

# SENATE BILL No. 358

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 22-3.

**Synopsis:** Worker's compensation. Increases benefits for injuries and disablements by 10% each year for three years, beginning on July 1, 2019.

**Effective:** July 1, 2019.

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January 10, 2019, read first time and referred to Committee on Pensions and Labor.

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First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

## SENATE BILL No. 358

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, 2019]: 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



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, 2019**, 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 **2019, and before July 1, 2020, for each degree of permanent**  
 31 **impairment from one (1) to ten (10), one thousand nine**  
 32 **hundred twenty-five dollars (\$1,925) per degree; for each**  
 33 **degree of permanent impairment from eleven (11) to**  
 34 **thirty-five (35), two thousand one hundred forty-seven dollars**  
 35 **(\$2,147) per degree; for each degree of permanent**  
 36 **impairment from thirty-six (36) to fifty (50), three thousand**  
 37 **five hundred five dollars (\$3,505) per degree; for each degree**  
 38 **of permanent impairment above fifty (50), four thousand four**  
 39 **hundred sixty-six dollars (\$4,466) per degree.**  
 40 **(17) With respect to injuries occurring on and after July 1,**  
 41 **2020, and before July 1, 2021, for each degree of permanent**  
 42 **impairment from one (1) to ten (10), two thousand one**



1           **hundred eighteen dollars (\$2,118) per degree; for each degree**  
 2           **of permanent impairment from eleven (11) to thirty-five (35),**  
 3           **two thousand three hundred sixty-two dollars (\$2,362) per**  
 4           **degree; for each degree of permanent impairment from**  
 5           **thirty-six (36) to fifty (50), three thousand eight hundred**  
 6           **fifty-five dollars (\$3,855) per degree; for each degree of**  
 7           **permanent impairment above fifty (50), four thousand nine**  
 8           **hundred thirteen dollars (\$4,913) per degree.**

9           **(18) With respect to injuries occurring on and after July 1,**  
 10           **2021, for each degree of permanent impairment from one (1)**  
 11           **to ten (10), two thousand three hundred twenty-nine dollars**  
 12           **(\$2,329) per degree; for each degree of permanent**  
 13           **impairment from eleven (11) to thirty-five (35), two thousand**  
 14           **five hundred ninety-eight dollars (\$2,598) per degree; for each**  
 15           **degree of permanent impairment from thirty-six (36) to fifty**  
 16           **(50), four thousand two hundred forty-one dollars (\$4,241)**  
 17           **per degree; for each degree of permanent impairment above**  
 18           **fifty (50), five thousand four hundred four dollars (\$5,404) 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, 2019**, one thousand one hundred seventy  
16 dollars (\$1,170).
- 17 **(18) With respect to injuries occurring on or after July 1,**  
18 **2019, and before July 1, 2020, one thousand two hundred**  
19 **eighty-seven dollars (\$1,287).**
- 20 **(19) With respect to injuries occurring on or after July 1,**  
21 **2020, and before July 1, 2021, one thousand four hundred**  
22 **sixteen dollars (\$1,416).**
- 23 **(20) With respect to injuries occurring on or after July 1,**  
24 **2021, one thousand five hundred fifty-seven dollars (\$1,557).**
- 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, 2019]: 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, 2019:**  
 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 **2019, and before July 1, 2020:**  
 37 (A) not more than one thousand two hundred eighty-seven  
 38 dollars (\$1,287); and  
 39 (B) not less than seventy-five dollars (\$75);  
 40 **(15) with respect to injuries occurring on and after July 1,**  
 41 **2020, and before July 1, 2021:**  
 42 (A) not more than one thousand four hundred sixteen





1                   **dollars (\$1,416); and**  
 2                   **(B) not less than seventy-five dollars (\$75); and**  
 3                   **(16) with respect to injuries occurring on and after July 1,**  
 4                   **2021:**  
 5                   **(A) not more than one thousand five hundred fifty-seven**  
 6                   **dollars (\$1,557); 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, 2019**, three hundred ninety thousand dollars  
 13 (\$390,000).  
 14 **(14) With respect to an injury occurring on and after July 1,**  
 15 **2019, and before July 1, 2020, four hundred twenty-nine**  
 16 **thousand dollars (\$429,000).**  
 17 **(15) With respect to an injury occurring on and after July 1,**  
 18 **2020, and before July 1, 2021, four hundred seventy-two**  
 19 **thousand dollars (\$472,000).**  
 20 **(16) With respect to an injury occurring on and after July 1,**  
 21 **2021, five hundred nineteen thousand dollars (\$519,000).**  
 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, 2019]: 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, 2019**, 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, 2019, and before July 1, 2020, for each degree of permanent**  
16 **impairment from one (1) to ten (10), one thousand nine**  
17 **hundred twenty-five dollars (\$1,925) per degree; for each**  
18 **degree of permanent impairment from eleven (11) to**  
19 **thirty-five (35), two thousand one hundred forty-seven dollars**  
20 **(\$2,147) per degree; for each degree of permanent**  
21 **impairment from thirty-six (36) to fifty (50), three thousand**  
22 **five hundred five dollars (\$3,505) per degree; for each degree**  
23 **of permanent impairment above fifty (50), four thousand four**  
24 **hundred sixty-six dollars (\$4,466) per degree.**  
25 **(17) With respect to disablements occurring on and after July**  
26 **1, 2020, and before July 1, 2021, for each degree of permanent**  
27 **impairment from one (1) to ten (10), two thousand one**  
28 **hundred eighteen dollars (\$2,118) per degree; for each degree**  
29 **of permanent impairment from eleven (11) to thirty-five (35),**  
30 **two thousand three hundred sixty-two dollars (\$2,362) per**  
31 **degree; for each degree of permanent impairment from**  
32 **thirty-six (36) to fifty (50), three thousand eight hundred**  
33 **fifty-five dollars (\$3,855) per degree; for each degree of**  
34 **permanent impairment above fifty (50), four thousand nine**  
35 **hundred thirteen dollars (\$4,913) per degree.**  
36 **(18) With respect to disablements occurring on and after July**  
37 **1, 2021, for each degree of permanent impairment from one**  
38 **(1) to ten (10), two thousand three hundred twenty-nine**  
39 **dollars (\$2,329) per degree; for each degree of permanent**  
40 **impairment from eleven (11) to thirty-five (35), two thousand**  
41 **five hundred ninety-eight dollars (\$2,598) per degree; for each**  
42 **degree of permanent impairment from thirty-six (36) to fifty**



- 1           **(50), four thousand two hundred forty-one dollars (\$4,241)**  
 2           **per degree; for each degree of permanent impairment above**  
 3           **fifty (50), five thousand four hundred four dollars (\$5,404) 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, 2019**, one thousand one hundred  
 12 seventy dollars (\$1,170).  
 13 **(18) With respect to disablements occurring on or after July**  
 14 **1, 2019, and before July 1, 2020, one thousand two hundred**  
 15 **eighty-seven dollars (\$1,287).**  
 16 **(19) With respect to disablements occurring on or after July**  
 17 **1, 2020, and before July 1, 2021, one thousand four hundred**  
 18 **sixteen dollars (\$1,416).**  
 19 **(20) With respect to disablements occurring on or after July**  
 20 **1, 2021, one thousand five hundred fifty-seven dollars**  
 21 **(\$1,557).**  
 22 (n) If any employee, only partially disabled, refuses employment  
 23 suitable to the employee's capacity procured for the employee, the  
 24 employee shall not be entitled to any compensation at any time during  
 25 the continuance of such refusal unless, in the opinion of the worker's  
 26 compensation board, such refusal was justifiable. The employee must  
 27 be served with a notice setting forth the consequences of the refusal  
 28 under this subsection. The notice must be in a form prescribed by the  
 29 worker's compensation board.  
 30 (o) If an employee has sustained a permanent impairment or  
 31 disability from an accidental injury other than an occupational disease  
 32 in another employment than that in which the employee suffered a  
 33 subsequent disability from an occupational disease, such as herein  
 34 specified, the employee shall be entitled to compensation for the  
 35 subsequent disability in the same amount as if the previous impairment  
 36 or disability had not occurred. However, if the permanent impairment  
 37 or disability resulting from an occupational disease for which  
 38 compensation is claimed results only in the aggravation or increase of  
 39 a previously sustained permanent impairment from an occupational  
 40 disease or physical condition regardless of the source or cause of such  
 41 previously sustained impairment from an occupational disease or  
 42 physical condition, the board shall determine the extent of the





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

10 (p) If an employee suffers a disablement from an occupational  
11 disease for which compensation is payable while the employee is still  
12 receiving or entitled to compensation for a previous injury by accident  
13 or disability by occupational disease in the same employment, the  
14 employee shall not at the same time be entitled to compensation for  
15 both, unless it be for a permanent injury, such as specified in  
16 subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall  
17 be entitled to compensation for that disability and from the time of that  
18 disability which will cover the longest period and the largest amount  
19 payable under this chapter.

20 (q) If an employee receives a permanent disability from an  
21 occupational disease such as specified in subsection (k)(1), (k)(4),  
22 (k)(5), (k)(8), or (k)(9) after having sustained another such permanent  
23 disability in the same employment the employee shall be entitled to  
24 compensation for both such disabilities, but the total compensation  
25 shall be paid by extending the period and not by increasing the amount  
26 of weekly compensation and, when such previous and subsequent  
27 permanent disabilities, in combination result in total permanent  
28 disability or permanent total impairment, compensation shall be  
29 payable for such permanent total disability or impairment, but  
30 payments made for the previous disability or impairment shall be  
31 deducted from the total payment of compensation due.

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

42 (s) Any payment made by the employer to the employee during the



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

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

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

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

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

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

32 SECTION 4. IC 22-3-7-19, AS AMENDED BY P.L.275-2013,  
 33 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 34 JULY 1, 2019]: Sec. 19. (a) In computing compensation for temporary  
 35 total disability, temporary partial disability, and total permanent  
 36 disability, with respect to occupational diseases occurring on and after  
 37 July 1, 1985, and before July 1, 1986, the average weekly wages are  
 38 considered to be:

- 39 (1) not more than two hundred sixty-seven dollars (\$267); and
- 40 (2) not less than seventy-five dollars (\$75).

41 (b) In computing compensation for temporary total disability,  
 42 temporary partial disability, and total permanent disability, with respect



1 to occupational diseases occurring on and after July 1, 1986, and before  
2 July 1, 1988, the average weekly wages are considered to be:

- 3 (1) not more than two hundred eighty-five dollars (\$285); and  
4 (2) not less than seventy-five dollars (\$75).

5 (c) In computing compensation for temporary total disability,  
6 temporary partial disability, and total permanent disability, with respect  
7 to occupational diseases occurring on and after July 1, 1988, and before  
8 July 1, 1989, the average weekly wages are considered to be:

- 9 (1) not more than three hundred eighty-four dollars (\$384); and  
10 (2) not less than seventy-five dollars (\$75).

11 (d) In computing compensation for temporary total disability,  
12 temporary partial disability, and total permanent disability, with respect  
13 to occupational diseases occurring on and after July 1, 1989, and before  
14 July 1, 1990, the average weekly wages are considered to be:

- 15 (1) not more than four hundred eleven dollars (\$411); and  
16 (2) not less than seventy-five dollars (\$75).

17 (e) In computing compensation for temporary total disability,  
18 temporary partial disability, and total permanent disability, with respect  
19 to occupational diseases occurring on and after July 1, 1990, and before  
20 July 1, 1991, the average weekly wages are considered to be:

- 21 (1) not more than four hundred forty-one dollars (\$441); and  
22 (2) not less than seventy-five dollars (\$75).

23 (f) In computing compensation for temporary total disability,  
24 temporary partial disability, and total permanent disability, with respect  
25 to occupational diseases occurring on and after July 1, 1991, and before  
26 July 1, 1992, the average weekly wages are considered to be:

- 27 (1) not more than four hundred ninety-two dollars (\$492); and  
28 (2) not less than seventy-five dollars (\$75).

29 (g) In computing compensation for temporary total disability,  
30 temporary partial disability, and total permanent disability, with respect  
31 to occupational diseases occurring on and after July 1, 1992, and before  
32 July 1, 1993, the average weekly wages are considered to be:

- 33 (1) not more than five hundred forty dollars (\$540); and  
34 (2) not less than seventy-five dollars (\$75).

35 (h) In computing compensation for temporary total disability,  
36 temporary partial disability, and total permanent disability, with respect  
37 to occupational diseases occurring on and after July 1, 1993, and before  
38 July 1, 1994, the average weekly wages are considered to be:

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

41 (i) In computing compensation for temporary total disability,  
42 temporary partial disability and total permanent disability, with respect



- 1 to occupational diseases occurring on and after July 1, 1994, and before  
 2 July 1, 1997, the average weekly wages are considered to be:  
 3 (1) not more than six hundred forty-two dollars (\$642); and  
 4 (2) not less than seventy-five dollars (\$75).
- 5 (j) In computing compensation for temporary total disability,  
 6 temporary partial disability, and total permanent disability, the average  
 7 weekly wages are considered to be:
- 8 (1) with respect to occupational diseases occurring on and after  
 9 July 1, 1997, and before July 1, 1998:  
 10 (A) not more than six hundred seventy-two dollars (\$672); and  
 11 (B) not less than seventy-five dollars (\$75);  
 12 (2) with respect to occupational diseases occurring on and after  
 13 July 1, 1998, and before July 1, 1999:  
 14 (A) not more than seven hundred two dollars (\$702); and  
 15 (B) not less than seventy-five dollars (\$75);  
 16 (3) with respect to occupational diseases occurring on and after  
 17 July 1, 1999, and before July 1, 2000:  
 18 (A) not more than seven hundred thirty-two dollars (\$732);  
 19 and  
 20 (B) not less than seventy-five dollars (\$75);  
 21 (4) with respect to occupational diseases occurring on and after  
 22 July 1, 2000, and before July 1, 2001:  
 23 (A) not more than seven hundred sixty-two dollars (\$762); and  
 24 (B) not less than seventy-five dollars (\$75);  
 25 (5) with respect to disablements occurring on and after July 1,  
 26 2001, and before July 1, 2002:  
 27 (A) not more than eight hundred twenty-two dollars (\$822);  
 28 and  
 29 (B) not less than seventy-five dollars (\$75);  
 30 (6) with respect to disablements occurring on and after July 1,  
 31 2002, and before July 1, 2006:  
 32 (A) not more than eight hundred eighty-two dollars (\$882);  
 33 and  
 34 (B) not less than seventy-five dollars (\$75);  
 35 (7) with respect to disablements occurring on and after July 1,  
 36 2006, and before July 1, 2007:  
 37 (A) not more than nine hundred dollars (\$900); and  
 38 (B) not less than seventy-five dollars (\$75);  
 39 (8) with respect to disablements occurring on and after July 1,  
 40 2007, and before July 1, 2008:  
 41 (A) not more than nine hundred thirty dollars (\$930); and  
 42 (B) not less than seventy-five dollars (\$75);



- 1 (9) with respect to disablements occurring on and after July 1,  
 2 2008, and before July 1, 2009:  
 3 (A) not more than nine hundred fifty-four dollars (\$954); and  
 4 (B) not less than seventy-five dollars (\$75);  
 5 (10) with respect to disablements occurring on and after July 1,  
 6 2009, and before July 1, 2014:  
 7 (A) not more than nine hundred seventy-five dollars (\$975);  
 8 and  
 9 (B) not less than seventy-five dollars (\$75);  
 10 (11) with respect to disablements occurring on and after July 1,  
 11 2014, and before July 1, 2015:  
 12 (A) not more than one thousand forty dollars (\$1,040); and  
 13 (B) not less than seventy-five dollars (\$75);  
 14 (12) with respect to disablements occurring on and after July 1,  
 15 2015, and before July 1, 2016:  
 16 (A) not more than one thousand one hundred five dollars  
 17 (\$1,105); and  
 18 (B) not less than seventy-five dollars (\$75); ~~and~~  
 19 (13) with respect to disablements occurring on and after July 1,  
 20 2016, **and before July 1, 2019:**  
 21 (A) not more than one thousand one hundred seventy dollars  
 22 (\$1,170); and  
 23 (B) not less than seventy-five dollars (\$75);  
 24 **(14) with respect to disablements occurring on and after July**  
 25 **1, 2019, and before July 1, 2020:**  
 26 **(A) not more than one thousand two hundred eighty-seven**  
 27 **dollars (\$1,287); and**  
 28 **(B) not less than seventy-five dollars (\$75);**  
 29 **(15) with respect to disablements occurring on and after July**  
 30 **1, 2020, and before July 1, 2021:**  
 31 **(A) not more than one thousand four hundred sixteen**  
 32 **dollars (\$1,416); and**  
 33 **(B) not less than seventy-five dollars (\$75); and**  
 34 **(16) with respect to disablements occurring on and after July**  
 35 **1, 2021:**  
 36 **(A) not more than one thousand five hundred fifty-seven**  
 37 **dollars (\$1,557); and**  
 38 **(B) not less than seventy-five dollars (\$75).**  
 39 (k) The maximum compensation with respect to disability or death  
 40 occurring on and after July 1, 1985, and before July 1, 1986, which  
 41 shall be paid for occupational disease and the results thereof under the  
 42 provisions of this chapter or under any combination of its provisions



1 may not exceed eighty-nine thousand dollars (\$89,000) in any case.

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

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

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

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

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

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

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

39 (s) The maximum compensation with respect to disability or death  
40 occurring on and after July 1, 1994, and before July 1, 1997, that shall  
41 be paid for occupational disease and the results thereof under this  
42 chapter or under any combination of the provisions of this chapter may



- 1 not exceed two hundred fourteen thousand dollars (\$214,000) in any  
 2 case.
- 3 (t) The maximum compensation that shall be paid for occupational  
 4 disease and the results of an occupational disease under this chapter or  
 5 under any combination of the provisions of this chapter may not exceed  
 6 the following amounts in any case:
- 7 (1) With respect to disability or death occurring on and after July  
 8 1, 1997, and before July 1, 1998, two hundred twenty-four  
 9 thousand dollars (\$224,000).
- 10 (2) With respect to disability or death occurring on and after July  
 11 1, 1998, and before July 1, 1999, two hundred thirty-four  
 12 thousand dollars (\$234,000).
- 13 (3) With respect to disability or death occurring on and after July  
 14 1, 1999, and before July 1, 2000, two hundred forty-four thousand  
 15 dollars (\$244,000).
- 16 (4) With respect to disability or death occurring on and after July  
 17 1, 2000, and before July 1, 2001, two hundred fifty-four thousand  
 18 dollars (\$254,000).
- 19 (5) With respect to disability or death occurring on and after July  
 20 1, 2001, and before July 1, 2002, two hundred seventy-four  
 21 thousand dollars (\$274,000).
- 22 (6) With respect to disability or death occurring on and after July  
 23 1, 2002, and before July 1, 2006, two hundred ninety-four  
 24 thousand dollars (\$294,000).
- 25 (7) With respect to disability or death occurring on and after July  
 26 1, 2006, and before July 1, 2007, three hundred thousand dollars  
 27 (\$300,000).
- 28 (8) With respect to disability or death occurring on and after July  
 29 1, 2007, and before July 1, 2008, three hundred ten thousand  
 30 dollars (\$310,000).
- 31 (9) With respect to disability or death occurring on and after July  
 32 1, 2008, and before July 1, 2009, three hundred eighteen thousand  
 33 dollars (\$318,000).
- 34 (10) With respect to disability or death occurring on and after July  
 35 1, 2009, and before July 1, 2014, three hundred twenty-five  
 36 thousand dollars (\$325,000).
- 37 (11) With respect to disability or death occurring on and after July  
 38 1, 2014, and before July 1, 2015, three hundred forty-seven  
 39 thousand dollars (\$347,000).
- 40 (12) With respect to disability or death occurring on and after July  
 41 1, 2015, and before July 1, 2016, three hundred sixty-eight  
 42 thousand dollars (\$368,000).



- 1 (13) With respect to disability or death occurring on and after July  
 2 1, 2016, **and before July 1, 2019**, three hundred ninety thousand  
 3 dollars (\$390,000).  
 4 **(14) With respect to disability or death occurring on and after**  
 5 **July 1, 2019, and before July 1, 2020, four hundred**  
 6 **twenty-nine thousand dollars (\$429,000).**  
 7 **(15) With respect to disability or death occurring on and after**  
 8 **July 1, 2020, and before July 1, 2021, four hundred**  
 9 **seventy-two thousand dollars (\$472,000).**  
 10 **(16) With respect to disability or death occurring on and after**  
 11 **July 1, 2021, five hundred nineteen thousand dollars**  
 12 **(\$519,000).**

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

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





1 disability resulting from a disablement occurring on or after January 1,  
2 1998, the minimum total benefit shall not be less than seventy-five  
3 thousand dollars (\$75,000).

