



January 24, 2020

SENATE BILL No. 202

DIGEST OF SB 202 (Updated January 22, 2020 11:23 am - DI 133)

Citations Affected: IC 22-3.

Synopsis: Worker's compensation. Increases benefits for injuries and disablements by 2% each year for three years, beginning on July 1, 2020.

Effective: July 1, 2020.

Tallian, Boots

January 6, 2020, read first time and referred to Committee on Pensions and Labor.
January 23, 2020, reported favorably — Do Pass.

SB 202—LS 6456/DI 132



January 24, 2020

Second Regular Session of the 121st General Assembly (2020)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

SENATE BILL No. 202

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 22-3-3-10, AS AMENDED BY P.L.275-2013,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: Sec. 10. (a) With respect to injuries in the schedule set
4 forth in subsection (d) occurring on and after July 1, 1979, and before
5 July 1, 1988, the employee shall receive, in addition to temporary total
6 disability benefits not to exceed fifty-two (52) weeks on account of the
7 injury, a weekly compensation of sixty percent (60%) of the employee's
8 average weekly wages, not to exceed one hundred twenty-five dollars
9 (\$125) average weekly wages, for the period stated for the injury.
10 (b) With respect to injuries in the schedule set forth in subsection
11 (d) occurring on and after July 1, 1988, and before July 1, 1989, the
12 employee shall receive, in addition to temporary total disability benefits
13 not exceeding seventy-eight (78) weeks on account of the injury, a
14 weekly compensation of sixty percent (60%) of the employee's average
15 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
16 average weekly wages, for the period stated for the injury.
17 (c) With respect to injuries in the schedule set forth in subsection

SB 202—LS 6456/DI 132



1 (d) occurring on and after July 1, 1989, and before July 1, 1990, the
2 employee shall receive, in addition to temporary total disability benefits
3 not exceeding seventy-eight (78) weeks on account of the injury, a
4 weekly compensation of sixty percent (60%) of the employee's average
5 weekly wages, not to exceed one hundred eighty-three dollars (\$183)
6 average weekly wages, for the period stated for the injury.

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

14 (1) Amputation: For the loss by separation of the thumb, sixty
15 (60) weeks, of the index finger forty (40) weeks, of the second
16 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
17 weeks, of the fourth or little finger twenty (20) weeks, of the hand
18 by separation below the elbow joint two hundred (200) weeks, or
19 the arm above the elbow two hundred fifty (250) weeks, of the big
20 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
21 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
22 of the fifth or little toe ten (10) weeks, for loss occurring on and
23 after April 1, 1959, by separation of the foot below the knee joint,
24 one hundred seventy-five (175) weeks and of the leg above the
25 knee joint two hundred twenty-five (225) weeks. The loss of more
26 than one (1) phalange of a thumb or toes shall be considered as
27 the loss of the entire thumb or toe. The loss of more than two (2)
28 phalanges of a finger shall be considered as the loss of the entire
29 finger. The loss of not more than one (1) phalange of a thumb or
30 toe shall be considered as the loss of one-half (1/2) of the thumb
31 or toe and compensation shall be paid for one-half (1/2) of the
32 period for the loss of the entire thumb or toe. The loss of not more
33 than one (1) phalange of a finger shall be considered as the loss
34 of one-third (1/3) of the finger and compensation shall be paid for
35 one-third (1/3) the period for the loss of the entire finger. The loss
36 of more than one (1) phalange of the finger but not more than two
37 (2) phalanges of the finger, shall be considered as the loss of
38 one-half (1/2) of the finger and compensation shall be paid for
39 one-half (1/2) of the period for the loss of the entire finger.

40 (2) For the loss by separation of both hands or both feet or the
41 total sight of both eyes, or any two (2) such losses in the same
42 accident, five hundred (500) weeks.



1 (3) For the permanent and complete loss of vision by enucleation
2 or its reduction to one-tenth (1/10) of normal vision with glasses,
3 one hundred seventy-five (175) weeks.

4 (4) For the permanent and complete loss of hearing in one (1) ear,
5 seventy-five (75) weeks, and in both ears, two hundred (200)
6 weeks.

7 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of
8 both testicles, one hundred fifty (150) weeks.

9 (e) With respect to injuries in the schedule set forth in subsection
10 (h) occurring on and after July 1, 1979, and before July 1, 1988, the
11 employee shall receive, in addition to temporary total disability benefits
12 not exceeding fifty-two (52) weeks on account of the injury, a weekly
13 compensation of sixty percent (60%) of the employee's average weekly
14 wages not to exceed one hundred twenty-five dollars (\$125) average
15 weekly wages for the period stated for the injury.

16 (f) With respect to injuries in the schedule set forth in subsection (h)
17 occurring on and after July 1, 1988, and before July 1, 1989, the
18 employee shall receive, in addition to temporary total disability benefits
19 not exceeding seventy-eight (78) weeks on account of the injury, a
20 weekly compensation of sixty percent (60%) of the employee's average
21 weekly wages, not to exceed one hundred sixty-six dollars (\$166)
22 average weekly wages, for the period stated for the injury.

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

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

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

42 (2) Partial loss of use: For the permanent partial loss of the use of



1 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 2 compensation shall be paid for the proportionate loss of the use of
 3 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

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

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

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

21 (6) In all other cases of permanent partial impairment,
 22 compensation proportionate to the degree of such permanent
 23 partial impairment, in the discretion of the worker's compensation
 24 board, not exceeding five hundred (500) weeks.

25 (7) In all cases of permanent disfigurement which may impair the
 26 future usefulness or opportunities of the employee, compensation,
 27 in the discretion of the worker's compensation board, not
 28 exceeding two hundred (200) weeks, except that no compensation
 29 shall be payable under this subdivision where compensation is
 30 payable elsewhere in this section.

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

39 (1) Amputation: For the loss by separation of the thumb, twelve

40 (12) degrees of permanent impairment; of the index finger, eight

41 (8) degrees of permanent impairment; of the second finger, seven

42 (7) degrees of permanent impairment; of the third or ring finger,



- 1 six (6) degrees of permanent impairment; of the fourth or little
2 finger, four (4) degrees of permanent impairment; of the hand by
3 separation below the elbow joint, forty (40) degrees of permanent
4 impairment; of the arm above the elbow, fifty (50) degrees of
5 permanent impairment; of the big toe, twelve (12) degrees of
6 permanent impairment; of the second toe, six (6) degrees of
7 permanent impairment; of the third toe, four (4) degrees of
8 permanent impairment; of the fourth toe, three (3) degrees of
9 permanent impairment; of the fifth or little toe, two (2) degrees of
10 permanent impairment; by separation of the foot below the knee
11 joint, thirty-five (35) degrees of permanent impairment; and of the
12 leg above the knee joint, forty-five (45) degrees of permanent
13 impairment.
- 14 (2) Amputations: For the loss by separation of any of the body
15 parts described in subdivision (1) on or after July 1, 1997, and for
16 the loss by separation of any of the body parts described in
17 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar
18 values per degree applying on the date of the injury as described
19 in subsection (j) shall be multiplied by two (2). However, the
20 doubling provision of this subdivision does not apply to a loss of
21 use that is not a loss by separation.
- 22 (3) The loss of more than one (1) phalange of a thumb or toe shall
23 be considered as the loss of the entire thumb or toe. The loss of
24 more than two (2) phalanges of a finger shall be considered as the
25 loss of the entire finger. The loss of not more than one (1)
26 phalange of a thumb or toe shall be considered as the loss of
27 one-half (1/2) of the degrees of permanent impairment for the loss
28 of the entire thumb or toe. The loss of not more than one (1)
29 phalange of a finger shall be considered as the loss of one-third
30 (1/3) of the finger and compensation shall be paid for one-third
31 (1/3) of the degrees payable for the loss of the entire finger. The
32 loss of more than one (1) phalange of the finger but not more than
33 two (2) phalanges of the finger shall be considered as the loss of
34 one-half (1/2) of the finger and compensation shall be paid for
35 one-half (1/2) of the degrees payable for the loss of the entire
36 finger.
- 37 (4) For the loss by separation of both hands or both feet or the
38 total sight of both eyes or any two (2) such losses in the same
39 accident, one hundred (100) degrees of permanent impairment.
- 40 (5) For the permanent and complete loss of vision by enucleation,
41 thirty-five (35) degrees of permanent impairment.
- 42 (6) For the reduction of vision to one-tenth (1/10) of normal



- 1 vision with glasses, thirty-five (35) degrees of permanent
2 impairment.
- 3 (7) For the permanent and complete loss of hearing in one (1) ear,
4 fifteen (15) degrees of permanent impairment, and in both ears,
5 forty (40) degrees of permanent impairment.
- 6 (8) For the loss of one (1) testicle, ten (10) degrees of permanent
7 impairment; for the loss of both testicles, thirty (30) degrees of
8 permanent impairment.
- 9 (9) Loss of use: The total permanent loss of the use of an arm, a
10 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
11 considered as the equivalent of the loss by separation of the arm,
12 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
13 shall be paid in the same amount as for the loss by separation.
14 However, the doubling provision of subdivision (2) does not
15 apply to a loss of use that is not a loss by separation.
- 16 (10) Partial loss of use: For the permanent partial loss of the use
17 of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
18 phalange, compensation shall be paid for the proportionate loss of
19 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 20 (11) For injuries resulting in total permanent disability, the
21 amount payable for impairment or five hundred (500) weeks of
22 compensation, whichever is greater.
- 23 (12) For any permanent reduction of the sight of an eye less than
24 a total loss as specified in subsection (h)(4), the compensation
25 shall be paid in an amount proportionate to the degree of a
26 permanent reduction without correction or glasses. However,
27 when a permanent reduction without correction or glasses would
28 result in one hundred percent (100%) loss of vision, then
29 compensation shall be paid for fifty percent (50%) of the total loss
30 of vision without glasses, plus an additional amount equal to the
31 proportionate amount of the reduction with glasses, not to exceed
32 an additional fifty percent (50%).
- 33 (13) For any permanent reduction of the hearing of one (1) or both
34 ears, less than the total loss as specified in subsection (h)(5),
35 compensation shall be paid in an amount proportionate to the
36 degree of a permanent reduction.
- 37 (14) In all other cases of permanent partial impairment,
38 compensation proportionate to the degree of a permanent partial
39 impairment, in the discretion of the worker's compensation board,
40 not exceeding one hundred (100) degrees of permanent
41 impairment.
- 42 (15) In all cases of permanent disfigurement which may impair



1 the future usefulness or opportunities of the employee,
2 compensation, in the discretion of the worker's compensation
3 board, not exceeding forty (40) degrees of permanent impairment
4 except that no compensation shall be payable under this
5 subdivision where compensation is payable elsewhere in this
6 section.

7 (j) Compensation for permanent partial impairment shall be paid
8 according to the degree of permanent impairment for the injury
9 determined under subsection (i) and the following:

10 (1) With respect to injuries occurring on and after July 1, 1991,
11 and before July 1, 1992, for each degree of permanent impairment
12 from one (1) to thirty-five (35), five hundred dollars (\$500) per
13 degree; for each degree of permanent impairment from thirty-six
14 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each
15 degree of permanent impairment above fifty (50), one thousand
16 five hundred dollars (\$1,500) per degree.

17 (2) With respect to injuries occurring on and after July 1, 1992,
18 and before July 1, 1993, for each degree of permanent impairment
19 from one (1) to twenty (20), five hundred dollars (\$500) per
20 degree; for each degree of permanent impairment from
21 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
22 per degree; for each degree of permanent impairment from
23 thirty-six (36) to fifty (50), one thousand three hundred dollars
24 (\$1,300) per degree; for each degree of permanent impairment
25 above fifty (50), one thousand seven hundred dollars (\$1,700) per
26 degree.

27 (3) With respect to injuries occurring on and after July 1, 1993,
28 and before July 1, 1997, for each degree of permanent impairment
29 from one (1) to ten (10), five hundred dollars (\$500) per degree;
30 for each degree of permanent impairment from eleven (11) to
31 twenty (20), seven hundred dollars (\$700) per degree; for each
32 degree of permanent impairment from twenty-one (21) to
33 thirty-five (35), one thousand dollars (\$1,000) per degree; for
34 each degree of permanent impairment from thirty-six (36) to fifty
35 (50), one thousand four hundred dollars (\$1,400) per degree; for
36 each degree of permanent impairment above fifty (50), one
37 thousand seven hundred dollars (\$1,700) per degree.

38 (4) With respect to injuries occurring on and after July 1, 1997,
39 and before July 1, 1998, for each degree of permanent impairment
40 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
41 degree; for each degree of permanent impairment from eleven
42 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;



1 for each degree of permanent impairment from thirty-six (36) to
2 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
3 for each degree of permanent impairment above fifty (50), one
4 thousand seven hundred dollars (\$1,700) per degree.
5 (5) With respect to injuries occurring on and after July 1, 1998,
6 and before July 1, 1999, for each degree of permanent impairment
7 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
8 degree; for each degree of permanent impairment from eleven
9 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
10 for each degree of permanent impairment from thirty-six (36) to
11 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
12 for each degree of permanent impairment above fifty (50), one
13 thousand seven hundred dollars (\$1,700) per degree.
14 (6) With respect to injuries occurring on and after July 1, 1999,
15 and before July 1, 2000, for each degree of permanent impairment
16 from one (1) to ten (10), nine hundred dollars (\$900) per degree;
17 for each degree of permanent impairment from eleven (11) to
18 thirty-five (35), one thousand one hundred dollars (\$1,100) per
19 degree; for each degree of permanent impairment from thirty-six
20 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per
21 degree; for each degree of permanent impairment above fifty (50),
22 two thousand dollars (\$2,000) per degree.
23 (7) With respect to injuries occurring on and after July 1, 2000,
24 and before July 1, 2001, for each degree of permanent impairment
25 from one (1) to ten (10), one thousand one hundred dollars
26 (\$1,100) per degree; for each degree of permanent impairment
27 from eleven (11) to thirty-five (35), one thousand three hundred
28 dollars (\$1,300) per degree; for each degree of permanent
29 impairment from thirty-six (36) to fifty (50), two thousand dollars
30 (\$2,000) per degree; for each degree of permanent impairment
31 above fifty (50), two thousand five hundred fifty dollars (\$2,500)
32 per degree.
33 (8) With respect to injuries occurring on and after July 1, 2001,
34 and before July 1, 2007, for each degree of permanent impairment
35 from one (1) to ten (10), one thousand three hundred dollars
36 (\$1,300) per degree; for each degree of permanent impairment
37 from eleven (11) to thirty-five (35), one thousand five hundred
38 dollars (\$1,500) per degree; for each degree of permanent
39 impairment from thirty-six (36) to fifty (50), two thousand four
40 hundred dollars (\$2,400) per degree; for each degree of
41 permanent impairment above fifty (50), three thousand dollars
42 (\$3,000) per degree.



- 1 (9) With respect to injuries occurring on and after July 1, 2007,
2 and before July 1, 2008, for each degree of permanent impairment
3 from one (1) to ten (10), one thousand three hundred forty dollars
4 (\$1,340) per degree; for each degree of permanent impairment
5 from eleven (11) to thirty-five (35), one thousand five hundred
6 forty-five dollars (\$1,545) per degree; for each degree of
7 permanent impairment from thirty-six (36) to fifty (50), two
8 thousand four hundred seventy-five dollars (\$2,475) per degree;
9 for each degree of permanent impairment above fifty (50), three
10 thousand one hundred fifty dollars (\$3,150) per degree.
- 11 (10) With respect to injuries occurring on and after July 1, 2008,
12 and before July 1, 2009, for each degree of permanent impairment
13 from one (1) to ten (10), one thousand three hundred sixty-five
14 dollars (\$1,365) per degree; for each degree of permanent
15 impairment from eleven (11) to thirty-five (35), one thousand five
16 hundred seventy dollars (\$1,570) per degree; for each degree of
17 permanent impairment from thirty-six (36) to fifty (50), two
18 thousand five hundred twenty-five dollars (\$2,525) per degree; for
19 each degree of permanent impairment above fifty (50), three
20 thousand two hundred dollars (\$3,200) per degree.
- 21 (11) With respect to injuries occurring on and after July 1, 2009,
22 and before July 1, 2010, for each degree of permanent impairment
23 from one (1) to ten (10), one thousand three hundred eighty
24 dollars (\$1,380) per degree; for each degree of permanent
25 impairment from eleven (11) to thirty-five (35), one thousand five
26 hundred eighty-five dollars (\$1,585) per degree; for each degree
27 of permanent impairment from thirty-six (36) to fifty (50), two
28 thousand six hundred dollars (\$2,600) per degree; for each degree
29 of permanent impairment above fifty (50), three thousand three
30 hundred dollars (\$3,300) per degree.
- 31 (12) With respect to injuries occurring on and after July 1, 2010,
32 and before July 1, 2014, for each degree of permanent impairment
33 from one (1) to ten (10), one thousand four hundred dollars
34 (\$1,400) per degree; for each degree of permanent impairment
35 from eleven (11) to thirty-five (35), one thousand six hundred
36 dollars (\$1,600) per degree; for each degree of permanent
37 impairment from thirty-six (36) to fifty (50), two thousand seven
38 hundred dollars (\$2,700) per degree; for each degree of
39 permanent impairment above fifty (50), three thousand five
40 hundred dollars (\$3,500) per degree.
- 41 (13) With respect to injuries occurring on and after July 1, 2014,
42 and before July 1, 2015, for each degree of permanent impairment



1 from one (1) to ten (10), one thousand five hundred seventeen
2 dollars (\$1,517) per degree; for each degree of permanent
3 impairment from eleven (11) to thirty-five (35), one thousand
4 seven hundred seventeen dollars (\$1,717) per degree; for each
5 degree of permanent impairment from thirty-six (36) to fifty (50),
6 two thousand eight hundred sixty-two dollars (\$2,862) per degree;
7 for each degree of permanent impairment above fifty (50), three
8 thousand six hundred eighty-seven dollars (\$3,687) per degree.
9 (14) With respect to injuries occurring on and after July 1, 2015,
10 and before July 1, 2016, for each degree of permanent impairment
11 from one (1) to ten (10), one thousand six hundred thirty-three
12 dollars (\$1,633) per degree; for each degree of permanent
13 impairment from eleven (11) to thirty-five (35), one thousand
14 eight hundred thirty-five dollars (\$1,835) per degree; for each
15 degree of permanent impairment from thirty-six (36) to fifty (50),
16 three thousand twenty-four dollars (\$3,024) per degree; for each
17 degree of permanent impairment above fifty (50), three thousand
18 eight hundred seventy-three dollars (\$3,873) per degree.
19 (15) With respect to injuries occurring on and after July 1, 2016,
20 **and before July 1, 2020**, for each degree of permanent
21 impairment from one (1) to ten (10), one thousand seven hundred
22 fifty dollars (\$1,750) per degree; for each degree of permanent
23 impairment from eleven (11) to thirty-five (35), one thousand nine
24 hundred fifty-two dollars (\$1,952) per degree; for each degree of
25 permanent impairment from thirty-six (36) to fifty (50), three
26 thousand one hundred eighty-six dollars (\$3,186) per degree; for
27 each degree of permanent impairment above fifty (50), four
28 thousand sixty dollars (\$4,060) per degree.
29 **(16) With respect to injuries occurring on and after July 1,**
30 **2020, and before July 1, 2021, for each degree of permanent**
31 **impairment from one (1) to ten (10), one thousand seven**
32 **hundred eighty-five dollars (\$1,785) per degree; for each**
33 **degree of permanent impairment from eleven (11) to**
34 **thirty-five (35), one thousand nine hundred ninety-one dollars**
35 **(\$1,991) per degree; for each degree of permanent**
36 **impairment from thirty-six (36) to fifty (50), three thousand**
37 **two hundred fifty dollars (\$3,250) per degree; for each degree**
38 **of permanent impairment above fifty (50), four thousand one**
39 **hundred forty-one dollars (\$4,141) per degree.**
40 **(17) With respect to injuries occurring on and after July 1,**
41 **2021, and before July 1, 2022, for each degree of permanent**
42 **impairment from one (1) to ten (10), one thousand eight**



1 **hundred twenty-one dollars (\$1,821) per degree; for each**
 2 **degree of permanent impairment from eleven (11) to**
 3 **thirty-five (35), two thousand thirty-one dollars (\$2,031) per**
 4 **degree; for each degree of permanent impairment from**
 5 **thirty-six (36) to fifty (50), three thousand three hundred**
 6 **fifteen dollars (\$3,315) per degree; for each degree of**
 7 **permanent impairment above fifty (50), four thousand two**
 8 **hundred twenty-four dollars (\$4,224) per degree.**

9 **(18) With respect to injuries occurring on and after July 1,**
 10 **2022, for each degree of permanent impairment from one (1)**
 11 **to ten (10), one thousand eight hundred fifty-seven dollars**
 12 **(\$1,857) per degree; for each degree of permanent**
 13 **impairment from eleven (11) to thirty-five (35), two thousand**
 14 **seventy-two dollars (\$2,072) per degree; for each degree of**
 15 **permanent impairment from thirty-six (36) to fifty (50), three**
 16 **thousand three hundred eighty-one dollars (\$3,381) per**
 17 **degree; for each degree of permanent impairment above fifty**
 18 **(50), four thousand three hundred eight dollars (\$4,308) per**
 19 **degree.**

20 (k) The average weekly wages used in the determination of
 21 compensation for permanent partial impairment under subsections (i)
 22 and (j) shall not exceed the following:

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

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

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

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

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

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

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

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

39 (9) With respect to injuries occurring on or after July 1, 2001, and
 40 before July 1, 2002, eight hundred twenty-two dollars (\$822).

41 (10) With respect to injuries occurring on or after July 1, 2002,
 42 and before July 1, 2006, eight hundred eighty-two dollars (\$882).



- 1 (11) With respect to injuries occurring on or after July 1, 2006,
2 and before July 1, 2007, nine hundred dollars (\$900).
- 3 (12) With respect to injuries occurring on or after July 1, 2007,
4 and before July 1, 2008, nine hundred thirty dollars (\$930).
- 5 (13) With respect to injuries occurring on or after July 1, 2008,
6 and before July 1, 2009, nine hundred fifty-four dollars (\$954).
- 7 (14) With respect to injuries occurring on or after July 1, 2009,
8 and before July 1, 2014, nine hundred seventy-five dollars (\$975).
- 9 (15) With respect to injuries occurring on or after July 1, 2014,
10 and before July 1, 2015, one thousand forty dollars (\$1,040).
- 11 (16) With respect to injuries occurring on or after July 1, 2015,
12 and before July 1, 2016, one thousand one hundred five dollars
13 (\$1,105).
- 14 (17) With respect to injuries occurring on or after July 1, 2016,
15 **and before July 1, 2020**, one thousand one hundred seventy
16 dollars (\$1,170).
- 17 **(18) With respect to injuries occurring on or after July 1,**
18 **2020, and before July 1, 2021, one thousand one hundred**
19 **ninety-three dollars (\$1,193).**
- 20 **(19) With respect to injuries occurring on or after July 1,**
21 **2021, and before July 1, 2022, one thousand two hundred**
22 **seventeen dollars (\$1,217).**
- 23 **(20) With respect to injuries occurring on or after July 1,**
24 **2022, one thousand two hundred forty-one dollars (\$1,241).**
- 25 SECTION 2. IC 22-3-3-22, AS AMENDED BY P.L.275-2013,
26 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2020]: Sec. 22. (a) In computing compensation for temporary
28 total disability, temporary partial disability, and total permanent
29 disability, with respect to injuries occurring on and after July 1, 1985,
30 and before July 1, 1986, the average weekly wages are considered to
31 be:
- 32 (1) not more than two hundred sixty-seven dollars (\$267); and
33 (2) not less than seventy-five dollars (\$75).
- 34 However, the weekly compensation payable shall not exceed the
35 average weekly wages of the employee at the time of the injury.
- 36 (b) In computing compensation for temporary total disability,
37 temporary partial disability, and total permanent disability, with respect
38 to injuries occurring on and after July 1, 1986, and before July 1, 1988,
39 the average weekly wages are considered to be:
- 40 (1) not more than two hundred eighty-five dollars (\$285); and
41 (2) not less than seventy-five dollars (\$75).
- 42 However, the weekly compensation payable shall not exceed the



- 1 average weekly wages of the employee at the time of the injury.
- 2 (c) In computing compensation for temporary total disability,
3 temporary partial disability, and total permanent disability, with respect
4 to injuries occurring on and after July 1, 1988, and before July 1, 1989,
5 the average weekly wages are considered to be:
6 (1) not more than three hundred eighty-four dollars (\$384); and
7 (2) not less than seventy-five dollars (\$75).
8 However, the weekly compensation payable shall not exceed the
9 average weekly wages of the employee at the time of the injury.
- 10 (d) In computing compensation for temporary total disability,
11 temporary partial disability, and total permanent disability, with respect
12 to injuries occurring on and after July 1, 1989, and before July 1, 1990,
13 the average weekly wages are considered to be:
14 (1) not more than four hundred eleven dollars (\$411); and
15 (2) not less than seventy-five dollars (\$75).
16 However, the weekly compensation payable shall not exceed the
17 average weekly wages of the employee at the time of the injury.
- 18 (e) In computing compensation for temporary total disability,
19 temporary partial disability, and total permanent disability, with respect
20 to injuries occurring on and after July 1, 1990, and before July 1, 1991,
21 the average weekly wages are considered to be:
22 (1) not more than four hundred forty-one dollars (\$441); and
23 (2) not less than seventy-five dollars (\$75).
24 However, the weekly compensation payable shall not exceed the
25 average weekly wages of the employee at the time of the injury.
- 26 (f) In computing compensation for temporary total disability,
27 temporary partial disability, and total permanent disability, with respect
28 to injuries occurring on and after July 1, 1991, and before July 1, 1992,
29 the average weekly wages are considered to be:
30 (1) not more than four hundred ninety-two dollars (\$492); and
31 (2) not less than seventy-five dollars (\$75).
32 However, the weekly compensation payable shall not exceed the
33 average weekly wages of the employee at the time of the injury.
- 34 (g) 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, 1992, and before July 1, 1993,
37 the average weekly wages are considered to be:
38 (1) not more than five hundred forty dollars (\$540); and
39 (2) not less than seventy-five dollars (\$75).
40 However, the weekly compensation payable shall not exceed the
41 average weekly wages of the employee at the time of the injury.
- 42 (h) In computing compensation for temporary total disability,



1 temporary partial disability, and total permanent disability, with respect
 2 to injuries occurring on and after July 1, 1993, and before July 1, 1994,
 3 the average weekly wages are considered to be:

- 4 (1) not more than five hundred ninety-one dollars (\$591); and
 5 (2) not less than seventy-five dollars (\$75).

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

8 (i) In computing compensation for temporary total disability,
 9 temporary partial disability, and total permanent disability, with respect
 10 to injuries occurring on and after July 1, 1994, and before July 1, 1997,
 11 the average weekly wages are considered to be:

- 12 (1) not more than six hundred forty-two dollars (\$642); and
 13 (2) not less than seventy-five dollars (\$75).

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

16 (j) In computing compensation for temporary total disability,
 17 temporary partial disability, and total permanent disability, the average
 18 weekly wages are considered to be:

- 19 (1) with respect to injuries occurring on and after July 1, 1997,
 20 and before July 1, 1998:

- 21 (A) not more than six hundred seventy-two dollars (\$672); and
 22 (B) not less than seventy-five dollars (\$75);

- 23 (2) with respect to injuries occurring on and after July 1, 1998,
 24 and before July 1, 1999:

- 25 (A) not more than seven hundred two dollars (\$702); and
 26 (B) not less than seventy-five dollars (\$75);

- 27 (3) with respect to injuries occurring on and after July 1, 1999,
 28 and before July 1, 2000:

- 29 (A) not more than seven hundred thirty-two dollars (\$732);
 30 and

- 31 (B) not less than seventy-five dollars (\$75);

- 32 (4) with respect to injuries occurring on and after July 1, 2000,
 33 and before July 1, 2001:

- 34 (A) not more than seven hundred sixty-two dollars (\$762); and
 35 (B) not less than seventy-five dollars (\$75);

- 36 (5) with respect to injuries occurring on and after July 1, 2001,
 37 and before July 1, 2002:

- 38 (A) not more than eight hundred twenty-two dollars (\$822);
 39 and

- 40 (B) not less than seventy-five dollars (\$75);

- 41 (6) with respect to injuries occurring on and after July 1, 2002,
 42 and before July 1, 2006:



- 1 (A) not more than eight hundred eighty-two dollars (\$882);
 2 and
 3 (B) not less than seventy-five dollars (\$75);
 4 (7) with respect to injuries occurring on and after July 1, 2006,
 5 and before July 1, 2007:
 6 (A) not more than nine hundred dollars (\$900); and
 7 (B) not less than seventy-five dollars (\$75);
 8 (8) with respect to injuries occurring on and after July 1, 2007,
 9 and before July 1, 2008:
 10 (A) not more than nine hundred thirty dollars (\$930); and
 11 (B) not less than seventy-five dollars (\$75);
 12 (9) with respect to injuries occurring on and after July 1, 2008,
 13 and before July 1, 2009:
 14 (A) not more than nine hundred fifty-four dollars (\$954); and
 15 (B) not less than seventy-five dollars (\$75);
 16 (10) with respect to injuries occurring on and after July 1, 2009,
 17 and before July 1, 2014:
 18 (A) not more than nine hundred seventy-five dollars (\$975);
 19 and
 20 (B) not less than seventy-five dollars (\$75);
 21 (11) with respect to injuries occurring on and after July 1, 2014,
 22 and before July 1, 2015:
 23 (A) not more than one thousand forty dollars (\$1,040); and
 24 (B) not less than seventy-five dollars (\$75);
 25 (12) with respect to injuries occurring on and after July 1, 2015,
 26 and before July 1, 2016:
 27 (A) not more than one thousand one hundred five dollars
 28 (\$1,105); and
 29 (B) not less than seventy-five dollars (\$75); ~~and~~
 30 (13) with respect to injuries occurring on and after July 1, 2016,
 31 **and before July 1, 2020:**
 32 (A) not more than one thousand one hundred seventy dollars
 33 (\$1,170); and
 34 (B) not less than seventy-five dollars (\$75);
 35 **(14) with respect to injuries occurring on and after July 1,**
 36 **2020, and before July 1, 2021:**
 37 (A) not more than one thousand one hundred ninety-three
 38 dollars (\$1,193); and
 39 (B) not less than seventy-five dollars (\$75);
 40 **(15) with respect to injuries occurring on and after July 1,**
 41 **2021, and before July 1, 2022:**
 42 (A) not more than one thousand two hundred seventeen



1 **dollars (\$1,217); and**
 2 **(B) not less than seventy-five dollars (\$75); and**
 3 **(16) with respect to injuries occurring on and after July 1,**
 4 **2022:**
 5 **(A) not more than one thousand two hundred forty-one**
 6 **dollars (\$1,241); and**
 7 **(B) not less than seventy-five dollars (\$75).**

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

10 (k) With respect to any injury occurring on and after July 1, 1985,
 11 and before July 1, 1986, the maximum compensation, exclusive of
 12 medical benefits, which may be paid for an injury under any provisions
 13 of this law or any combination of provisions may not exceed
 14 eighty-nine thousand dollars (\$89,000) in any case.

15 (l) With respect to any injury occurring on and after July 1, 1986,
 16 and before July 1, 1988, the maximum compensation, exclusive of
 17 medical benefits, which may be paid for an injury under any provisions
 18 of this law or any combination of provisions may not exceed
 19 ninety-five thousand dollars (\$95,000) in any case.

20 (m) With respect to any injury occurring on and after July 1, 1988,
 21 and before July 1, 1989, the maximum compensation, exclusive of
 22 medical benefits, which may be paid for an injury under any provisions
 23 of this law or any combination of provisions may not exceed one
 24 hundred twenty-eight thousand dollars (\$128,000) in any case.

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

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

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

40 (q) With respect to any injury occurring on and after July 1, 1992,
 41 and before July 1, 1993, the maximum compensation, exclusive of
 42 medical benefits, that may be paid for an injury under any provisions



1 of this law or any combination of provisions may not exceed one
2 hundred eighty thousand dollars (\$180,000) in any case.

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

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

13 (t) The maximum compensation, exclusive of medical benefits, that
14 may be paid for an injury under any provision of this law or any
15 combination of provisions may not exceed the following amounts in
16 any case:

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

20 (2) With respect to an injury occurring on and after July 1, 1998,
21 and before July 1, 1999, two hundred thirty-four thousand dollars
22 (\$234,000).

23 (3) With respect to an injury occurring on and after July 1, 1999,
24 and before July 1, 2000, two hundred forty-four thousand dollars
25 (\$244,000).

26 (4) With respect to an injury occurring on and after July 1, 2000,
27 and before July 1, 2001, two hundred fifty-four thousand dollars
28 (\$254,000).

29 (5) With respect to an injury occurring on and after July 1, 2001,
30 and before July 1, 2002, two hundred seventy-four thousand
31 dollars (\$274,000).

32 (6) With respect to an injury occurring on and after July 1, 2002,
33 and before July 1, 2006, two hundred ninety-four thousand dollars
34 (\$294,000).

35 (7) With respect to an injury occurring on and after July 1, 2006,
36 and before July 1, 2007, three hundred thousand dollars
37 (\$300,000).

38 (8) With respect to an injury occurring on and after July 1, 2007,
39 and before July 1, 2008, three hundred ten thousand dollars
40 (\$310,000).

41 (9) With respect to an injury occurring on and after July 1, 2008,
42 and before July 1, 2009, three hundred eighteen thousand dollars



- 1 (\$318,000).
 2 (10) With respect to an injury occurring on and after July 1, 2009,
 3 and before July 1, 2014, three hundred twenty-five thousand
 4 dollars (\$325,000).
 5 (11) With respect to an injury occurring on and after July 1, 2014,
 6 and before July 1, 2015, three hundred forty-seven thousand
 7 dollars (\$347,000).
 8 (12) With respect to an injury occurring on and after July 1, 2015,
 9 and before July 1, 2016, three hundred sixty-eight thousand
 10 dollars (\$368,000).
 11 (13) With respect to an injury occurring on and after July 1, 2016,
 12 **and before July 1, 2020**, three hundred ninety thousand dollars
 13 (\$390,000).
 14 **(14) With respect to an injury occurring on and after July 1,**
 15 **2020, and before July 1, 2021, three hundred ninety-eight**
 16 **thousand dollars (\$398,000).**
 17 **(15) With respect to an injury occurring on and after July 1,**
 18 **2021, and before July 1, 2022, four hundred six thousand**
 19 **dollars (\$406,000).**
 20 **(16) With respect to an injury occurring on and after July 1,**
 21 **2022, four hundred fourteen thousand dollars (\$414,000).**
 22 SECTION 3. IC 22-3-7-16, AS AMENDED BY P.L.204-2018,
 23 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2020]: Sec. 16. (a) Compensation shall be allowed on account
 25 of disablement from occupational disease resulting in only temporary
 26 total disability to work or temporary partial disability to work
 27 beginning with the eighth day of such disability except for the medical
 28 benefits provided for in section 17 of this chapter. Compensation shall
 29 be allowed for the first seven (7) calendar days only as provided in this
 30 section. The first weekly installment of compensation for temporary
 31 disability is due fourteen (14) days after the disability begins. Not later
 32 than fifteen (15) days from the date that the first installment of
 33 compensation is due, the employer or the employer's insurance carrier
 34 shall file with the worker's compensation board electronically and
 35 tender to the employee or to the employee's dependents, with all
 36 compensation due, a properly prepared compensation agreement in a
 37 form prescribed by the board. Whenever an employer or the employer's
 38 insurance carrier denies or is not able to determine liability to pay
 39 compensation or benefits, the employer or the employer's insurance
 40 carrier shall notify the worker's compensation board and the employee
 41 in writing on a form prescribed by the worker's compensation board not
 42 later than thirty (30) days after the employer's knowledge of the



1 claimed disablement. If a determination of liability cannot be made
 2 within thirty (30) days, the worker's compensation board may approve
 3 an additional thirty (30) days upon a written request of the employer or
 4 the employer's insurance carrier that sets forth the reasons that the
 5 determination could not be made within thirty (30) days and states the
 6 facts or circumstances that are necessary to determine liability within
 7 the additional thirty (30) days. More than thirty (30) days of additional
 8 time may be approved by the worker's compensation board upon the
 9 filing of a petition by the employer or the employer's insurance carrier
 10 that sets forth:

- 11 (1) the extraordinary circumstances that have precluded a
- 12 determination of liability within the initial sixty (60) days;
- 13 (2) the status of the investigation on the date the petition is filed;
- 14 (3) the facts or circumstances that are necessary to make a
- 15 determination; and
- 16 (4) a timetable for the completion of the remaining investigation.

17 An employer who fails to comply with this section is subject to a civil
 18 penalty under IC 22-3-4-15.

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

- 21 (1) the employee has returned to work;
- 22 (2) the employee has died;
- 23 (3) the employee has refused to undergo a medical examination
- 24 under section 20 of this chapter;
- 25 (4) the employee has received five hundred (500) weeks of
- 26 temporary total disability benefits or has been paid the maximum
- 27 compensation allowable under section 19 of this chapter; or
- 28 (5) the employee is unable or unavailable to work for reasons
- 29 unrelated to the compensable disease.

30 In all other cases the employer must notify the employee in writing of
 31 the employer's intent to terminate the payment of temporary total
 32 disability benefits, and of the availability of employment, if any, on a
 33 form approved by the board. If the employee disagrees with the
 34 proposed termination, the employee must give written notice of
 35 disagreement to the board and the employer within seven (7) days after
 36 receipt of the notice of intent to terminate benefits. If the board and
 37 employer do not receive a notice of disagreement under this section,
 38 the employee's temporary total disability benefits shall be terminated.
 39 Upon receipt of the notice of disagreement, the board shall immediately
 40 contact the parties, which may be by telephone or other means and
 41 attempt to resolve the disagreement. If the board is unable to resolve
 42 the disagreement within ten (10) days of receipt of the notice of



1 disagreement, the board shall immediately arrange for an evaluation of
2 the employee by an independent medical examiner. The independent
3 medical examiner shall be selected by mutual agreement of the parties
4 or, if the parties are unable to agree, appointed by the board under
5 IC 22-3-4-11. If the independent medical examiner determines that the
6 employee is no longer temporarily disabled or is still temporarily
7 disabled but can return to employment that the employer has made
8 available to the employee, or if the employee fails or refuses to appear
9 for examination by the independent medical examiner, temporary total
10 disability benefits may be terminated. If either party disagrees with the
11 opinion of the independent medical examiner, the party shall apply to
12 the board for a hearing under section 27 of this chapter.

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

19 (d) If it is determined that as a result of this section temporary total
20 disability benefits were overpaid, the overpayment shall be deducted
21 from any benefits due the employee under this section and, if there are
22 no benefits due the employee or the benefits due the employee do not
23 equal the amount of the overpayment, the employee shall be
24 responsible for paying any overpayment which cannot be deducted
25 from benefits due the employee.

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

35 (f) For disablements occurring on and after July 1, 1974, from
36 occupational disease resulting in temporary partial disability for work
37 there shall be paid to the disabled employee during such disability a
38 weekly compensation equal to sixty-six and two-thirds percent (66
39 2/3%) of the difference between the employee's average weekly wages,
40 as defined in section 19 of this chapter, and the weekly wages at which
41 the employee is actually employed after the disablement, for a period
42 not to exceed three hundred (300) weeks. Compensation shall be



1 allowed for the first seven (7) calendar days only if the disability
 2 continues for longer than twenty-one (21) days. In case of partial
 3 disability after the period of temporary total disability, the latter period
 4 shall be included as a part of the maximum period allowed for partial
 5 disability.

6 (g) For disabilities occurring on and after July 1, 1979, and before
 7 July 1, 1988, from occupational disease in the schedule set forth in
 8 subsection (j), the employee shall receive in addition to disability
 9 benefits, not exceeding fifty-two (52) weeks on account of the
 10 occupational disease, a weekly compensation of sixty percent (60%) of
 11 the employee's average weekly wages, not to exceed one hundred
 12 twenty-five dollars (\$125) average weekly wages, for the period stated
 13 for the disabilities.

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

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

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

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



1 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;
 2 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)
 3 weeks; of the fifth or little toe, ten (10) weeks; of the foot below
 4 the knee joint, one hundred fifty (150) weeks; and of the leg
 5 above the knee joint, two hundred (200) weeks. The loss of more
 6 than one (1) phalange of a thumb or toe shall be considered as the
 7 loss of the entire thumb or toe. The loss of more than two (2)
 8 phalanges of a finger shall be considered as the loss of the entire
 9 finger. The loss of not more than one (1) phalange of a thumb or
 10 toe shall be considered as the loss of one-half (1/2) of the thumb
 11 or toe and compensation shall be paid for one-half (1/2) of the
 12 period for the loss of the entire thumb or toe. The loss of not more
 13 than two (2) phalanges of a finger shall be considered as the loss
 14 of one-half (1/2) 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) Loss of Use: The total permanent loss of the use of an arm,
 17 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 18 as the equivalent of the loss by separation of the arm, hand,
 19 thumb, finger, leg, foot, toe, or phalange and the compensation
 20 shall be paid for the same period as for the loss thereof by
 21 separation.

22 (3) Partial Loss of Use: For the permanent partial loss of the use
 23 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,
 24 compensation shall be paid for the proportionate loss of the use of
 25 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

26 (4) For disablements for occupational disease resulting in total
 27 permanent disability, five hundred (500) weeks.

28 (5) For the loss of both hands, or both feet, or the total sight of
 29 both eyes, or any two (2) of such losses resulting from the same
 30 disablement by occupational disease, five hundred (500) weeks.

31 (6) For the permanent and complete loss of vision by enucleation
 32 of an eye or its reduction to one-tenth (1/10) of normal vision with
 33 glasses, one hundred fifty (150) weeks, and for any other
 34 permanent reduction of the sight of an eye, compensation shall be
 35 paid for a period proportionate to the degree of such permanent
 36 reduction without correction or glasses. However, when such
 37 permanent reduction without correction or glasses would result in
 38 one hundred percent (100%) loss of vision, but correction or
 39 glasses would result in restoration of vision, then compensation
 40 shall be paid for fifty percent (50%) of such total loss of vision
 41 without glasses plus an additional amount equal to the
 42 proportionate amount of such reduction with glasses, not to



- 1 exceed an additional fifty percent (50%).
- 2 (7) For the permanent and complete loss of hearing, two hundred
- 3 (200) weeks.
- 4 (8) In all other cases of permanent partial impairment,
- 5 compensation proportionate to the degree of such permanent
- 6 partial impairment, in the discretion of the worker's compensation
- 7 board, not exceeding five hundred (500) weeks.
- 8 (9) In all cases of permanent disfigurement, which may impair the
- 9 future usefulness or opportunities of the employee, compensation
- 10 in the discretion of the worker's compensation board, not
- 11 exceeding two hundred (200) weeks, except that no compensation
- 12 shall be payable under this paragraph where compensation shall
- 13 be payable under subdivisions (1) through (8). Where
- 14 compensation for temporary total disability has been paid, this
- 15 amount of compensation shall be deducted from any
- 16 compensation due for permanent disfigurement.
- 17 (k) With respect to disablements in the following schedule occurring
- 18 on and after July 1, 1991, the employee shall receive in addition to
- 19 temporary total disability benefits, not exceeding one hundred
- 20 twenty-five (125) weeks on account of the disablement, compensation
- 21 in an amount determined under the following schedule to be paid
- 22 weekly at a rate of sixty-six and two-thirds percent (66 2/3%) of the
- 23 employee's average weekly wages during the fifty-two (52) weeks
- 24 immediately preceding the week in which the disablement occurred:
- 25 (1) Amputation: For the loss by separation of the thumb, twelve
- 26 (12) degrees of permanent impairment; of the index finger, eight
- 27 (8) degrees of permanent impairment; of the second finger, seven
- 28 (7) degrees of permanent impairment; of the third or ring finger,
- 29 six (6) degrees of permanent impairment; of the fourth or little
- 30 finger, four (4) degrees of permanent impairment; of the hand by
- 31 separation below the elbow joint, forty (40) degrees of permanent
- 32 impairment; of the arm above the elbow, fifty (50) degrees of
- 33 permanent impairment; of the big toe, twelve (12) degrees of
- 34 permanent impairment; of the second toe, six (6) degrees of
- 35 permanent impairment; of the third toe, four (4) degrees of
- 36 permanent impairment; of the fourth toe, three (3) degrees of
- 37 permanent impairment; of the fifth or little toe, two (2) degrees of
- 38 permanent impairment; of separation of the foot below the knee
- 39 joint, thirty-five (35) degrees of permanent impairment; and of the
- 40 leg above the knee joint, forty-five (45) degrees of permanent
- 41 impairment.
- 42 (2) Amputations occurring on or after July 1, 1997: For the loss



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



- 1 phalange, compensation shall be paid for the proportionate loss of
 2 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
 3 (10) For disablements resulting in total permanent disability, the
 4 amount payable for impairment or five hundred (500) weeks of
 5 compensation, whichever is greater.
 6 (11) For any permanent reduction of the sight of an eye less than
 7 a total loss as specified in subdivision (5), the compensation shall
 8 be paid in an amount proportionate to the degree of a permanent
 9 reduction without correction or glasses. However, when a
 10 permanent reduction without correction or glasses would result in
 11 one hundred percent (100%) loss of vision, then compensation
 12 shall be paid for fifty percent (50%) of the total loss of vision
 13 without glasses, plus an additional amount equal to the
 14 proportionate amount of the reduction with glasses, not to exceed
 15 an additional fifty percent (50%).
 16 (12) For any permanent reduction of the hearing of one (1) or both
 17 ears, less than the total loss as specified in subdivision (6),
 18 compensation shall be paid in an amount proportionate to the
 19 degree of a permanent reduction.
 20 (13) In all other cases of permanent partial impairment,
 21 compensation proportionate to the degree of a permanent partial
 22 impairment, in the discretion of the worker's compensation board,
 23 not exceeding one hundred (100) degrees of permanent
 24 impairment.
 25 (14) In all cases of permanent disfigurement which may impair
 26 the future usefulness or opportunities of the employee,
 27 compensation, in the discretion of the worker's compensation
 28 board, not exceeding forty (40) degrees of permanent impairment
 29 except that no compensation shall be payable under this
 30 subdivision where compensation is payable elsewhere in this
 31 section.
 32 (l) With respect to disablements occurring on and after July 1, 1991,
 33 compensation for permanent partial impairment shall be paid according
 34 to the degree of permanent impairment for the disablement determined
 35 under subsection (k) and the following:
 36 (1) With respect to disablements occurring on and after July 1,
 37 1991, and before July 1, 1992, for each degree of permanent
 38 impairment from one (1) to thirty-five (35), five hundred dollars
 39 (\$500) per degree; for each degree of permanent impairment from
 40 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per
 41 degree; for each degree of permanent impairment above fifty (50),
 42 one thousand five hundred dollars (\$1,500) per degree.



- 1 (2) With respect to disablements occurring on and after July 1,
2 1992, and before July 1, 1993, for each degree of permanent
3 impairment from one (1) to twenty (20), five hundred dollars
4 (\$500) per degree; for each degree of permanent impairment from
5 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)
6 per degree; for each degree of permanent impairment from
7 thirty-six (36) to fifty (50), one thousand three hundred dollars
8 (\$1,300) per degree; for each degree of permanent impairment
9 above fifty (50), one thousand seven hundred dollars (\$1,700) per
10 degree.
- 11 (3) With respect to disablements occurring on and after July 1,
12 1993, and before July 1, 1997, for each degree of permanent
13 impairment from one (1) to ten (10), five hundred dollars (\$500)
14 per degree; for each degree of permanent impairment from eleven
15 (11) to twenty (20), seven hundred dollars (\$700) per degree; for
16 each degree of permanent impairment from twenty-one (21) to
17 thirty-five (35), one thousand dollars (\$1,000) per degree; for
18 each degree of permanent impairment from thirty-six (36) to fifty
19 (50), one thousand four hundred dollars (\$1,400) per degree; for
20 each degree of permanent impairment above fifty (50), one
21 thousand seven hundred dollars (\$1,700) per degree.
- 22 (4) With respect to disablements occurring on and after July 1,
23 1997, and before July 1, 1998, for each degree of permanent
24 impairment from one (1) to ten (10), seven hundred fifty dollars
25 (\$750) per degree; for each degree of permanent impairment from
26 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
27 degree; for each degree of permanent impairment from thirty-six
28 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
29 degree; for each degree of permanent impairment above fifty (50),
30 one thousand seven hundred dollars (\$1,700) per degree.
- 31 (5) With respect to disablements occurring on and after July 1,
32 1998, and before July 1, 1999, for each degree of permanent
33 impairment from one (1) to ten (10), seven hundred fifty dollars
34 (\$750) per degree; for each degree of permanent impairment from
35 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
36 degree; for each degree of permanent impairment from thirty-six
37 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
38 degree; for each degree of permanent impairment above fifty (50),
39 one thousand seven hundred dollars (\$1,700) per degree.
- 40 (6) With respect to disablements occurring on and after July 1,
41 1999, and before July 1, 2000, for each degree of permanent
42 impairment from one (1) to ten (10), nine hundred dollars (\$900)



1 per degree; for each degree of permanent impairment from eleven
 2 (11) to thirty-five (35), one thousand one hundred dollars
 3 (\$1,100) per degree; for each degree of permanent impairment
 4 from thirty-six (36) to fifty (50), one thousand six hundred dollars
 5 (\$1,600) per degree; for each degree of permanent impairment
 6 above fifty (50), two thousand dollars (\$2,000) per degree.

7 (7) With respect to disablements occurring on and after July 1,
 8 2000, and before July 1, 2001, for each degree of permanent
 9 impairment from one (1) to ten (10), one thousand one hundred
 10 dollars (\$1,100) per degree; for each degree of permanent
 11 impairment from eleven (11) to thirty-five (35), one thousand
 12 three hundred dollars (\$1,300) per degree; for each degree of
 13 permanent impairment from thirty-six (36) to fifty (50), two
 14 thousand dollars (\$2,000) per degree; for each degree of
 15 permanent impairment above fifty (50), two thousand five
 16 hundred fifty dollars (\$2,500) per degree.

17 (8) With respect to disablements occurring on and after July 1,
 18 2001, and before July 1, 2007, for each degree of permanent
 19 impairment from one (1) to ten (10), one thousand three hundred
 20 dollars (\$1,300) per degree; for each degree of permanent
 21 impairment from eleven (11) to thirty-five (35), one thousand five
 22 hundred dollars (\$1,500) per degree; for each degree of
 23 permanent impairment from thirty-six (36) to fifty (50), two
 24 thousand four hundred dollars (\$2,400) per degree; for each
 25 degree of permanent impairment above fifty (50), three thousand
 26 dollars (\$3,000) per degree.

27 (9) With respect to disablements occurring on and after July 1,
 28 2007, and before July 1, 2008, for each degree of permanent
 29 impairment from one (1) to ten (10), one thousand three hundred
 30 forty dollars (\$1,340) per degree; for each degree of permanent
 31 impairment from eleven (11) to thirty-five (35), one thousand five
 32 hundred forty-five dollars (\$1,545) per degree; for each degree of
 33 permanent impairment from thirty-six (36) to fifty (50), two
 34 thousand four hundred seventy-five dollars (\$2,475) per degree;
 35 for each degree of permanent impairment above fifty (50), three
 36 thousand one hundred fifty dollars (\$3,150) per degree.

37 (10) With respect to disablements occurring on and after July 1,
 38 2008, and before July 1, 2009, for each degree of permanent
 39 impairment from one (1) to ten (10), one thousand three hundred
 40 sixty-five dollars (\$1,365) per degree; for each degree of
 41 permanent impairment from eleven (11) to thirty-five (35), one
 42 thousand five hundred seventy dollars (\$1,570) per degree; for



1 each degree of permanent impairment from thirty-six (36) to fifty
 2 (50), two thousand five hundred twenty-five dollars (\$2,525) per
 3 degree; for each degree of permanent impairment above fifty (50),
 4 three thousand two hundred dollars (\$3,200) per degree.

5 (11) With respect to disablements occurring on and after July 1,
 6 2009, and before July 1, 2010, for each degree of permanent
 7 impairment from one (1) to ten (10), one thousand three hundred
 8 eighty dollars (\$1,380) per degree; for each degree of permanent
 9 impairment from eleven (11) to thirty-five (35), one thousand five
 10 hundred eighty-five dollars (\$1,585) per degree; for each degree
 11 of permanent impairment from thirty-six (36) to fifty (50), two
 12 thousand six hundred dollars (\$2,600) per degree; for each degree
 13 of permanent impairment above fifty (50), three thousand three
 14 hundred dollars (\$3,300) per degree.

15 (12) With respect to disablements occurring on and after July 1,
 16 2010, and before July 1, 2014, for each degree of permanent
 17 impairment from one (1) to ten (10), one thousand four hundred
 18 dollars (\$1,400) per degree; for each degree of permanent
 19 impairment from eleven (11) to thirty-five (35), one thousand six
 20 hundred dollars (\$1,600) per degree; for each degree of
 21 permanent impairment from thirty-six (36) to fifty (50), two
 22 thousand seven hundred dollars (\$2,700) per degree; for each
 23 degree of permanent impairment above fifty (50), three thousand
 24 five hundred dollars (\$3,500) per degree.

25 (13) With respect to disablements occurring on and after July 1,
 26 2014, and before July 1, 2015, for each degree of permanent
 27 impairment from one (1) to ten (10), one thousand five hundred
 28 seventeen dollars (\$1,517) per degree; for each degree of
 29 permanent impairment from eleven (11) to thirty-five (35), one
 30 thousand seven hundred seventeen dollars (\$1,717) per degree;
 31 for each degree of permanent impairment from thirty-six (36) to
 32 fifty (50), two thousand eight hundred sixty-two dollars (\$2,862)
 33 per degree; for each degree of permanent impairment above fifty
 34 (50), three thousand six hundred eighty-seven dollars (\$3,687) per
 35 degree.

36 (14) With respect to disablements occurring on and after July 1,
 37 2015, and before July 1, 2016, for each degree of permanent
 38 impairment from one (1) to ten (10), one thousand six hundred
 39 thirty-three dollars (\$1,633) per degree; for each degree of
 40 permanent impairment from eleven (11) to thirty-five (35), one
 41 thousand eight hundred thirty-five dollars (\$1,835) per degree; for
 42 each degree of permanent impairment from thirty-six (36) to fifty



1 (50), three thousand twenty-four dollars (\$3,024) per degree; for
 2 each degree of permanent impairment above fifty (50), three
 3 thousand eight hundred seventy-three dollars (\$3,873) per degree.
 4 (15) With respect to disablements occurring on and after July 1,
 5 2016, **and before July 1, 2020**, for each degree of permanent
 6 impairment from one (1) to ten (10), one thousand seven hundred
 7 fifty dollars (\$1,750) per degree; for each degree of permanent
 8 impairment from eleven (11) to thirty-five (35), one thousand nine
 9 hundred fifty-two dollars (\$1,952) per degree; for each degree of
 10 permanent impairment from thirty-six (36) to fifty (50), three
 11 thousand one hundred eighty-six dollars (\$3,186) per degree; for
 12 each degree of permanent impairment above fifty (50), four
 13 thousand sixty dollars (\$4,060) per degree.
 14 **(16) With respect to disablements occurring on and after July**
 15 **1, 2020, and before July 1, 2021, for each degree of permanent**
 16 **impairment from one (1) to ten (10), one thousand seven**
 17 **hundred eighty-five dollars (\$1,785) per degree; for each**
 18 **degree of permanent impairment from eleven (11) to**
 19 **thirty-five (35), one thousand nine hundred ninety-one dollars**
 20 **(\$1,991) per degree; for each degree of permanent**
 21 **impairment from thirty-six (36) to fifty (50), three thousand**
 22 **two hundred fifty dollars (\$3,250) per degree; for each degree**
 23 **of permanent impairment above fifty (50), four thousand one**
 24 **hundred forty-one dollars (\$4,141) per degree.**
 25 **(17) With respect to disablements occurring on and after July**
 26 **1, 2021, and before July 1, 2022, for each degree of permanent**
 27 **impairment from one (1) to ten (10), one thousand eight**
 28 **hundred twenty-one dollars (\$1,821) per degree; for each**
 29 **degree of permanent impairment from eleven (11) to**
 30 **thirty-five (35), two thousand thirty-one dollars (\$2,031) per**
 31 **degree; for each degree of permanent impairment from**
 32 **thirty-six (36) to fifty (50), three thousand three hundred**
 33 **fifteen dollars (\$3,315) per degree; for each degree of**
 34 **permanent impairment above fifty (50), four thousand two**
 35 **hundred twenty-four dollars (\$4,224) per degree.**
 36 **(18) With respect to disablements occurring on and after July**
 37 **1, 2022, for each degree of permanent impairment from one**
 38 **(1) to ten (10), one thousand eight hundred fifty-seven dollars**
 39 **(\$1,857) per degree; for each degree of permanent**
 40 **impairment from eleven (11) to thirty-five (35), two thousand**
 41 **seventy-two dollars (\$2,072) per degree; for each degree of**
 42 **permanent impairment from thirty-six (36) to fifty (50), three**



- 1 **thousand three hundred eighty-one dollars (\$3,381) per**
2 **degree; for each degree of permanent impairment above fifty**
3 **(50), four thousand three hundred eight dollars (\$4,308) per**
4 **degree.**
- 5 (m) The average weekly wages used in the determination of
6 compensation for permanent partial impairment under subsections (k)
7 and (l) shall not exceed the following:
- 8 (1) With respect to disablements occurring on or after July 1,
9 1991, and before July 1, 1992, four hundred ninety-two dollars
10 (\$492).
- 11 (2) With respect to disablements occurring on or after July 1,
12 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- 13 (3) With respect to disablements occurring on or after July 1,
14 1993, and before July 1, 1994, five hundred ninety-one dollars
15 (\$591).
- 16 (4) With respect to disablements occurring on or after July 1,
17 1994, and before July 1, 1997, six hundred forty-two dollars
18 (\$642).
- 19 (5) With respect to disablements occurring on or after July 1,
20 1997, and before July 1, 1998, six hundred seventy-two dollars
21 (\$672).
- 22 (6) With respect to disablements occurring on or after July 1,
23 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 24 (7) With respect to disablements occurring on or after July 1,
25 1999, and before July 1, 2000, seven hundred thirty-two dollars
26 (\$732).
- 27 (8) With respect to disablements occurring on or after July 1,
28 2000, and before July 1, 2001, seven hundred sixty-two dollars
29 (\$762).
- 30 (9) With respect to disablements occurring on or after July 1,
31 2001, and before July 1, 2002, eight hundred twenty-two dollars
32 (\$822).
- 33 (10) With respect to disablements occurring on or after July 1,
34 2002, and before July 1, 2006, eight hundred eighty-two dollars
35 (\$882).
- 36 (11) With respect to disablements occurring on or after July 1,
37 2006, and before July 1, 2007, nine hundred dollars (\$900).
- 38 (12) With respect to disablements occurring on or after July 1,
39 2007, and before July 1, 2008, nine hundred thirty dollars (\$930).
- 40 (13) With respect to disablements occurring on or after July 1,
41 2008, and before July 1, 2009, nine hundred fifty-four dollars
42 (\$954).



- 1 (14) With respect to disablements occurring on or after July 1,
 2 2009, and before July 1, 2014, nine hundred seventy-five dollars
 3 (\$975).
 4 (15) With respect to disablements occurring on or after July 1,
 5 2014, and before July 1, 2015, one thousand forty dollars
 6 (\$1,040).
 7 (16) With respect to disablements occurring on or after July 1,
 8 2015, and before July 1, 2016, one thousand one hundred five
 9 dollars (\$1,105).
 10 (17) With respect to disablements occurring on or after July 1,
 11 2016, **and before July 1, 2020**, one thousand one hundred
 12 seventy dollars (\$1,170).
 13 **(18) With respect to disablements occurring on or after July**
 14 **1, 2020, and before July 1, 2021, one thousand one hundred**
 15 **ninety-three dollars (\$1,193).**
 16 **(19) With respect to disablements occurring on or after July**
 17 **1, 2021, and before July 1, 2022, one thousand two hundred**
 18 **seventeen dollars (\$1,217).**
 19 **(20) With respect to disablements occurring on or after July**
 20 **1, 2022, one thousand two hundred forty-one dollars (\$1,241).**
 21 (n) If any employee, only partially disabled, refuses employment
 22 suitable to the employee's capacity procured for the employee, the
 23 employee shall not be entitled to any compensation at any time during
 24 the continuance of such refusal unless, in the opinion of the worker's
 25 compensation board, such refusal was justifiable. The employee must
 26 be served with a notice setting forth the consequences of the refusal
 27 under this subsection. The notice must be in a form prescribed by the
 28 worker's compensation board.
 29 (o) If an employee has sustained a permanent impairment or
 30 disability from an accidental injury other than an occupational disease
 31 in another employment than that in which the employee suffered a
 32 subsequent disability from an occupational disease, such as herein
 33 specified, the employee shall be entitled to compensation for the
 34 subsequent disability in the same amount as if the previous impairment
 35 or disability had not occurred. However, if the permanent impairment
 36 or disability resulting from an occupational disease for which
 37 compensation is claimed results only in the aggravation or increase of
 38 a previously sustained permanent impairment from an occupational
 39 disease or physical condition regardless of the source or cause of such
 40 previously sustained impairment from an occupational disease or
 41 physical condition, the board shall determine the extent of the
 42 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 (p) If an employee suffers a disablement from an occupational
10 disease for which compensation is payable while the employee is still
11 receiving or entitled to compensation for a previous injury by accident
12 or disability by occupational disease in the same employment, the
13 employee shall not at the same time be entitled to compensation for
14 both, unless it be for a permanent injury, such as specified in
15 subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall
16 be 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 (q) If an employee receives a permanent disability from an
20 occupational disease such as specified in subsection (k)(1), (k)(4),
21 (k)(5), (k)(8), or (k)(9) after having sustained another such permanent
22 disability in the same employment the employee shall be entitled to
23 compensation for both such disabilities, but the total compensation
24 shall be paid by extending the period and not by increasing the amount
25 of weekly compensation and, when such previous and subsequent
26 permanent disabilities, in combination result in total permanent
27 disability or permanent total impairment, compensation shall be
28 payable for such permanent total disability or impairment, but
29 payments made for the previous disability or impairment shall be
30 deducted from the total payment of compensation due.

31 (r) When an employee has been awarded or is entitled to an award
32 of compensation for a definite period from an occupational disease
33 wherein disablement occurs on and after April 1, 1963, and such
34 employee dies from other causes than such occupational disease,
35 payment of the unpaid balance of such compensation not exceeding
36 three hundred fifty (350) weeks shall be paid to the employee's
37 dependents of the second and third class as defined in sections 11
38 through 14 of this chapter and compensation, not exceeding five
39 hundred (500) weeks shall be made to the employee's dependents of the
40 first class as defined in sections 11 through 14 of this chapter.

41 (s) Any payment made by the employer to the employee during the
42 period of the employee's disability, or to the employee's dependents,



1 which, by the terms of this chapter, was not due and payable when
 2 made, may, subject to the approval of the worker's compensation board,
 3 be deducted from the amount to be paid as compensation, but such
 4 deduction shall be made from the distal end of the period during which
 5 compensation must be paid, except in cases of temporary disability.

6 (t) When so provided in the compensation agreement or in the
 7 award of the worker's compensation board, compensation may be paid
 8 semimonthly, or monthly, instead of weekly.

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

14 (v) Whenever the aggregate payments of compensation, due to any
 15 person under eighteen (18) years of age, exceed one hundred dollars
 16 (\$100), the payment thereof shall be made to a trustee, appointed by the
 17 circuit or superior court, or to a duly qualified guardian, or, upon the
 18 order of the worker's compensation board, to a parent or to such minor
 19 person. The payment of compensation, due to any person eighteen (18)
 20 years of age or over, may be made directly to such person.

21 (w) If an employee, or a dependent, is mentally incompetent, or a
 22 minor at the time when any right or privilege accrues to the employee
 23 under this chapter, the employee's guardian or trustee may, in the
 24 employee's behalf, claim and exercise such right and privilege.

25 (x) All compensation payments named and provided for in this
 26 section, shall mean and be defined to be for only such occupational
 27 diseases and disabilities therefrom as are proved by competent
 28 evidence, of which there are or have been objective conditions or
 29 symptoms proven, not within the physical or mental control of the
 30 employee.

31 SECTION 4. IC 22-3-7-19, AS AMENDED BY P.L.275-2013,
 32 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2020]: Sec. 19. (a) In computing compensation for temporary
 34 total disability, temporary partial disability, and total permanent
 35 disability, with respect to occupational diseases occurring on and after
 36 July 1, 1985, and before July 1, 1986, the average weekly wages are
 37 considered to be:

38 (1) not more than two hundred sixty-seven dollars (\$267); and

39 (2) not less than seventy-five dollars (\$75).

40 (b) In computing compensation for temporary total disability,
 41 temporary partial disability, and total permanent disability, with respect
 42 to occupational diseases occurring on and after July 1, 1986, and before



- 1 July 1, 1988, the average weekly wages are considered to be:
 2 (1) not more than two hundred eighty-five dollars (\$285); and
 3 (2) not less than seventy-five dollars (\$75).
- 4 (c) 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, 1988, and before
 7 July 1, 1989, the average weekly wages are considered to be:
 8 (1) not more than three hundred eighty-four dollars (\$384); and
 9 (2) not less than seventy-five dollars (\$75).
- 10 (d) 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, 1989, and before
 13 July 1, 1990, the average weekly wages are considered to be:
 14 (1) not more than four hundred eleven dollars (\$411); and
 15 (2) not less than seventy-five dollars (\$75).
- 16 (e) 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, 1990, and before
 19 July 1, 1991, the average weekly wages are considered to be:
 20 (1) not more than four hundred forty-one dollars (\$441); and
 21 (2) not less than seventy-five dollars (\$75).
- 22 (f) 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, 1991, and before
 25 July 1, 1992, the average weekly wages are considered to be:
 26 (1) not more than four hundred ninety-two dollars (\$492); and
 27 (2) not less than seventy-five dollars (\$75).
- 28 (g) 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, 1992, and before
 31 July 1, 1993, the average weekly wages are considered to be:
 32 (1) not more than five hundred forty dollars (\$540); and
 33 (2) not less than seventy-five dollars (\$75).
- 34 (h) In computing compensation for temporary total disability,
 35 temporary partial disability, and total permanent disability, with respect
 36 to occupational diseases occurring on and after July 1, 1993, and before
 37 July 1, 1994, the average weekly wages are considered to be:
 38 (1) not more than five hundred ninety-one dollars (\$591); and
 39 (2) not less than seventy-five dollars (\$75).
- 40 (i) In computing compensation for temporary total disability,
 41 temporary partial disability and total permanent disability, with respect
 42 to occupational diseases occurring on and after July 1, 1994, and before



- 1 July 1, 1997, the average weekly wages are considered to be:
 2 (1) not more than six hundred forty-two dollars (\$642); and
 3 (2) not less than seventy-five dollars (\$75).
 4 (j) In computing compensation for temporary total disability,
 5 temporary partial disability, and total permanent disability, the average
 6 weekly wages are considered to be:
 7 (1) with respect to occupational diseases occurring on and after
 8 July 1, 1997, and before July 1, 1998:
 9 (A) not more than six hundred seventy-two dollars (\$672); and
 10 (B) not less than seventy-five dollars (\$75);
 11 (2) with respect to occupational diseases occurring on and after
 12 July 1, 1998, and before July 1, 1999:
 13 (A) not more than seven hundred two dollars (\$702); and
 14 (B) not less than seventy-five dollars (\$75);
 15 (3) with respect to occupational diseases occurring on and after
 16 July 1, 1999, and before July 1, 2000:
 17 (A) not more than seven hundred thirty-two dollars (\$732);
 18 and
 19 (B) not less than seventy-five dollars (\$75);
 20 (4) with respect to occupational diseases occurring on and after
 21 July 1, 2000, and before July 1, 2001:
 22 (A) not more than seven hundred sixty-two dollars (\$762); and
 23 (B) not less than seventy-five dollars (\$75);
 24 (5) with respect to disablements occurring on and after July 1,
 25 2001, and before July 1, 2002:
 26 (A) not more than eight hundred twenty-two dollars (\$822);
 27 and
 28 (B) not less than seventy-five dollars (\$75);
 29 (6) with respect to disablements occurring on and after July 1,
 30 2002, and before July 1, 2006:
 31 (A) not more than eight hundred eighty-two dollars (\$882);
 32 and
 33 (B) not less than seventy-five dollars (\$75);
 34 (7) with respect to disablements occurring on and after July 1,
 35 2006, and before July 1, 2007:
 36 (A) not more than nine hundred dollars (\$900); and
 37 (B) not less than seventy-five dollars (\$75);
 38 (8) with respect to disablements occurring on and after July 1,
 39 2007, and before July 1, 2008:
 40 (A) not more than nine hundred thirty dollars (\$930); and
 41 (B) not less than seventy-five dollars (\$75);
 42 (9) with respect to disablements occurring on and after July 1,



- 1 2008, and before July 1, 2009:
- 2 (A) not more than nine hundred fifty-four dollars (\$954); and
- 3 (B) not less than seventy-five dollars (\$75);
- 4 (10) with respect to disablements occurring on and after July 1,
- 5 2009, and before July 1, 2014:
- 6 (A) not more than nine hundred seventy-five dollars (\$975);
- 7 and
- 8 (B) not less than seventy-five dollars (\$75);
- 9 (11) with respect to disablements occurring on and after July 1,
- 10 2014, and before July 1, 2015:
- 11 (A) not more than one thousand forty dollars (\$1,040); and
- 12 (B) not less than seventy-five dollars (\$75);
- 13 (12) with respect to disablements occurring on and after July 1,
- 14 2015, and before July 1, 2016:
- 15 (A) not more than one thousand one hundred five dollars
- 16 (\$1,105); and
- 17 (B) not less than seventy-five dollars (\$75); ~~and~~
- 18 (13) with respect to disablements occurring on and after July 1,
- 19 2016, **and before July 1, 2020:**
- 20 (A) not more than one thousand one hundred seventy dollars
- 21 (\$1,170); and
- 22 (B) not less than seventy-five dollars (\$75);
- 23 **(14) with respect to disablements occurring on and after July**
- 24 **1, 2020, and before July 1, 2021:**
- 25 **(A) not more than one thousand one hundred ninety-three**
- 26 **dollars (\$1,193); and**
- 27 **(B) not less than seventy-five dollars (\$75);**
- 28 **(15) with respect to disablements occurring on and after July**
- 29 **1, 2021, and before July 1, 2022:**
- 30 **(A) not more than one thousand two hundred seventeen**
- 31 **dollars (\$1,217); and**
- 32 **(B) not less than seventy-five dollars (\$75); and**
- 33 **(16) with respect to disablements occurring on and after July**
- 34 **1, 2022:**
- 35 **(A) not more than one thousand two hundred forty-one**
- 36 **dollars (\$1,241); and**
- 37 **(B) not less than seventy-five dollars (\$75).**
- 38 (k) The maximum compensation with respect to disability or death
- 39 occurring on and after July 1, 1985, and before July 1, 1986, which
- 40 shall be paid for occupational disease and the results thereof under the
- 41 provisions of this chapter or under any combination of its provisions
- 42 may not exceed eighty-nine thousand dollars (\$89,000) in any case.



1 (l) The maximum compensation with respect to disability or death
2 occurring on and after July 1, 1986, and before July 1, 1988, which
3 shall be paid for occupational disease and the results thereof under the
4 provisions of this chapter or under any combination of its provisions
5 may not exceed ninety-five thousand dollars (\$95,000) in any case.

6 (m) The maximum compensation with respect to disability or death
7 occurring on and after July 1, 1988, and before July 1, 1989, that shall
8 be paid for occupational disease and the results thereof under this
9 chapter or under any combination of its provisions may not exceed one
10 hundred twenty-eight thousand dollars (\$128,000) in any case.

11 (n) The maximum compensation with respect to disability or death
12 occurring on and after July 1, 1989, and before July 1, 1990, that shall
13 be paid for occupational disease and the results thereof under this
14 chapter or under any combination of its provisions may not exceed one
15 hundred thirty-seven thousand dollars (\$137,000) in any case.

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

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

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

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

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



- 1 case.
- 2 (t) The maximum compensation that shall be paid for occupational
3 disease and the results of an occupational disease under this chapter or
4 under any combination of the provisions of this chapter may not exceed
5 the following amounts in any case:
- 6 (1) With respect to disability or death occurring on and after July
7 1, 1997, and before July 1, 1998, two hundred twenty-four
8 thousand dollars (\$224,000).
- 9 (2) With respect to disability or death occurring on and after July
10 1, 1998, and before July 1, 1999, two hundred thirty-four
11 thousand dollars (\$234,000).
- 12 (3) With respect to disability or death occurring on and after July
13 1, 1999, and before July 1, 2000, two hundred forty-four thousand
14 dollars (\$244,000).
- 15 (4) With respect to disability or death occurring on and after July
16 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
17 dollars (\$254,000).
- 18 (5) With respect to disability or death occurring on and after July
19 1, 2001, and before July 1, 2002, two hundred seventy-four
20 thousand dollars (\$274,000).
- 21 (6) With respect to disability or death occurring on and after July
22 1, 2002, and before July 1, 2006, two hundred ninety-four
23 thousand dollars (\$294,000).
- 24 (7) With respect to disability or death occurring on and after July
25 1, 2006, and before July 1, 2007, three hundred thousand dollars
26 (\$300,000).
- 27 (8) With respect to disability or death occurring on and after July
28 1, 2007, and before July 1, 2008, three hundred ten thousand
29 dollars (\$310,000).
- 30 (9) With respect to disability or death occurring on and after July
31 1, 2008, and before July 1, 2009, three hundred eighteen thousand
32 dollars (\$318,000).
- 33 (10) With respect to disability or death occurring on and after July
34 1, 2009, and before July 1, 2014, three hundred twenty-five
35 thousand dollars (\$325,000).
- 36 (11) With respect to disability or death occurring on and after July
37 1, 2014, and before July 1, 2015, three hundred forty-seven
38 thousand dollars (\$347,000).
- 39 (12) With respect to disability or death occurring on and after July
40 1, 2015, and before July 1, 2016, three hundred sixty-eight
41 thousand dollars (\$368,000).
- 42 (13) With respect to disability or death occurring on and after July



- 1 1, 2016, **and before July 1, 2020**, three hundred ninety thousand
2 dollars (\$390,000).
- 3 **(14) With respect to disability or death occurring on and after**
4 **July 1, 2020, and before July 1, 2021, three hundred**
5 **ninety-eight thousand dollars (\$398,000).**
- 6 **(15) With respect to disability or death occurring on and after**
7 **July 1, 2021, and before July 1, 2022, four hundred six**
8 **thousand dollars (\$406,000).**
- 9 **(16) With respect to disability or death occurring on and after**
10 **July 1, 2022, four hundred fourteen thousand dollars**
11 **(\$414,000).**

12 (u) For all disabilities occurring on and after July 1, 1985, "average
13 weekly wages" means the earnings of the injured employee during the
14 period of fifty-two (52) weeks immediately preceding the disability
15 divided by fifty-two (52). If the employee lost seven (7) or more
16 calendar days during the period, although not in the same week, then
17 the earnings for the remainder of the fifty-two (52) weeks shall be
18 divided by the number of weeks and parts of weeks remaining after the
19 time lost has been deducted. If employment before the date of disability
20 extended over a period of less than fifty-two (52) weeks, the method of
21 dividing the earnings during that period by the number of weeks and
22 parts of weeks during which the employee earned wages shall be
23 followed if results just and fair to both parties will be obtained. If by
24 reason of the shortness of the time during which the employee has been
25 in the employment of the employer or of the casual nature or terms of
26 the employment it is impracticable to compute the average weekly
27 wages for the employee, the employee's average weekly wages shall be
28 considered to be the average weekly amount that, during the fifty-two
29 (52) weeks before the date of disability, was being earned by a person
30 in the same grade employed at the same work by the same employer or,
31 if there is no person so employed, by a person in the same grade
32 employed in that same class of employment in the same district.
33 Whenever allowances of any character are made to an employee
34 instead of wages or a specified part of the wage contract, they shall be
35 considered a part of the employee's earnings.

36 (v) The provisions of this article may not be construed to result in
37 an award of benefits in which the number of weeks paid or to be paid
38 for temporary total disability, temporary partial disability, or permanent
39 total disability benefits combined exceeds five hundred (500) weeks.
40 This section shall not be construed to prevent a person from applying
41 for an award under IC 22-3-3-13. However, in case of permanent total
42 disability resulting from a disablement occurring on or after January 1,



1 1998, the minimum total benefit shall not be less than seventy-five
2 thousand dollars (\$75,000).



COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 202 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 5, Nays 1

