 19 calendar days only as provided in this section. The first weekly
 20 installment of compensation for temporary disability is due fourteen
 21 (14) days after the disability begins. Not later than fifteen (15) days
 22 from the date that the first installment of compensation is due, the
 23 employer or the employer's insurance carrier shall tender to the
 24 employee or to the employee's dependents, with all compensation due,
 25 a properly prepared compensation agreement in a form prescribed by
 26 the board. Whenever an employer or the employer's insurance carrier
 27 denies or is not able to determine liability to pay compensation or
 28 benefits, the employer or the employer's insurance carrier shall notify
 29 the worker's compensation board and the employee in writing on a form
 30 prescribed by the worker's compensation board not later than thirty (30)
 31 days after the employer's knowledge of the claimed disablement. If a
 32 determination of liability cannot be made within thirty (30) days, the
 33 worker's compensation board may approve an additional thirty (30)
 34 days upon a written request of the employer or the employer's insurance
 35 carrier that sets forth the reasons that the determination could not be
 36 made within thirty (30) days and states the facts or circumstances that
 37 are necessary to determine liability within the additional thirty (30)
 38 days. More than thirty (30) days of additional time may be approved by
 39 the worker's compensation board upon the filing of a petition by the
 40 employer or the employer's insurance carrier that sets forth:

- 41 (1) the extraordinary circumstances that have precluded a
- 42 determination of liability within the initial sixty (60) days;
- 43 (2) the status of the investigation on the date the petition is filed;
- 44 (3) the facts or circumstances that are necessary to make a
- 45 determination; and
- 46 (4) a timetable for the completion of the remaining investigation.

1 An employer who fails to comply with this section is subject to a civil
2 penalty of fifty dollars (\$50), to be assessed and collected by the board
3 upon notice and hearing. Civil penalties collected under this section
4 shall be deposited in the state general fund.

5 (b) Once begun, temporary total disability benefits may not be
6 terminated by the employer unless:

- 7 (1) the employee has returned to work;
- 8 (2) the employee has died;
- 9 (3) the employee has refused to undergo a medical examination
10 under section 20 of this chapter;
- 11 (4) the employee has received five hundred (500) weeks of
12 temporary total disability benefits or has been paid the maximum
13 compensation allowable under section 19 of this chapter; or
- 14 (5) the employee is unable or unavailable to work for reasons
15 unrelated to the compensable disease.

16 In all other cases the employer must notify the employee in writing of
17 the employer's intent to terminate the payment of temporary total
18 disability benefits, and of the availability of employment, if any, on a
19 form approved by the board. If the employee disagrees with the
20 proposed termination, the employee must give written notice of
21 disagreement to the board and the employer within seven (7) days after
22 receipt of the notice of intent to terminate benefits. If the board and
23 employer do not receive a notice of disagreement under this section,
24 the employee's temporary total disability benefits shall be terminated.
25 Upon receipt of the notice of disagreement, the board shall immediately
26 contact the parties, which may be by telephone or other means and
27 attempt to resolve the disagreement. If the board is unable to resolve
28 the disagreement within ten (10) days of receipt of the notice of
29 disagreement, the board shall immediately arrange for an evaluation of
30 the employee by an independent medical examiner. The independent
31 medical examiner shall be selected by mutual agreement of the parties
32 or, if the parties are unable to agree, appointed by the board under
33 IC 22-3-4-11. If the independent medical examiner determines that the
34 employee is no longer temporarily disabled or is still temporarily
35 disabled but can return to employment that the employer has made
36 available to the employee, or if the employee fails or refuses to appear
37 for examination by the independent medical examiner, temporary total
38 disability benefits may be terminated. If either party disagrees with the
39 opinion of the independent medical examiner, the party shall apply to
40 the board for a hearing under section 27 of this chapter.

41 (c) An employer is not required to continue the payment of
42 temporary total disability benefits for more than fourteen (14) days
43 after the employer's proposed termination date unless the independent
44 medical examiner determines that the employee is temporarily disabled
45 and unable to return to any employment that the employer has made
46 available to the employee.

1 (d) If it is determined that as a result of this section temporary total
2 disability benefits were overpaid, the overpayment shall be deducted
3 from any benefits due the employee under this section and, if there are
4 no benefits due the employee or the benefits due the employee do not
5 equal the amount of the overpayment, the employee shall be
6 responsible for paying any overpayment which cannot be deducted
7 from benefits due the employee.

8 (e) For disablements occurring on and after April 1, 1951, and prior
9 to July 1, 1971, from occupational disease resulting in temporary total
10 disability for any work there shall be paid to the disabled employee
11 during such temporary total disability a weekly compensation equal to
12 sixty percent (60%) of the employee's average weekly wages for a
13 period not to exceed five hundred (500) weeks. Compensation shall be
14 allowed for the first seven (7) calendar days only if the disability
15 continues for longer than twenty-eight (28) days.

16 For disablements occurring on and after July 1, 1971, and prior to
17 July 1, 1974, from occupational disease resulting in temporary total
18 disability for any work there shall be paid to the disabled employee
19 during such temporary total disability a weekly compensation equal to
20 sixty percent (60%) of the employee's average weekly wages, as
21 defined in section 19 of this chapter, for a period not to exceed five
22 hundred (500) weeks. Compensation shall be allowed for the first seven
23 (7) calendar days only if the disability continues for longer than
24 twenty-eight (28) days.

25 For disablements occurring on and after July 1, 1974, and before
26 July 1, 1976, from occupational disease resulting in temporary total
27 disability for any work there shall be paid to the disabled employee
28 during such temporary total disability a weekly compensation equal to
29 sixty-six and two-thirds percent ($66 \frac{2}{3}\%$) of the employee's average
30 weekly wages, up to one hundred thirty-five dollars (\$135) average
31 weekly wages, as defined in section 19 of this chapter, for a period not
32 to exceed five hundred (500) weeks. Compensation shall be allowed for
33 the first seven (7) calendar days only if the disability continues for
34 longer than twenty-one (21) days.

35 For disablements occurring on and after July 1, 1976, from
36 occupational disease resulting in temporary total disability for any work
37 there shall be paid to the disabled employee during the temporary total
38 disability weekly compensation equal to sixty-six and two-thirds
39 percent ($66 \frac{2}{3}\%$) of the employee's average weekly wages, as defined
40 in section 19 of this chapter, for a period not to exceed five hundred
41 (500) weeks. Compensation shall be allowed for the first seven (7)
42 calendar days only if the disability continues for longer than twenty-one
43 (21) days.

44 (f) For disablements occurring on and after April 1, 1951, and prior
45 to July 1, 1971, from occupational disease resulting in temporary
46 partial disability for work there shall be paid to the disabled employee

1 during such disability a weekly compensation equal to sixty percent
2 (60%) of the difference between the employee's average weekly wages
3 and the weekly wages at which the employee is actually employed after
4 the disablement, for a period not to exceed three hundred (300) weeks.
5 Compensation shall be allowed for the first seven (7) calendar days
6 only if the disability continues for longer than twenty-eight (28) days.
7 In case of partial disability after the period of temporary total disability,
8 the later period shall be included as part of the maximum period
9 allowed for partial disability.

10 For disablements occurring on and after July 1, 1971, and prior to
11 July 1, 1974, from occupational disease resulting in temporary partial
12 disability for work there shall be paid to the disabled employee during
13 such disability a weekly compensation equal to sixty percent (60%) of
14 the difference between the employee's average weekly wages, as
15 defined in section 19 of this chapter, and the weekly wages at which the
16 employee is actually employed after the disablement, for a period not
17 to exceed three hundred (300) weeks. Compensation shall be allowed
18 for the first seven (7) calendar days only if the disability continues for
19 longer than twenty-eight (28) days. In case of partial disability after the
20 period of temporary total disability, the latter period shall be included
21 as a part of the maximum period allowed for partial disability.

22 For disablements occurring on and after July 1, 1974, from
23 occupational disease resulting in temporary partial disability for work
24 there shall be paid to the disabled employee during such disability a
25 weekly compensation equal to sixty-six and two-thirds percent (66
26 $\frac{2}{3}$ %) of the difference between the employee's average weekly wages,
27 as defined in section 19 of this chapter, and the weekly wages at which
28 he is actually employed after the disablement, for a period not to
29 exceed three hundred (300) weeks. Compensation shall be allowed for
30 the first seven (7) calendar days only if the disability continues for
31 longer than twenty-one (21) days. In case of partial disability after the
32 period of temporary total disability, the latter period shall be included
33 as a part of the maximum period allowed for partial disability.

34 (g) For disabilities occurring on and after April 1, 1951, and prior
35 to April 1, 1955, from occupational disease in the following schedule,
36 the employee shall receive in lieu of all other compensation, on account
37 of such disabilities, a weekly compensation of sixty percent (60%) of
38 the employee's average weekly wage; for disabilities occurring on and
39 after April 1, 1955, and prior to July 1, 1971, from occupational disease
40 in the following schedule, the employee shall receive in addition to
41 disability benefits not exceeding twenty-six (26) weeks on account of
42 said occupational disease a weekly compensation of sixty percent
43 (60%) of the employee's average weekly wages.

44 For disabilities occurring on and after July 1, 1971, and before July
45 1, 1977, from occupational disease in the following schedule, the
46 employee shall receive in addition to disability benefits not exceeding

1 twenty-six (26) weeks on account of said occupational disease a weekly
2 compensation of sixty percent (60%) of his average weekly wages not
3 to exceed one hundred dollars (\$100) average weekly wages, for the
4 period stated for such disabilities respectively.

5 For disabilities occurring on and after July 1, 1977, and before July
6 1, 1979, from occupational disease in the following schedule, the
7 employee shall receive in addition to disability benefits not exceeding
8 twenty-six (26) weeks on account of the occupational disease a weekly
9 compensation of sixty percent (60%) of the employee's average weekly
10 wages, not to exceed one hundred twenty-five dollars (\$125) average
11 weekly wages, for the period stated for the disabilities.

12 For disabilities occurring on and after July 1, 1979, and before July
13 1, 1988, from occupational disease in the following schedule, the
14 employee shall receive in addition to disability benefits, not exceeding
15 fifty-two (52) weeks on account of the occupational disease, a weekly
16 compensation of sixty percent (60%) of the employee's average weekly
17 wages, not to exceed one hundred twenty-five dollars (\$125) average
18 weekly wages, for the period stated for the disabilities.

19 For disabilities occurring on and after July 1, 1988, and before July
20 1, 1989, from occupational disease in the following schedule, the
21 employee shall receive in addition to disability benefits, not exceeding
22 seventy-eight (78) weeks on account of the occupational disease, a
23 weekly compensation of sixty percent (60%) of the employee's average
24 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
25 average weekly wages, for the period stated for the disabilities.

26 For disabilities occurring on and after July 1, 1989, and before July
27 1, 1990, from occupational disease in the following schedule, the
28 employee shall receive in addition to disability benefits, not exceeding
29 seventy-eight (78) weeks on account of the occupational disease, a
30 weekly compensation of sixty percent (60%) of the employee's average
31 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
32 average weekly wages, for the period stated for the disabilities.

33 For disabilities occurring on and after July 1, 1990, and before July
34 1, 1991, from occupational disease in the following schedule, the
35 employee shall receive in addition to disability benefits, not exceeding
36 seventy-eight (78) weeks on account of the occupational disease, a
37 weekly compensation of sixty percent (60%) of the employee's average
38 weekly wages, not to exceed two hundred dollars (\$200) average
39 weekly wages, for the period stated for the disabilities.

40 (1) Amputations: For the loss by separation, of the thumb, sixty
41 (60) weeks; of the index finger, forty (40) weeks; of the second
42 finger, thirty-five (35) weeks; of the third or ring finger, thirty
43 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the
44 hand by separation below the elbow, two hundred (200) weeks; of
45 the arm above the elbow joint, two hundred fifty (250) weeks; of
46 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;

- 1 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
2 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
3 the knee joint, one hundred fifty (150) weeks; and of the leg
4 above the knee joint, two hundred (200) weeks. The loss of more
5 than one (1) phalange of a thumb or toe shall be considered as the
6 loss of the entire thumb or toe. The loss of more than two (2)
7 phalanges of a finger shall be considered as the loss of the entire
8 finger. The loss of not more than one (1) phalange of a thumb or
9 toe shall be considered as the loss of one-half (1/2) of the thumb
10 or toe and compensation shall be paid for one-half (1/2) of the
11 period for the loss of the entire thumb or toe. The loss of not more
12 than two (2) phalanges of a finger shall be considered as the loss
13 of one-half (1/2) the finger and compensation shall be paid for
14 one-half (1/2) of the period for the loss of the entire finger.
- 15 (2) Loss of Use: The total permanent loss of the use of an arm,
16 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
17 as the equivalent of the loss by separation of the arm, hand,
18 thumb, finger, leg, foot, toe, or phalange and the compensation
19 shall be paid for the same period as for the loss thereof by
20 separation.
- 21 (3) Partial Loss of Use: For the permanent partial loss of the use
22 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
23 compensation shall be paid for the proportionate loss of the use of
24 such arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 25 (4) For disablements for occupational disease resulting in total
26 permanent disability, five hundred (500) weeks.
- 27 (5) For the loss of both hands, or both feet, or the total sight of
28 both eyes, or any two (2) of such losses resulting from the same
29 disablement by occupational disease, five hundred (500) weeks.
- 30 (6) For the permanent and complete loss of vision by enucleation
31 of an eye or its reduction to one-tenth (1/10) of normal vision with
32 glasses, one hundred fifty (150) weeks, and for any other
33 permanent reduction of the sight of an eye, compensation shall be
34 paid for a period proportionate to the degree of such permanent
35 reduction without correction or glasses. However, when such
36 permanent reduction without correction or glasses would result in
37 one hundred percent (100%) loss of vision, but correction or
38 glasses would result in restoration of vision, then compensation
39 shall be paid for fifty percent (50%) of such total loss of vision
40 without glasses plus an additional amount equal to the
41 proportionate amount of such reduction with glasses, not to
42 exceed an additional fifty percent (50%).
- 43 (7) For the permanent and complete loss of hearing, two hundred
44 (200) weeks.
- 45 (8) In all other cases of permanent partial impairment,
46 compensation proportionate to the degree of such permanent

1 partial impairment, in the discretion of the worker's compensation
2 board, not exceeding five hundred (500) weeks.

3 (9) In all cases of permanent disfigurement, which may impair the
4 future usefulness or opportunities of the employee, compensation
5 in the discretion of the worker's compensation board, not
6 exceeding two hundred (200) weeks, except that no compensation
7 shall be payable under this paragraph where compensation shall
8 be payable under subdivisions (1) through (8). Where
9 compensation for temporary total disability has been paid, this
10 amount of compensation shall be deducted from any
11 compensation due for permanent disfigurement.

12 With respect to disablements in the following schedule occurring on
13 and after July 1, 1991, the employee shall receive in addition to
14 temporary total disability benefits, not exceeding one hundred
15 twenty-five (125) weeks on account of the disablement, compensation
16 in an amount determined under the following schedule to be paid
17 weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the
18 employee's average weekly wages during the fifty-two (52) weeks
19 immediately preceding the week in which the disablement occurred:

20 (1) Amputation: For the loss by separation of the thumb, twelve
21 (12) degrees of permanent impairment; of the index finger, eight
22 (8) degrees of permanent impairment; of the second finger, seven
23 (7) degrees of permanent impairment; of the third or ring finger,
24 six (6) degrees of permanent impairment; of the fourth or little
25 finger, four (4) degrees of permanent impairment; of the hand by
26 separation below the elbow joint, forty (40) degrees of permanent
27 impairment; of the arm above the elbow, fifty (50) degrees of
28 permanent impairment; of the big toe, twelve (12) degrees of
29 permanent impairment; of the second toe, six (6) degrees of
30 permanent impairment; of the third toe, four (4) degrees of
31 permanent impairment; of the fourth toe, three (3) degrees of
32 permanent impairment; of the fifth or little toe, two (2) degrees of
33 permanent impairment; of separation of the foot below the knee
34 joint, thirty-five (35) degrees of permanent impairment; and of the
35 leg above the knee joint, forty-five (45) degrees of permanent
36 impairment.

37 ~~(2) Amputations occurring on or after July 1, 1997: For the loss~~
38 ~~by separation of any of the body parts described in subdivision (1)~~
39 ~~on or after July 1, 1997, the dollar values per degree applying on~~
40 ~~the date of the injury as described in subsection (h) shall be~~
41 ~~multiplied by two (2). However, the doubling provision of this~~
42 ~~subdivision does not apply to a loss of use that is not a loss by~~
43 ~~separation.~~

44 ~~(3) (2)~~ The loss of more than one (1) phalange of a thumb or toe
45 shall be considered as the loss of the entire thumb or toe. The loss
46 of more than two (2) phalanges of a finger shall be considered as

1 the loss of the entire finger. The loss of not more than one (1)
 2 phalange of a thumb or toe shall be considered as the loss of
 3 one-half (1/2) of the degrees of permanent impairment for the loss
 4 of the entire thumb or toe. The loss of not more than one (1)
 5 phalange of a finger shall be considered as the loss of one-third
 6 (1/3) of the finger and compensation shall be paid for one-third
 7 (1/3) of the degrees payable for the loss of the entire finger. The
 8 loss of more than one (1) phalange of the finger but not more than
 9 two (2) phalanges of the finger shall be considered as the loss of
 10 one-half (1/2) of the finger and compensation shall be paid for
 11 one-half (1/2) of the degrees payable for the loss of the entire
 12 finger.

13 ~~(4)~~ **(3)** For the loss by separation of both hands or both feet or the
 14 total sight of both eyes or any two (2) such losses in the same
 15 accident, one hundred (100) degrees of permanent impairment.

16 ~~(5)~~ **(4)** For the permanent and complete loss of vision by
 17 enucleation or its reduction to one-tenth (1/10) of normal vision
 18 with glasses, thirty-five (35) degrees of permanent impairment.

19 ~~(6)~~ **(5)** For the permanent and complete loss of hearing in one (1)
 20 ear, fifteen (15) degrees of permanent impairment, and in both
 21 ears, forty (40) degrees of permanent impairment.

22 ~~(7)~~ **(6)** For the loss of one (1) testicle, (10) ten degrees of
 23 permanent impairment; for the loss of both testicles, thirty (30)
 24 degrees of permanent impairment.

25 ~~(8)~~ **(7)** Loss of use: The total permanent loss of the use of an arm,
 26 a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall
 27 be considered as the equivalent of the loss by separation of the
 28 arm, hand, thumb, finger, leg, foot, toe, or phalange, and
 29 compensation shall be paid in the same amount as for the loss by
 30 separation. ~~However, the doubling provision of subdivision (2)~~
 31 ~~does not apply to a loss of use that is not a loss by separation.~~

32 ~~(9)~~ **(8)** Partial loss of use: For the permanent partial loss of the use
 33 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 34 phalange, compensation shall be paid for the proportionate loss of
 35 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

36 ~~(10)~~ **(9)** For disablements resulting in total permanent disability,
 37 the amount payable for impairment or five hundred (500) weeks
 38 of compensation, whichever is greater.

39 ~~(11)~~ **(10)** For any permanent reduction of the sight of an eye less
 40 than a total loss as specified in subdivision ~~(3)~~, **(4)**, the
 41 compensation shall be paid in an amount proportionate to the
 42 degree of a permanent reduction without correction or glasses.
 43 However, when a permanent reduction without correction or
 44 glasses would result in one hundred percent (100%) loss of
 45 vision, then compensation shall be paid for fifty percent (50%) of
 46 the total loss of vision without glasses, plus an additional amount

- 1 equal to the proportionate amount of the reduction with glasses,
 2 not to exceed an additional fifty percent (50%).
- 3 ~~(12)~~ **(11)** For any permanent reduction of the hearing of one (1)
 4 or both ears, less than the total loss as specified in subdivision ~~(4)~~;
 5 **(5)**, compensation shall be paid in an amount proportionate to the
 6 degree of a permanent reduction.
- 7 ~~(13)~~ **(12)** In all other cases of permanent partial impairment,
 8 compensation proportionate to the degree of a permanent partial
 9 impairment, in the discretion of the worker's compensation board,
 10 not exceeding one hundred (100) degrees of permanent
 11 impairment.
- 12 ~~(14)~~ **(13)** In all cases of permanent disfigurement which may
 13 impair the future usefulness or opportunities of the employee,
 14 compensation, in the discretion of the worker's compensation
 15 board, not exceeding forty (40) degrees of permanent impairment
 16 except that no compensation shall be payable under this
 17 subdivision where compensation is payable elsewhere in this
 18 section. **If compensation is payable elsewhere in this section,**
 19 **additional compensation may be payable at the discretion of**
 20 **the worker's compensation board not to exceed fifteen (15)**
 21 **degrees of permanent impairment.**
- 22 (h) With respect to disablements occurring on and after July 1,
 23 1991, compensation for permanent partial impairment shall be paid
 24 according to the degree of permanent impairment for the disablement
 25 determined under subsection (d) and the following:
- 26 (1) With respect to disablements occurring on and after July 1,
 27 1991, and before July 1, 1992, for each degree of permanent
 28 impairment from one (1) to thirty-five (35), five hundred dollars
 29 (\$500) per degree; for each degree of permanent impairment from
 30 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
 31 degree; for each degree of permanent impairment above fifty (50),
 32 one thousand five hundred dollars (\$1,500) per degree.
- 33 (2) With respect to disablements occurring on and after July 1,
 34 1992, and before July 1, 1993, for each degree of permanent
 35 impairment from one (1) to twenty (20), five hundred dollars
 36 (\$500) per degree; for each degree of permanent impairment from
 37 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
 38 per degree; for each degree of permanent impairment from
 39 thirty-six (36) to fifty (50), one thousand three hundred dollars
 40 (\$1,300) per degree; for each degree of permanent impairment
 41 above fifty (50), one thousand seven hundred dollars (\$1,700) per
 42 degree.
- 43 (3) With respect to disablements occurring on and after July 1,
 44 1993, and before July 1, 1997, for each degree of permanent
 45 impairment from one (1) to ten (10), five hundred dollars (\$500)
 46 per degree; for each degree of permanent impairment from eleven

- 1 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
 2 each degree of permanent impairment from twenty-one (21) to
 3 thirty-five (35), one thousand dollars (\$1,000) per degree; for
 4 each degree of permanent impairment from thirty-six (36) to fifty
 5 (50), one thousand four hundred dollars (\$1,400) per degree; for
 6 each degree of permanent impairment above fifty (50), one
 7 thousand seven hundred dollars (\$1,700) per degree.
- 8 (4) With respect to disablements occurring on and after July 1,
 9 1997, and before July 1, 1998, for each degree of permanent
 10 impairment from one (1) to ten (10), seven hundred fifty dollars
 11 (\$750) per degree; for each degree of permanent impairment from
 12 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
 13 degree; for each degree of permanent impairment from thirty-six
 14 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
 15 degree; for each degree of permanent impairment above fifty (50),
 16 one thousand seven hundred dollars (\$1,700) per degree.
- 17 (5) With respect to disablements occurring on and after July 1,
 18 1998, and before July 1, 1999, for each degree of permanent
 19 impairment from one (1) to ten (10), seven hundred fifty dollars
 20 (\$750) per degree; for each degree of permanent impairment from
 21 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
 22 degree; for each degree of permanent impairment from thirty-six
 23 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
 24 degree; for each degree of permanent impairment above fifty (50),
 25 one thousand seven hundred dollars (\$1,700) per degree.
- 26 (6) With respect to disablements occurring on and after July 1,
 27 1999, **and before January 1, 2001**, for each degree of permanent
 28 impairment from one (1) to ten (10), nine hundred dollars (\$900)
 29 per degree; for each degree of permanent impairment from eleven
 30 (11) to thirty-five (35), one thousand one hundred dollars
 31 (\$1,100) per degree; for each degree of permanent impairment
 32 from thirty-six (36) to fifty (50), one thousand six hundred dollars
 33 (\$1,600) per degree; for each degree of permanent impairment
 34 above fifty (50), two thousand dollars (\$2,000) per degree.
- 35 **(7) With respect to disablements occurring on and after**
 36 **January 1, 2001, for each degree of permanent impairment**
 37 **from one (1) to ten (10), one thousand four hundred dollars**
 38 **(\$1,400) per degree; for each degree of permanent**
 39 **impairment from eleven (11) to thirty-five (35), two thousand**
 40 **one hundred dollars (\$2,100) per degree; for each degree of**
 41 **permanent impairment from thirty-six (36) to fifty (50), three**
 42 **thousand six hundred dollars (\$3,600) per degree; for each**
 43 **degree of permanent impairment above fifty (50), four**
 44 **thousand five dollars (\$4,500) per degree.**
- 45 (i) The average weekly wages used in the determination of
 46 compensation for permanent partial impairment under subsections (g)

- 1 and (h) shall not exceed the following:
- 2 (1) With respect to disablements occurring on or after July 1,
3 1991, and before July 1, 1992, four hundred ninety-two dollars
4 (\$492).
- 5 (2) With respect to disablements occurring on or after July 1,
6 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- 7 (3) With respect to disablements occurring on or after July 1,
8 1993, and before July 1, 1994, five hundred ninety-one dollars
9 (\$591).
- 10 (4) With respect to disablements occurring on or after July 1,
11 1994, and before July 1, 1997, six hundred forty-two dollars
12 (\$642).
- 13 (5) With respect to disablements occurring on or after July 1,
14 1997, and before July 1, 1998, six hundred seventy-two dollars
15 (\$672).
- 16 (6) With respect to disablements occurring on or after July 1,
17 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 18 (7) With respect to disablements occurring on or after July 1,
19 1999, and before July 1, 2000, seven hundred thirty-two dollars
20 (\$732).
- 21 (8) With respect to disablements occurring on or after July 1,
22 2000, **and before January 1, 2001**, seven hundred sixty-two
23 dollars (\$762).
- 24 **(9) With respect to disablements occurring on or after**
25 **January 1, 2001, eight hundred ten dollars (\$810).**
- 26 (j) If any employee, only partially disabled, refuses employment
27 suitable to his capacity procured for him, he shall not be entitled to any
28 compensation at any time during the continuance of such refusal
29 unless, in the opinion of the worker's compensation board, such refusal
30 was justifiable. The employee must be served with a notice setting forth
31 the consequences of the refusal under this subsection. The notice must
32 be in a form prescribed by the worker's compensation board.
- 33 (k) If an employee has sustained a permanent impairment or
34 disability from an accidental injury other than an occupational disease
35 in another employment than that in which he suffered a subsequent
36 disability from an occupational disease, such as herein specified, the
37 employee shall be entitled to compensation for the subsequent
38 disability in the same amount as if the previous impairment or
39 disability had not occurred. However, if the permanent impairment or
40 disability resulting from an occupational disease for which
41 compensation is claimed results only in the aggravation or increase of
42 a previously sustained permanent impairment from an occupational
43 disease or physical condition regardless of the source or cause of such
44 previously sustained impairment from an occupational disease or
45 physical condition, the board shall determine the extent of the
46 previously sustained permanent impairment from an occupational

1 disease or physical condition as well as the extent of the aggravation or
 2 increase resulting from the subsequent permanent impairment or
 3 disability, and shall award compensation only for that part of said
 4 occupational disease or physical condition resulting from the
 5 subsequent permanent impairment. An amputation of any part of the
 6 body or loss of any or all of the vision of one (1) or both eyes caused by
 7 an occupational disease shall be considered as a permanent impairment
 8 or physical condition.

9 (l) If an employee suffers a disablement from occupational disease
 10 for which compensation is payable while the employee is still receiving
 11 or entitled to compensation for a previous injury by accident or
 12 disability by occupational disease in the same employment, he shall not
 13 at the same time be entitled to compensation for both, unless it be for
 14 a permanent injury, such as specified in subsection (g)(1), (g)(2),
 15 (g)(3), ~~(g)(6)~~, or (g)(4), (g)(7), or (g)(8); but the employee shall be
 16 entitled to compensation for that disability and from the time of that
 17 disability which will cover the longest period and the largest amount
 18 payable under this chapter.

19 (m) If an employee receives a permanent disability from
 20 occupational disease such as specified in subsection (g)(1), (g)(2),
 21 (g)(3), ~~(g)(6)~~, or (g)(4), (g)(7), or (g)(8) after having sustained another
 22 such permanent disability in the same employment, the employee shall
 23 be entitled to compensation for both such disabilities, but the total
 24 compensation shall be paid by extending the period and not by
 25 increasing the amount of weekly compensation and, when such
 26 previous and subsequent permanent disabilities, in combination result
 27 in total permanent disability or permanent total impairment,
 28 compensation shall be payable for such permanent total disability or
 29 impairment, but payments made for the previous disability or
 30 impairment shall be deducted from the total payment of compensation
 31 due.

32 (n) When an employee has been awarded or is entitled to an award
 33 of compensation for a definite period under this chapter for disability
 34 from occupational disease, which disablement occurs on and after April
 35 1, 1951, and prior to April 1, 1963, and such employee dies from any
 36 other cause than such occupational disease, payment of the unpaid
 37 balance of such compensation, not exceeding three hundred (300)
 38 weeks, shall be made to the employee's dependents of the second and
 39 third class as defined in sections 11 through 14 of this chapter, and
 40 compensation, not exceeding five hundred (500) weeks, shall be made
 41 to the employee's dependents of the first class as defined in sections 11
 42 through 14 of this chapter. When an employee has been awarded or is
 43 entitled to an award of compensation for a definite period from an
 44 occupational disease wherein disablement occurs on and after April 1,
 45 1963, and such employee dies from other causes than such
 46 occupational disease, payment of the unpaid balance of such

1 compensation not exceeding three hundred fifty (350) weeks shall be
 2 paid to the employee's dependents of the second and third class as
 3 defined in sections 11 through 14 of this chapter and compensation, not
 4 exceeding five hundred (500) weeks shall be made to the employee's
 5 dependents of the first class as defined in sections 11 through 14 of this
 6 chapter.

7 (o) Any payment made by the employer to the employee during the
 8 period of the employee's disability, or to the employee's dependents,
 9 which, by the terms of this chapter, was not due and payable when
 10 made, may, subject to the approval of the worker's compensation board,
 11 be deducted from the amount to be paid as compensation, but such
 12 deduction shall be made from the distal end of the period during which
 13 compensation must be paid, except in cases of temporary disability.

14 (p) When so provided in the compensation agreement or in the
 15 award of the worker's compensation board, compensation may be paid
 16 semimonthly, or monthly, instead of weekly.

17 (q) When the aggregate payments of compensation awarded by
 18 agreement or upon hearing to an employee or dependent under eighteen
 19 (18) years of age do not exceed one hundred dollars (\$100), the
 20 payment thereof may be made directly to such employee or dependent,
 21 except when the worker's compensation board shall order otherwise.

22 Whenever the aggregate payments of compensation, due to any
 23 person under eighteen (18) years of age, exceed one hundred dollars
 24 (\$100), the payment thereof shall be made to a trustee, appointed by the
 25 circuit or superior court, or to a duly qualified guardian, or, upon the
 26 order of the worker's compensation board, to a parent or to such minor
 27 person. The payment of compensation, due to any person eighteen (18)
 28 years of age or over, may be made directly to such person.

29 (r) If an employee, or a dependent, is mentally incompetent, or a
 30 minor at the time when any right or privilege accrues to the employee
 31 under this chapter, the employee's guardian or trustee may, in the
 32 employee's behalf, claim and exercise such right and privilege.

33 (s) All compensation payments named and provided for in this
 34 section, shall mean and be defined to be for only such occupational
 35 diseases and disabilities therefrom as are proved by competent
 36 evidence, of which there are or have been objective conditions or
 37 symptoms proven, not within the physical or mental control of the
 38 employee himself.

39 SECTION 5. IC 22-3-7-19 IS AMENDED TO READ AS
 40 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 19. (a) In
 41 computing compensation for temporary total disability, temporary
 42 partial disability, and total permanent disability under this law with
 43 respect to occupational diseases occurring:

44 (1) on and after July 1, 1974, and before July 1, 1976, the average
 45 weekly wages shall be considered to be:

46 (A) not more than one hundred thirty-five dollars (\$135); and

- 1 (B) not less than seventy-five dollars (\$75);
2 (2) on and after July 1, 1976, and before July 1, 1977, the average
3 weekly wages shall be considered to be:
4 (A) not more than one hundred fifty-six dollars (\$156); and
5 (B) not less than seventy-five dollars (\$75);
6 (3) on and after July 1, 1977, and before July 1, 1979, the average
7 weekly wages are considered to be:
8 (A) not more than one hundred eighty dollars (\$180); and
9 (B) not less than seventy-five dollars (\$75);
10 (4) on and after July 1, 1979, and before July 1, 1980, the average
11 weekly wages are considered to be:
12 (A) not more than one hundred ninety-five dollars (\$195); and
13 (B) not less than seventy-five dollars (\$75);
14 (5) on and after July 1, 1980, and before July 1, 1983, the average
15 weekly wages are considered to be:
16 (A) not more than two hundred ten dollars (\$210); and
17 (B) not less than seventy-five dollars (\$75);
18 (6) on and after July 1, 1983, and before July 1, 1984, the average
19 weekly wages are considered to be:
20 (A) not more than two hundred thirty-four dollars (\$234); and
21 (B) not less than seventy-five dollars (\$75); and
22 (7) on and after July 1, 1984, and before July 1, 1985, the average
23 weekly wages are considered to be:
24 (A) not more than two hundred forty-nine dollars (\$249); and
25 (B) not less than seventy-five dollars (\$75).
26 (b) In computing compensation for temporary total disability,
27 temporary partial disability, and total permanent disability, with respect
28 to occupational diseases occurring on and after July 1, 1985, and before
29 July 1, 1986, the average weekly wages are considered to be:
30 (1) not more than two hundred sixty-seven dollars (\$267); and
31 (2) not less than seventy-five dollars (\$75).
32 (c) In computing compensation for temporary total disability,
33 temporary partial disability, and total permanent disability, with respect
34 to occupational diseases occurring on and after July 1, 1986, and before
35 July 1, 1988, the average weekly wages are considered to be:
36 (1) not more than two hundred eighty-five dollars (\$285); and
37 (2) not less than seventy-five dollars (\$75).
38 (d) In computing compensation for temporary total disability,
39 temporary partial disability, and total permanent disability, with respect
40 to occupational diseases occurring on and after July 1, 1988, and before
41 July 1, 1989, the average weekly wages are considered to be:
42 (1) not more than three hundred eighty-four dollars (\$384); and
43 (2) not less than seventy-five dollars (\$75).
44 (e) In computing compensation for temporary total disability,
45 temporary partial disability, and total permanent disability, with respect
46 to occupational diseases occurring on and after July 1, 1989, and before

- 1 July 1, 1990, the average weekly wages are considered to be:
2 (1) not more than four hundred eleven dollars (\$411); and
3 (2) not less than seventy-five dollars (\$75).
- 4 (f) In computing compensation for temporary total disability,
5 temporary partial disability, and total permanent disability, with respect
6 to occupational diseases occurring on and after July 1, 1990, and before
7 July 1, 1991, the average weekly wages are considered to be:
8 (1) not more than four hundred forty-one dollars (\$441); and
9 (2) not less than seventy-five dollars (\$75).
- 10 (g) In computing compensation for temporary total disability,
11 temporary partial disability, and total permanent disability, with respect
12 to occupational diseases occurring on and after July 1, 1991, and before
13 July 1, 1992, the average weekly wages are considered to be:
14 (1) not more than four hundred ninety-two dollars (\$492); and
15 (2) not less than seventy-five dollars (\$75).
- 16 (h) In computing compensation for temporary total disability,
17 temporary partial disability, and total permanent disability, with respect
18 to occupational diseases occurring on and after July 1, 1992, and before
19 July 1, 1993, the average weekly wages are considered to be:
20 (1) not more than five hundred forty dollars (\$540); and
21 (2) not less than seventy-five dollars (\$75).
- 22 (i) In computing compensation for temporary total disability,
23 temporary partial disability, and total permanent disability, with respect
24 to occupational diseases occurring on and after July 1, 1993, and before
25 July 1, 1994, the average weekly wages are considered to be:
26 (1) not more than five hundred ninety-one dollars (\$591); and
27 (2) not less than seventy-five dollars (\$75).
- 28 (j) In computing compensation for temporary total disability,
29 temporary partial disability and total permanent disability, with respect
30 to occupational diseases occurring on and after July 1, 1994, and before
31 July 1, 1997, the average weekly wages are considered to be:
32 (1) not more than six hundred forty-two dollars (\$642); and
33 (2) not less than seventy-five dollars (\$75).
- 34 (k) In computing compensation for temporary total disability,
35 temporary partial disability, and total permanent disability, the average
36 weekly wages are considered to be:
37 (1) with respect to occupational diseases occurring on and after
38 July 1, 1997, and before July 1, 1998:
39 (A) not more than six hundred seventy-two dollars (\$672); and
40 (B) not less than seventy-five dollars (\$75);
41 (2) with respect to occupational diseases occurring on and after
42 July 1, 1998, and before July 1, 1999:
43 (A) not more than seven hundred two dollars (\$702); and
44 (B) not less than seventy-five dollars (\$75);
45 (3) with respect to occupational diseases occurring on and after
46 July 1, 1999, and before July 1, 2000:

- 1 (A) not more than seven hundred thirty-two dollars (\$732);
- 2 and
- 3 (B) not less than seventy-five dollars (\$75); ~~and~~
- 4 (4) with respect to occupational diseases ~~occurring~~ **occurring** on
- 5 and after July 1, 2000, **and before January 1, 2001:**
- 6 (A) not more than seven hundred sixty-two dollars (\$762); and
- 7 (B) not less than seventy-five dollars (\$75); **and**
- 8 **(5) with respect to occupational diseases occurring on and**
- 9 **after January 1, 2001:**
- 10 **(A) not more than eight hundred ten dollars (\$810); and**
- 11 **(B) not less than one hundred sixty-five dollars (\$165).**
- 12 (l) The maximum compensation that shall be paid for occupational
- 13 disease and its results under any one (1) or more provisions of this
- 14 chapter with respect to disability or death occurring:
- 15 (1) on and after July 1, 1974, and before July 1, 1976, shall not
- 16 exceed forty-five thousand dollars (\$45,000) in any case;
- 17 (2) on and after July 1, 1976, and before July 1, 1977, shall not
- 18 exceed fifty-two thousand dollars (\$52,000) in any case;
- 19 (3) on and after July 1, 1977, and before July 1, 1979, may not
- 20 exceed sixty thousand dollars (\$60,000) in any case;
- 21 (4) on and after July 1, 1979, and before July 1, 1980, may not
- 22 exceed sixty-five thousand dollars (\$65,000) in any case;
- 23 (5) on and after July 1, 1980, and before July 1, 1983, may not
- 24 exceed seventy thousand dollars (\$70,000) in any case;
- 25 (6) on and after July 1, 1983, and before July 1, 1984, may not
- 26 exceed seventy-eight thousand dollars (\$78,000) in any case; and
- 27 (7) on and after July 1, 1984, and before July 1, 1985, may not
- 28 exceed eighty-three thousand dollars (\$83,000) in any case.
- 29 (m) The maximum compensation with respect to disability or death
- 30 occurring on and after July 1, 1985, and before July 1, 1986, which
- 31 shall be paid for occupational disease and the results thereof under the
- 32 provisions of this chapter or under any combination of its provisions
- 33 may not exceed eighty-nine thousand dollars (\$89,000) in any case.
- 34 The maximum compensation with respect to disability or death
- 35 occurring on and after July 1, 1986, and before July 1, 1988, which
- 36 shall be paid for occupational disease and the results thereof under the
- 37 provisions of this chapter or under any combination of its provisions
- 38 may not exceed ninety-five thousand dollars (\$95,000) in any case. The
- 39 maximum compensation with respect to disability or death occurring
- 40 on and after July 1, 1988, and before July 1, 1989, that shall be paid for
- 41 occupational disease and the results thereof under this chapter or under
- 42 any combination of its provisions may not exceed one hundred
- 43 twenty-eight thousand dollars (\$128,000) in any case.
- 44 (n) The maximum compensation with respect to disability or death
- 45 occurring on and after July 1, 1989, and before July 1, 1990, that shall
- 46 be paid for occupational disease and the results thereof under this

1 chapter or under any combination of its provisions may not exceed one
2 hundred thirty-seven thousand dollars (\$137,000) in any case.

3 (o) The maximum compensation with respect to disability or death
4 occurring on and after July 1, 1990, and before July 1, 1991, that shall
5 be paid for occupational disease and the results thereof under this
6 chapter or under any combination of its provisions may not exceed one
7 hundred forty-seven thousand dollars (\$147,000) in any case.

8 (p) The maximum compensation with respect to disability or death
9 occurring on and after July 1, 1991, and before July 1, 1992, that shall
10 be paid for occupational disease and the results thereof under this
11 chapter or under any combination of the provisions of this chapter may
12 not exceed one hundred sixty-four thousand dollars (\$164,000) in any
13 case.

14 (q) The maximum compensation with respect to disability or death
15 occurring on and after July 1, 1992, and before July 1, 1993, that shall
16 be paid for occupational disease and the results thereof under this
17 chapter or under any combination of the provisions of this chapter may
18 not exceed one hundred eighty thousand dollars (\$180,000) in any case.

19 (r) The maximum compensation with respect to disability or death
20 occurring on and after July 1, 1993, and before July 1, 1994, that shall
21 be paid for occupational disease and the results thereof under this
22 chapter or under any combination of the provisions of this chapter may
23 not exceed one hundred ninety-seven thousand dollars (\$197,000) in
24 any case.

25 (s) The maximum compensation with respect to disability or death
26 occurring on and after July 1, 1994, and before July 1, 1997, that shall
27 be paid for occupational disease and the results thereof under this
28 chapter or under any combination of the provisions of this chapter may
29 not exceed two hundred fourteen thousand dollars (\$214,000) in any
30 case.

31 (t) The maximum compensation that shall be paid for occupational
32 disease and the results of an occupational disease under this chapter or
33 under any combination of the provisions of this chapter may not exceed
34 the following amounts in any case:

35 (1) With respect to disability or death occurring on and after July
36 1, 1997, and before July 1, 1998, two hundred twenty-four
37 thousand dollars (\$224,000).

38 (2) With respect to disability or death occurring on and after July
39 1, 1998, and before July 1, 1999, two hundred thirty-four
40 thousand dollars (\$234,000).

41 (3) With respect to disability or death occurring on and after July
42 1, 1999, and before July 1, 2000, two hundred forty-four thousand
43 dollars (\$244,000).

44 (4) With respect to disability or death occurring on and after July
45 1, 2000, **and before January 1, 2001**, two hundred fifty-four
46 thousand dollars (\$254,000).

1 **(5) With respect to disability or death occurring on and after**
2 **January 1, 2001, two hundred seventy thousand dollars**
3 **(\$270,000).**

4 (u) For all disabilities occurring before July 1, 1985, "average
5 weekly wages" shall mean the earnings of the injured employee in the
6 employment in which the employee was working at the time of the last
7 exposure during the period of fifty-two (52) weeks immediately
8 preceding the last day of the last exposure divided by fifty-two (52). If
9 the employee lost seven (7) or more calendar days during the period,
10 although not in the same week, then the earnings for the remainder of
11 the fifty-two (52) weeks shall be divided by the number of weeks and
12 parts thereof remaining after the time lost has been deducted. Where
13 the employment prior to the last day of the last exposure extended over
14 a period of less than fifty-two (52) weeks, the method of dividing the
15 earnings during that period by the number of weeks and parts thereof
16 during which the employee earned wages shall be followed if results
17 just and fair to both parties will be obtained. Where by reason of the
18 shortness of the time during which the employee has been in the
19 employment of the employer or of the casual nature or terms of the
20 employment it is impracticable to compute the average weekly wages
21 as above defined, regard shall be had to the average weekly amount
22 which, during the fifty-two (52) weeks previous to the last day of the
23 last exposure, was being earned by a person in the same grade
24 employed at the same work by the same employer, or if there is no
25 person so employed, by a person in the same grade employed in that
26 same class of employment in the same district. Whenever allowances
27 of any character are made to an employee in lieu of wages or a
28 specified part of the wage contract, they shall be deemed a part of the
29 employee's earnings.

30 (v) For all disabilities occurring on and after July 1, 1985, "average
31 weekly wages" means the earnings of the injured employee during the
32 period of fifty-two (52) weeks immediately preceding the disability
33 divided by fifty-two (52). If the employee lost seven (7) or more
34 calendar days during the period, although not in the same week, then
35 the earnings for the remainder of the fifty-two (52) weeks shall be
36 divided by the number of weeks and parts of weeks remaining after the
37 time lost has been deducted. If employment before the date of disability
38 extended over a period of less than fifty-two (52) weeks, the method of
39 dividing the earnings during that period by the number of weeks and
40 parts of weeks during which the employee earned wages shall be
41 followed if results just and fair to both parties will be obtained. If by
42 reason of the shortness of the time during which the employee has been
43 in the employment of the employer or of the casual nature or terms of
44 the employment it is impracticable to compute the average weekly
45 wages for the employee, the employee's average weekly wages shall be
46 considered to be the average weekly amount that, during the fifty-two

1 (52) weeks before the date of disability, was being earned by a person
2 in the same grade employed at the same work by the same employer or,
3 if there is no person so employed, by a person in the same grade
4 employed in that same class of employment in the same district.
5 Whenever allowances of any character are made to an employee
6 instead of wages or a specified part of the wage contract, they shall be
7 considered a part of the employee's earnings.

8 (w) The provisions of this article may not be construed to result in
9 an award of benefits in which the number of weeks paid or to be paid
10 for temporary total disability, temporary partial disability, or permanent
11 total disability benefits combined exceeds five hundred (500) weeks.
12 This section shall not be construed to prevent a person from applying
13 for an award under IC 22-3-3-13. However, in case of permanent total
14 disability resulting from a disablement occurring on or after January 1,
15 1998, the minimum total benefit shall not be less than seventy-five
16 thousand dollars (\$75,000).

17 SECTION 6. [EFFECTIVE JANUARY 1, 2001] **IC 6-3.1-20, as**
18 **added by this act, applies to taxable years beginning after**
19 **December 31, 2000.**

(Reference is to ESB 52 as printed February 18, 2000.)

Representative Buck