

Adopted	Rejected
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COMMITTEE REPORT

YES:	10
NO:	3

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1537, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 22-3-3-10 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 10. (a) With respect to
- 5 injuries in the following schedule occurring prior to April 1, 1951, the
- 6 employee shall receive in addition to temporary total disability benefits
- 7 not exceeding twenty-six (26) weeks on account of the injuries, a
- 8 weekly compensation of fifty-five percent (55%) of the employee's
- 9 average weekly wages. With respect to injuries in the following
- 10 schedule occurring on and after April 1, 1951, and prior to July 1,
- 11 1971, the employee shall receive in addition to temporary total
- 12 disability benefits not exceeding twenty-six (26) weeks on account of
- 13 the injuries, a weekly compensation of sixty percent (60%) of the
- 14 employee's average weekly wages. With respect to injuries in the

1 following schedule occurring on and after July 1, 1971, and before July
2 1, 1977, the employee shall receive in addition to temporary total
3 disability benefits not exceeding twenty-six (26) weeks on account of
4 the injuries, a weekly compensation of sixty percent (60%) of the
5 employee's average weekly wages not to exceed one hundred dollars
6 (\$100) average weekly wages, for the periods stated for the injuries.
7 With respect to injuries in the following schedule occurring on and
8 after July 1, 1977, and before July 1, 1979, the employee shall receive,
9 in addition to temporary total disability benefits not exceeding
10 twenty-six (26) weeks on account of the injury, a weekly compensation
11 of sixty percent (60%) of his average weekly wages, not to exceed one
12 hundred twenty-five dollars (\$125) average weekly wages, for the
13 period stated for the injury. With respect to injuries in the following
14 schedule occurring on and after July 1, 1979, and before July 1, 1988,
15 the employee shall receive, in addition to temporary total disability
16 benefits not to exceed fifty-two (52) weeks on account of the injury, a
17 weekly compensation of sixty percent (60%) of the employee's average
18 weekly wages, not to exceed one hundred twenty-five dollars (\$125)
19 average weekly wages, for the period stated for the injury. With respect
20 to injuries in the following schedule occurring on and after July 1,
21 1988, and before July 1, 1989, the employee shall receive, in addition
22 to temporary total disability benefits not exceeding seventy-eight (78)
23 weeks on account of the injury, a weekly compensation of sixty percent
24 (60%) of the employee's average weekly wages, not to exceed one
25 hundred sixty-six dollars (\$166) average weekly wages, for the period
26 stated for the injury.

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

34 With respect to injuries in the following schedule occurring on and
35 after July 1, 1990, and before July 1, 1991, the employee shall receive,
36 in addition to temporary total disability benefits not exceeding
37 seventy-eight (78) weeks on account of the injury, a weekly
38 compensation of sixty percent (60%) of the employee's average weekly

1 wages, not to exceed two hundred dollars (\$200) average weekly
2 wages, for the period stated for the injury.

3 (1) Amputation: For the loss by separation of the thumb, sixty
4 (60) weeks, of the index finger forty (40) weeks, of the second
5 finger thirty-five (35) weeks, of the third or ring finger thirty (30)
6 weeks, of the fourth or little finger twenty (20) weeks, of the hand
7 by separation below the elbow joint two hundred (200) weeks, or
8 the arm above the elbow two hundred fifty (250) weeks, of the big
9 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the
10 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,
11 of the fifth or little toe ten (10) weeks, and for loss occurring
12 before April 1, 1959, by separation of the foot below the knee
13 joint one hundred fifty (150) weeks and of the leg above the knee
14 joint two hundred (200) weeks; for loss occurring on and after
15 April 1, 1959, by separation of the foot below the knee joint, one
16 hundred seventy-five (175) weeks and of the leg above the knee
17 joint two hundred twenty-five (225) weeks. The loss of more than
18 one (1) phalange of a thumb or toes shall be considered as the loss
19 of the entire thumb or toe. The loss of more than two (2)
20 phalanges of a finger shall be considered as the loss of the entire
21 finger. The loss of not more than one (1) phalange of a thumb or
22 toe shall be considered as the loss of one-half (1/2) of the thumb
23 or toe and compensation shall be paid for one-half (1/2) of the
24 period for the loss of the entire thumb or toe. The loss of not more
25 than one (1) phalange of a finger shall be considered as the loss
26 of one-third (1/3) of the finger and compensation shall be paid for
27 one-third (1/3) the period for the loss of the entire finger. The loss
28 of more than one (1) phalange of the finger but not more than two
29 (2) phalanges of the finger, shall be considered as the loss of
30 one-half (1/2) of the finger and compensation shall be paid for
31 one-half (1/2) of the period for the loss of the entire finger.

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

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

38 (4) For the permanent and complete loss of hearing in one (1) ear,

1 seventy-five (75) weeks, and in both ears, two hundred (200)
2 weeks.

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

5 (b) With respect to injuries in the following schedule occurring prior
6 to April 1, 1951, the employee shall receive in lieu of all other
7 compensation on account of the injuries, a weekly compensation of
8 fifty-five percent (55%) of the employee's average weekly wages. With
9 respect to injuries in the following schedule occurring on and after
10 April 1, 1951, and prior to April 1, 1955, the employee shall receive in
11 lieu of all other compensation on account of the injuries a weekly
12 compensation of sixty percent (60%) of the employee's average weekly
13 wages. With respect to injuries in the following schedule occurring on
14 and after April 1, 1955, and prior to July 1, 1971, the employee shall
15 receive in addition to temporary total disability benefits not exceeding
16 twenty-six (26) weeks on account of the injuries, a weekly
17 compensation of sixty percent (60%) of the employee's average weekly
18 wages. With respect to injuries in the following schedule occurring on
19 and after July 1, 1971, and before July 1, 1977, the employee shall
20 receive in addition to temporary total disability benefits not exceeding
21 twenty-six (26) weeks on account of the injuries, a weekly
22 compensation of sixty percent (60%) of the employee's average weekly
23 wages, not to exceed one hundred dollars (\$100) average weekly
24 wages, for the period stated for such injuries respectively. With respect
25 to injuries in the following schedule occurring on and after July 1,
26 1977, and before July 1, 1979, the employee shall receive, in addition
27 to temporary total disability benefits not exceeding twenty-six (26)
28 weeks on account of the injury, a weekly compensation of sixty percent
29 (60%) of the employee's average weekly wages not to exceed one
30 hundred twenty-five dollars (\$125) average weekly wages, for the
31 period stated for the injury. With respect to injuries in the following
32 schedule occurring on and after July 1, 1979, and before July 1, 1988,
33 the employee shall receive, in addition to temporary total disability
34 benefits not exceeding fifty-two (52) weeks on account of the injury, a
35 weekly compensation of sixty percent (60%) of the employee's average
36 weekly wages not to exceed one hundred twenty-five dollars (\$125)
37 average weekly wages for the period stated for the injury. With respect
38 to injuries in the following schedule occurring on and after July 1,

1 1988, and before July 1, 1989, the employee shall receive, in addition
2 to temporary total disability benefits not exceeding seventy-eight (78)
3 weeks on account of the injury, a weekly compensation of sixty percent
4 (60%) of the employee's average weekly wages, not to exceed one
5 hundred sixty-six dollars (\$166) average weekly wages, for the period
6 stated for the injury.

7 With respect to injuries in the following schedule occurring on and
8 after July 1, 1989, and before July 1, 1990, the employee shall receive,
9 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 one hundred eighty-three dollars (\$183) average
13 weekly wages, for the period stated for the injury.

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

21 (1) Loss of use: The total permanent loss of the use of an arm,
22 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
23 as the equivalent of the loss by separation of the arm, hand,
24 thumb, finger, leg, foot, toe, or phalange, and compensation shall
25 be paid for the same period as for the loss thereof by separation.

26 (2) Partial loss of use: For the permanent partial loss of the use of
27 an arm, hand, thumb, finger, leg, foot, toe, or phalange,
28 compensation shall be paid for the proportionate loss of the use of
29 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

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

32 (4) For any permanent reduction of the sight of an eye less than a
33 total loss as specified in subsection (a)(3), compensation shall be
34 paid for a period proportionate to the degree of such permanent
35 reduction without correction or glasses. However, when such
36 permanent reduction without correction or glasses would result in
37 one hundred percent (100%) loss of vision, but correction or
38 glasses would result in restoration of vision, then in such event

1 compensation shall be paid for fifty percent (50%) of such total
 2 loss of vision without glasses, plus an additional amount equal to
 3 the proportionate amount of such reduction with glasses, not to
 4 exceed an additional fifty percent (50%).

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

9 (6) In all other cases of permanent partial impairment,
 10 compensation proportionate to the degree of such permanent
 11 partial impairment, in the discretion of the worker's compensation
 12 board, not exceeding five hundred (500) weeks.

13 (7) In all cases of permanent disfigurement which may impair the
 14 future usefulness or opportunities of the employee, compensation,
 15 in the discretion of the worker's compensation board, not
 16 exceeding two hundred (200) weeks, except that no compensation
 17 shall be payable under this subdivision where compensation is
 18 payable elsewhere in this section.

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

27 (1) Amputation: For the loss by separation of the thumb, twelve
 28 (12) degrees of permanent impairment; of the index finger, eight
 29 (8) degrees of permanent impairment; of the second finger, seven
 30 (7) degrees of permanent impairment; of the third or ring finger,
 31 six (6) degrees of permanent impairment; of the fourth or little
 32 finger, four (4) degrees of permanent impairment; of the hand by
 33 separation below the elbow joint, forty (40) degrees of permanent
 34 impairment; of the arm above the elbow, fifty (50) degrees of
 35 permanent impairment; of the big toe, twelve (12) degrees of
 36 permanent impairment; of the second toe, six (6) degrees of
 37 permanent impairment; of the third toe, four (4) degrees of
 38 permanent impairment; of the fourth toe, three (3) degrees of

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

1 ear, fifteen (15) degrees of permanent impairment, and in both
 2 ears, forty (40) degrees of permanent impairment.

3 ~~(7)~~ **(8)** For the loss of one (1) testicle, ten (10) degrees of
 4 permanent impairment; for the loss of both testicles, thirty (30)
 5 degrees of permanent impairment.

6 ~~(8)~~ **(9)** Loss of use: The total permanent loss of the use of an arm,
 7 a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall
 8 be considered as the equivalent of the loss by separation of the
 9 arm, hand, thumb, finger, leg, foot, toe, or phalange, and
 10 compensation shall be paid in the same amount as for the loss by
 11 separation. However, the doubling provision of subdivision (2)
 12 does not apply to a loss of use that is not a loss by separation.

13 ~~(9)~~ **(10)** Partial loss of use: For the permanent partial loss of the
 14 use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
 15 phalange, compensation shall be paid for the proportionate loss of
 16 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

17 ~~(10)~~ **(11)** For injuries resulting in total permanent disability, the
 18 amount payable for impairment or five hundred (500) weeks of
 19 compensation, whichever is greater.

20 ~~(11)~~ **(12)** For any permanent reduction of the sight of an eye less
 21 than a total loss as specified in subsection (a)(3), the
 22 compensation shall be paid in an amount proportionate to the
 23 degree of a permanent reduction without correction or glasses.
 24 However, when a permanent reduction without correction or
 25 glasses would result in one hundred percent (100%) loss of
 26 vision, then compensation shall be paid for fifty percent (50%) of
 27 the total loss of vision without glasses, plus an additional amount
 28 equal to the proportionate amount of the reduction with glasses,
 29 not to exceed an additional fifty percent (50%).

30 ~~(12)~~ **(13)** For any permanent reduction of the hearing of one (1)
 31 or both ears, less than the total loss as specified in subsection
 32 (a)(4), compensation shall be paid in an amount proportionate to
 33 the degree of a permanent reduction.

34 ~~(13)~~ **(14)** In all other cases of permanent partial impairment,
 35 compensation proportionate to the degree of a permanent partial
 36 impairment, in the discretion of the worker's compensation board,
 37 not exceeding one hundred (100) degrees of permanent
 38 impairment.

1 ~~(14)~~ **(15)** In all cases of permanent disfigurement which may
2 impair the future usefulness or opportunities of the employee,
3 compensation, in the discretion of the worker's compensation
4 board, not exceeding forty (40) degrees of permanent impairment
5 except that no compensation shall be payable under this
6 subdivision where compensation is payable elsewhere in this
7 section.

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

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

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

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

1 (4) With respect to injuries occurring on and after July 1, 1997,
2 and before July 1, 1998, for each degree of permanent impairment
3 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
4 degree; for each degree of permanent impairment from eleven
5 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
6 for each degree of permanent impairment from thirty-six (36) to
7 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
8 for each degree of permanent impairment above fifty (50), one
9 thousand seven hundred dollars (\$1,700) per degree.

10 (5) With respect to injuries occurring on and after July 1, 1998,
11 and before July 1, 1999, for each degree of permanent impairment
12 from one (1) to ten (10), seven hundred fifty dollars (\$750) per
13 degree; for each degree of permanent impairment from eleven
14 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;
15 for each degree of permanent impairment from thirty-six (36) to
16 fifty (50), one thousand four hundred dollars (\$1,400) per degree;
17 for each degree of permanent impairment above fifty (50), one
18 thousand seven hundred dollars (\$1,700) per degree.

19 (6) With respect to injuries occurring on and after July 1, 1999,
20 for each degree of permanent impairment from one (1) to ten (10),
21 nine hundred dollars (\$900) per degree; for each degree of
22 permanent impairment from eleven (11) to thirty-five (35), one
23 thousand one hundred dollars (\$1,100) per degree; for each
24 degree of permanent impairment from thirty-six (36) to fifty (50),
25 one thousand six hundred dollars (\$1,600) per degree; for each
26 degree of permanent impairment above fifty (50), two thousand
27 dollars (\$2,000) per degree.

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

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

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

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

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

- 1 (5) With respect to injuries occurring on or after July 1, 1997, and
- 2 before July 1, 1998, six hundred seventy-two dollars (\$672).
- 3 (6) With respect to injuries occurring on or after July 1, 1998, and
- 4 before July 1, 1999, seven hundred two dollars (\$702).
- 5 (7) With respect to injuries occurring on or after July 1, 1999, and
- 6 before July 1, 2000, seven hundred thirty-two dollars (\$732).
- 7 (8) With respect to injuries occurring on or after July 1, 2000,
- 8 seven hundred sixty-two dollars (\$762).".
- 9 Renumber all SECTIONS consecutively.
(Reference is to HB 1537 as introduced.)

and when so amended that said bill do pass.

