



February 18, 2000

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# ENGROSSED HOUSE BILL No. 1050

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DIGEST OF HB 1050 (Updated February 17, 2000 11:16 AM - DI 73)

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

**Synopsis:** Worker's compensation. Increases over two years the compensation benefits per degree of permanent impairment for worker's compensation and occupational disease. Provides increases over a four year period to: (1) the worker's compensation and occupational disease average weekly wage that is used to calculate benefits; and (2) the maximum total benefit.

**Effective:** July 1, 2000.

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**Liggett, Young D, Hasler, Budak,  
Stevenson**

(SENATE SPONSORS — HARRISON, CRAYCRAFT)

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November 23, 1999, read first time and referred to Committee on Labor and Employment.  
January 13, 2000, amended, reported — Do Pass.  
January 19, 2000, read second time, amended, ordered engrossed.  
January 20, 2000, engrossed.  
January 26, 2000, read third time, recommitted to Committee of One, amended; passed.  
Yeas 81, nays 19.

SENATE ACTION

January 28, 2000, read first time and referred to Committee on Pensions and Labor.  
February 17, 2000, amended, reported favorably — Do Pass.

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EH 1050—LS 6518/DI 94+



February 18, 2000

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

## ENGROSSED HOUSE BILL No. 1050

A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial 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.235-1999,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2000]: Sec. 10. (a) With respect to injuries in the following  
4 schedule occurring prior to April 1, 1951, the employee shall receive  
5 in addition to temporary total disability benefits not exceeding  
6 twenty-six (26) weeks on account of the injuries, a weekly  
7 compensation of fifty-five percent (55%) of the employee's average  
8 weekly wages. With respect to injuries in the following schedule  
9 occurring on and after April 1, 1951, and prior to July 1, 1971, the  
10 employee shall receive in addition to temporary total disability benefits  
11 not exceeding twenty-six (26) weeks on account of the injuries, a  
12 weekly compensation of sixty percent (60%) of the employee's average  
13 weekly wages. With respect to injuries in the following schedule  
14 occurring on and after July 1, 1971, and before July 1, 1977, the  
15 employee shall receive in addition to temporary total disability benefits  
16 not exceeding twenty-six (26) weeks on account of the injuries, a  
17 weekly compensation of sixty percent (60%) of the employee's average

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

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

30 With respect to injuries in the following schedule occurring on and  
31 after July 1, 1990, and before July 1, 1991, the employee shall receive,  
32 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) Amputation: 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 (30)  
40 weeks, of the fourth or little finger twenty (20) weeks, of the hand  
41 by separation below the elbow joint two hundred (200) weeks, or  
42 the arm above the elbow two hundred fifty (250) weeks, of the big

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1 toe sixty (60) weeks, of the second toe thirty (30) weeks, of the  
 2 third toe twenty (20) weeks, of the fourth toe fifteen (15) weeks,  
 3 of the fifth or little toe ten (10) weeks, and for loss occurring  
 4 before April 1, 1959, by separation of the foot below the knee  
 5 joint one hundred fifty (150) weeks and of the leg above the knee  
 6 joint two hundred (200) weeks; for loss occurring on and after  
 7 April 1, 1959, by separation of the foot below the knee joint, one  
 8 hundred seventy-five (175) weeks and of the leg above the knee  
 9 joint two hundred twenty-five (225) weeks. The loss of more than  
 10 one (1) phalange of a thumb or toes shall be considered as the loss  
 11 of the entire thumb or toe. The loss of more than two (2)  
 12 phalanges of a finger shall be considered as the loss of the entire  
 13 finger. The loss of not more than one (1) phalange of a thumb or  
 14 toe shall be considered as the loss of one-half (1/2) of the thumb  
 15 or toe and compensation shall be paid for one-half (1/2) of the  
 16 period for the loss of the entire thumb or toe. The loss of not more  
 17 than one (1) phalange of a finger shall be considered as the loss  
 18 of one-third (1/3) of the finger and compensation shall be paid for  
 19 one-third (1/3) the period for the loss of the entire finger. The loss  
 20 of more than one (1) phalange of the finger but not more than two  
 21 (2) phalanges of the finger, shall be considered as the loss of  
 22 one-half (1/2) of the finger and compensation shall be paid for  
 23 one-half (1/2) of the period for the loss of the entire finger.  
 24 (2) For the loss by separation of both hands or both feet or the  
 25 total sight of both eyes, or any two (2) such losses in the same  
 26 accident, five hundred (500) weeks.  
 27 (3) For the permanent and complete loss of vision by enucleation  
 28 or its reduction to one-tenth (1/10) of normal vision with glasses,  
 29 one hundred seventy-five (175) weeks.  
 30 (4) For the permanent and complete loss of hearing in one (1) ear,  
 31 seventy-five (75) weeks, and in both ears, two hundred (200)  
 32 weeks.  
 33 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of  
 34 both testicles, one hundred fifty (150) weeks.  
 35 (b) With respect to injuries in the following schedule occurring prior  
 36 to April 1, 1951, the employee shall receive in lieu of all other  
 37 compensation on account of the injuries, a weekly compensation of  
 38 fifty-five percent (55%) of the employee's average weekly wages. With  
 39 respect to injuries in the following schedule occurring on and after  
 40 April 1, 1951, and prior to April 1, 1955, the employee shall receive in  
 41 lieu of all other compensation on account of the injuries a weekly  
 42 compensation of sixty percent (60%) of the employee's average weekly

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1 wages. With respect to injuries in the following schedule occurring on  
2 and after April 1, 1955, and prior to July 1, 1971, the employee shall  
3 receive in addition to temporary total disability benefits not exceeding  
4 twenty-six (26) weeks on account of the injuries, a weekly  
5 compensation of sixty percent (60%) of the employee's average weekly  
6 wages. With respect to injuries in the following schedule occurring on  
7 and after July 1, 1971, and before July 1, 1977, the employee shall  
8 receive in addition to temporary total disability benefits not exceeding  
9 twenty-six (26) weeks on account of the injuries, a weekly  
10 compensation of sixty percent (60%) of the employee's average weekly  
11 wages, not to exceed one hundred dollars (\$100) average weekly  
12 wages, for the period stated for such injuries respectively. With respect  
13 to injuries in the following schedule occurring on and after July 1,  
14 1977, and before July 1, 1979, the employee shall receive, in addition  
15 to temporary total disability benefits not exceeding twenty-six (26)  
16 weeks on account of the injury, a weekly compensation of sixty percent  
17 (60%) of the employee's average weekly wages not to exceed one  
18 hundred twenty-five dollars (\$125) average weekly wages, for the  
19 period stated for the injury. With respect to injuries in the following  
20 schedule occurring on and after July 1, 1979, and before July 1, 1988,  
21 the employee shall receive, in addition to temporary total disability  
22 benefits not exceeding fifty-two (52) weeks on account of the injury, a  
23 weekly compensation of sixty percent (60%) of the employee's average  
24 weekly wages not to exceed one hundred twenty-five dollars (\$125)  
25 average weekly wages for the period stated for the injury. With respect  
26 to injuries in the following schedule occurring on and after July 1,  
27 1988, and before July 1, 1989, the employee shall receive, in addition  
28 to temporary total disability benefits not exceeding seventy-eight (78)  
29 weeks on account of the injury, a weekly compensation of sixty percent  
30 (60%) of the employee's average weekly wages, not to exceed one  
31 hundred sixty-six dollars (\$166) average weekly wages, for the period  
32 stated for the injury.

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

40 With respect to injuries in the following schedule occurring on and  
41 after July 1, 1990, and before July 1, 1991, the employee shall receive,  
42 in addition to temporary total disability benefits not exceeding

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1 seventy-eight (78) weeks on account of the injury, a weekly  
2 compensation of sixty percent (60%) of the employee's average weekly  
3 wages, not to exceed two hundred dollars (\$200) average weekly  
4 wages, for the period stated for the injury.

5 (1) Loss of use: The total permanent loss of the use of an arm,  
6 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
7 as the equivalent of the loss by separation of the arm, hand,  
8 thumb, finger, leg, foot, toe, or phalange, and compensation shall  
9 be paid for the same period as for the loss thereof by separation.

10 (2) Partial loss of use: For the permanent partial loss of the use of  
11 an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
12 compensation shall be paid for the proportionate loss of the use of  
13 such arm, hand, thumb, finger, leg, foot, toe, or phalange.

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

16 (4) For any permanent reduction of the sight of an eye less than a  
17 total loss as specified in subsection (a)(3), compensation shall be  
18 paid for a period proportionate to the degree of such permanent  
19 reduction without correction or glasses. However, when such  
20 permanent reduction without correction or glasses would result in  
21 one hundred percent (100%) loss of vision, but correction or  
22 glasses would result in restoration of vision, then in such event  
23 compensation shall be paid for fifty percent (50%) of such total  
24 loss of vision without glasses, plus an additional amount equal to  
25 the proportionate amount of such reduction with glasses, not to  
26 exceed an additional fifty percent (50%).

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

31 (6) In all other cases of permanent partial impairment,  
32 compensation proportionate to the degree of such permanent  
33 partial impairment, in the discretion of the worker's compensation  
34 board, not exceeding five hundred (500) weeks.

35 (7) In all cases of permanent disfigurement which may impair the  
36 future usefulness or opportunities of the employee, compensation,  
37 in the discretion of the worker's compensation board, not  
38 exceeding two hundred (200) weeks, except that no compensation  
39 shall be payable under this subdivision where compensation is  
40 payable elsewhere in this section.

41 (c) With respect to injuries in the following schedule occurring on  
42 and after July 1, 1991, the employee shall receive in addition to

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1 temporary total disability benefits, not exceeding one hundred  
2 twenty-five (125) weeks on account of the injury, compensation in an  
3 amount determined under the following schedule to be paid weekly at  
4 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's  
5 average weekly wages during the fifty-two (52) weeks immediately  
6 preceding the week in which the injury occurred.

7 (1) Amputation: For the loss by separation of the thumb, twelve  
8 (12) degrees of permanent impairment; of the index finger, eight  
9 (8) degrees of permanent impairment; of the second finger, seven  
10 (7) degrees of permanent impairment; of the third or ring finger,  
11 six (6) degrees of permanent impairment; of the fourth or little  
12 finger, four (4) degrees of permanent impairment; of the hand by  
13 separation below the elbow joint, forty (40) degrees of permanent  
14 impairment; of the arm above the elbow, fifty (50) degrees of  
15 permanent impairment; of the big toe, twelve (12) degrees of  
16 permanent impairment; of the second toe, six (6) degrees of  
17 permanent impairment; of the third toe, four (4) degrees of  
18 permanent impairment; of the fourth toe, three (3) degrees of  
19 permanent impairment; of the fifth or little toe, two (2) degrees of  
20 permanent impairment; by separation of the foot below the knee  
21 joint, thirty-five (35) degrees of permanent impairment; and of the  
22 leg above the knee joint, forty-five (45) degrees of permanent  
23 impairment.

24 (2) Amputations: For the loss by separation of any of the body  
25 parts described in subdivision (1) on or after July 1, 1997, and for  
26 the loss by separation of any of the body parts described in  
27 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar  
28 values per degree applying on the date of the injury as described  
29 in subsection (d) shall be multiplied by two (2). However, the  
30 doubling provision of this subdivision does not apply to a loss of  
31 use that is not a loss by separation.

32 (3) The loss of more than one (1) phalange of a thumb or toe shall  
33 be considered as the loss of the entire thumb or toe. The loss of  
34 more than two (2) phalanges of a finger shall be considered as the  
35 loss of the entire finger. The loss of not more than one (1)  
36 phalange of a thumb or toe shall be considered as the loss of  
37 one-half (1/2) of the degrees of permanent impairment for the loss  
38 of the entire thumb or toe. The loss of not more than one (1)  
39 phalange of a finger shall be considered as the loss of one-third  
40 (1/3) of the finger and compensation shall be paid for one-third  
41 (1/3) of the degrees payable for the loss of the entire finger. The  
42 loss of more than one (1) phalange of the finger but not more than



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

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

5 (14) In all other cases of permanent partial impairment,  
6 compensation proportionate to the degree of a permanent partial  
7 impairment, in the discretion of the worker's compensation board,  
8 not exceeding one hundred (100) degrees of permanent  
9 impairment.

10 (15) In all cases of permanent disfigurement which may impair  
11 the future usefulness or opportunities of the employee,  
12 compensation, in the discretion of the worker's compensation  
13 board, not exceeding forty (40) degrees of permanent impairment  
14 except that no compensation shall be payable under this  
15 subdivision where compensation is payable elsewhere in this  
16 section.

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

20 (1) With respect to injuries occurring on and after July 1, 1991,  
21 and before July 1, 1992, for each degree of permanent impairment  
22 from one (1) to thirty-five (35), five hundred dollars (\$500) per  
23 degree; for each degree of permanent impairment from thirty-six  
24 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each  
25 degree of permanent impairment above fifty (50), one thousand  
26 five hundred dollars (\$1,500) per degree.

27 (2) With respect to injuries occurring on and after July 1, 1992,  
28 and before July 1, 1993, for each degree of permanent impairment  
29 from one (1) to twenty (20), five hundred dollars (\$500) per  
30 degree; for each degree of permanent impairment from  
31 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
32 per degree; for each degree of permanent impairment from  
33 thirty-six (36) to fifty (50), one thousand three hundred dollars  
34 (\$1,300) per degree; for each degree of permanent impairment  
35 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
36 degree.

37 (3) With respect to injuries occurring on and after July 1, 1993,  
38 and before July 1, 1997, for each degree of permanent impairment  
39 from one (1) to ten (10), five hundred dollars (\$500) per degree;  
40 for each degree of permanent impairment from eleven (11) to  
41 twenty (20), seven hundred dollars (\$700) per degree; for each  
42 degree of permanent impairment from twenty-one (21) to



1 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
2 each degree of permanent impairment from thirty-six (36) to fifty  
3 (50), one thousand four hundred dollars (\$1,400) per degree; for  
4 each degree of permanent impairment above fifty (50), one  
5 thousand seven hundred dollars (\$1,700) per degree.  
6 (4) With respect to injuries occurring on and after July 1, 1997,  
7 and before July 1, 1998, for each degree of permanent impairment  
8 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
9 degree; for each degree of permanent impairment from eleven  
10 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
11 for each degree of permanent impairment from thirty-six (36) to  
12 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
13 for each degree of permanent impairment above fifty (50), one  
14 thousand seven hundred dollars (\$1,700) per degree.  
15 (5) With respect to injuries occurring on and after July 1, 1998,  
16 and before July 1, 1999, for each degree of permanent impairment  
17 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
18 degree; for each degree of permanent impairment from eleven  
19 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
20 for each degree of permanent impairment from thirty-six (36) to  
21 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
22 for each degree of permanent impairment above fifty (50), one  
23 thousand seven hundred dollars (\$1,700) per degree.  
24 (6) With respect to injuries occurring on and after July 1, 1999,  
25 **and before July 1, 2000**, for each degree of permanent  
26 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
27 per degree; for each degree of permanent impairment from eleven  
28 (11) to thirty-five (35), one thousand one hundred dollars  
29 (\$1,100) per degree; for each degree of permanent impairment  
30 from thirty-six (36) to fifty (50), one thousand six hundred dollars  
31 (\$1,600) per degree; for each degree of permanent impairment  
32 above fifty (50), two thousand dollars (\$2,000) per degree.  
33 **(7) With respect to injuries occurring on and after July 1,**  
34 **2000, and before July 1, 2002, for each degree of permanent**  
35 **impairment from one (1) to ten (10), one thousand dollars**  
36 **(\$1,000) per degree; for each degree of permanent**  
37 **impairment from eleven (11) to thirty-five (35), one thousand**  
38 **two hundred dollars (\$1, 200) per degree; for each degree of**  
39 **permanent impairment from thirty-six (36) to fifty (50), one**  
40 **thousand eight hundred dollars (\$1,800) per degree; for each**  
41 **degree of permanent impairment above fifty (50), two**  
42 **thousand two hundred fifty dollars (\$2,250) per degree.**

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1           **(8) With respect to injuries occurring on and after July 1,**  
 2           **2002, for each degree of permanent impairment from one (1)**  
 3           **to ten (10), one thousand two hundred dollars (\$1,200) per**  
 4           **degree; for each degree of permanent impairment from eleven**  
 5           **(11) to thirty-five (35), one thousand four hundred dollars**  
 6           **(\$1,400) per degree; for each degree of permanent**  
 7           **impairment from thirty-six (36) to fifty (50), two thousand**  
 8           **dollars (\$2,000) per degree; for each degree of permanent**  
 9           **impairment above fifty (50), two thousand five hundred**  
 10           **dollars (\$2,500) per degree.**

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

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

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

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

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

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

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

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

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

30           (9) **With respect to injuries occurring on or after July 1, 2001,**  
 31           **and before July 1, 2002, eight hundred twenty-two dollars**  
 32           **(\$822).**

33           (10) **With respect to injuries occurring on or after July 1,**  
 34           **2002, and before July 1, 2003, eight hundred eighty-two**  
 35           **dollars (\$882).**

36           (11) **With respect to injuries occurring on or after July 1,**  
 37           **2003, and before July 1, 2004, nine hundred forty-two dollars**  
 38           **(\$942).**

39           (12) **With respect to injuries occurring on or after July 1,**  
 40           **2004, one thousand two dollars (\$1,002).**

41           SECTION 2. IC 22-3-3-22 IS AMENDED TO READ AS  
 42           FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) In computing

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1 the compensation under this law with respect to injuries occurring on  
2 and after April 1, 1963, and prior to April 1, 1965, the average weekly  
3 wages shall be considered to be not more than seventy dollars (\$70) nor  
4 less than thirty dollars (\$30). In computing the compensation under this  
5 law with respect to injuries occurring on and after April 1, 1965, and  
6 prior to April 1, 1967, the average weekly wages shall be considered  
7 to be not more than seventy-five dollars (\$75) and not less than thirty  
8 dollars (\$30). In computing the compensation under this law with  
9 respect to injuries occurring on and after April 1, 1967, and prior to  
10 April 1, 1969, the average weekly wages shall be considered to be not  
11 more than eighty-five dollars (\$85) and not less than thirty-five dollars  
12 (\$35). In computing the compensation under this law with respect to  
13 injuries occurring on and after April 1, 1969, and prior to July 1, 1971,  
14 the average weekly wages shall be considered to be not more than  
15 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In  
16 computing the compensation under this law with respect to injuries  
17 occurring on and after July 1, 1971, and prior to July 1, 1974, the  
18 average weekly wages shall be considered to be: (A) Not more than: (1)  
19 one hundred dollars (\$100) if no dependents; (2) one hundred five  
20 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)  
21 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three  
22 (3) dependents; (5) one hundred twenty dollars (\$120) if four (4)  
23 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)  
24 or more dependents; and (B) Not less than thirty-five dollars (\$35). In  
25 computing compensation for temporary total disability, temporary  
26 partial disability, and total permanent disability under this law with  
27 respect to injuries occurring on and after July 1, 1974, and before July  
28 1, 1976, the average weekly wages shall be considered to be (A) not  
29 more than one hundred thirty-five dollars (\$135), and (B) not less than  
30 seventy-five dollars (\$75). However, the weekly compensation payable  
31 shall in no case exceed the average weekly wages of the employee at  
32 the time of the injury. In computing compensation for temporary total  
33 disability, temporary partial disability and total permanent disability  
34 under this law with respect to injuries occurring on and after July 1,  
35 1976, and before July 1, 1977, the average weekly wages shall be  
36 considered to be (1) not more than one hundred fifty-six dollars (\$156)  
37 and (2) not less than seventy-five dollars (\$75). However, the weekly  
38 compensation payable shall not exceed the average weekly wages of  
39 the employee at the time of the injury. In computing compensation for  
40 temporary total disability, temporary partial disability, and total  
41 permanent disability, with respect to injuries occurring on and after  
42 July 1, 1977, and before July 1, 1979, the average weekly wages are

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1 considered to be (1) not more than one hundred eighty dollars (\$180);  
2 and (2) not less than seventy-five dollars (\$75). However, the weekly  
3 compensation payable may not exceed the average weekly wages of the  
4 employee at the time of the injury. In computing compensation for  
5 temporary total disability, temporary partial disability, and total  
6 permanent disability, with respect to injuries occurring on and after  
7 July 1, 1979, and before July 1, 1980, the average weekly wages are  
8 considered to be (1) not more than one hundred ninety-five dollars  
9 (\$195), and (2) not less than seventy-five dollars (\$75). However, the  
10 weekly compensation payable shall not exceed the average weekly  
11 wages of the employee at the time of the injury. In computing  
12 compensation for temporary total disability, temporary partial  
13 disability, and total permanent disability, with respect to injuries  
14 occurring on and after July 1, 1980, and before July 1, 1983, the  
15 average weekly wages are considered to be (1) not more than two  
16 hundred ten dollars (\$210), and (2) not less than seventy-five dollars  
17 (\$75). However, the weekly compensation payable shall not exceed the  
18 average weekly wages of the employee at the time of the injury. In  
19 computing compensation for temporary total disability, temporary  
20 partial disability, and total permanent disability, with respect to injuries  
21 occurring on and after July 1, 1983, and before July 1, 1984, the  
22 average weekly wages are considered to be (1) not more than two  
23 hundred thirty-four dollars (\$234) and (2) not less than seventy-five  
24 dollars (\$75). However, the weekly compensation payable shall not  
25 exceed the average weekly wages of the employee at the time of the  
26 injury. 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, 1984, and before July 1, 1985,  
29 the average weekly wages are considered to be (1) not more than two  
30 hundred forty-nine dollars (\$249) and (2) not less than seventy-five  
31 dollars (\$75). However, the weekly compensation payable shall not  
32 exceed the average weekly wages of the employee at the time of the  
33 injury. In computing compensation for temporary total disability,  
34 temporary partial disability, and total permanent disability, with respect  
35 to injuries occurring on and after July 1, 1985, and before July 1, 1986,  
36 the average weekly wages are considered to be (1) not more than two  
37 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five  
38 dollars (\$75). However, the weekly compensation payable shall not  
39 exceed the average weekly wages of the employee at the time of the  
40 injury. In computing compensation for temporary total disability,  
41 temporary partial disability, and total permanent disability, with respect  
42 to injuries occurring on and after July 1, 1986, and before July 1, 1988,

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1 the average weekly wages are considered to be (1) not more than two  
 2 hundred eighty-five dollars (\$285) and (2) not less than seventy-five  
 3 dollars (\$75). However, the weekly compensation payable shall not  
 4 exceed the average weekly wages of the employee at the time of the  
 5 injury. In computing compensation for temporary total disability,  
 6 temporary partial disability, and total permanent disability, with respect  
 7 to injuries occurring on and after July 1, 1988, and before July 1, 1989,  
 8 the average weekly wages are considered to be (1) not more than three  
 9 hundred eighty-four dollars (\$384) and (2) not less than seventy-five  
 10 dollars (\$75). However, the weekly compensation payable shall not  
 11 exceed the average weekly wages of the employee at the time of the  
 12 injury.

13 In computing compensation for temporary total disability, temporary  
 14 partial disability, and total permanent disability, with respect to injuries  
 15 occurring on and after July 1, 1989, and before July 1, 1990, the  
 16 average weekly wages are considered to be (1) not more than four  
 17 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars  
 18 (\$75). However, the weekly compensation payable shall not exceed the  
 19 average weekly wages of the employee at the time of the injury.

20 In computing compensation for temporary total disability, temporary  
 21 partial disability, and total permanent disability, with respect to injuries  
 22 occurring on and after July 1, 1990, and before July 1, 1991, the  
 23 average weekly wages are considered to be (1) not more than four  
 24 hundred forty-one dollars (\$441) and (2) not less than seventy-five  
 25 dollars (\$75). However, the weekly compensation payable shall not  
 26 exceed the average weekly wages of the employee at the time of the  
 27 injury.

28 In computing compensation for temporary total disability, temporary  
 29 partial disability, and total permanent disability, with respect to injuries  
 30 occurring on and after July 1, 1991, and before July 1, 1992, the  
 31 average weekly wages are considered to be (1) not more than four  
 32 hundred ninety-two dollars (\$492) and (2) not less than seventy-five  
 33 dollars (\$75). However, the weekly compensation payable shall not  
 34 exceed the average weekly wages of the employee at the time of the  
 35 injury.

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

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

9 In computing compensation for temporary total disability, temporary  
 10 partial disability, and total permanent disability, with respect to injuries  
 11 occurring on and after July 1, 1994, and before July 1, 1997, the  
 12 average weekly wages are considered to be (1) not more than six  
 13 hundred forty-two dollars (\$642) and (2) not less than seventy-five  
 14 dollars (\$75). However, the weekly compensation payable shall not  
 15 exceed the average weekly wages of the employee at the time of the  
 16 injury.

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

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

22 (A) not more than six hundred seventy-two dollars (\$672); and

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

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

26 (A) not more than seven hundred two dollars (\$702); and

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

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

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

32 (B) not less than seventy-five dollars (\$75); ~~and~~

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

35 (A) not more than seven hundred sixty-two dollars (\$762); and

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

37 **(5) with respect to injuries occurring on and after July 1,**  
 38 **2001, and before July 1, 2002:**

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

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

42 **(6) with respect to injuries occurring on and after July 1,**

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1           **2002, and before July 1, 2003:**

2           (A) not more than eight hundred eighty-two dollars (\$882);  
3           and

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

5           **(7) with respect to injuries occurring on and after July 1,**  
6           **2003, and before July 1, 2004:**

7           (A) not more than nine hundred forty-two dollars (\$942);  
8           and

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

10          **(8) with respect to injuries occurring on and after July 1,**  
11          **2004:**

12          (A) not more than one thousand two dollars (\$1,002); and

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

22          (d) With respect to any injury occurring on and after April 1, 1955,  
23          and prior to April 1, 1957, the maximum compensation exclusive of  
24          medical benefits, which shall be paid for an injury under any provisions  
25          of this law or under any combination of its provisions shall not exceed  
26          twelve thousand five hundred dollars (\$12,500) in any case. With  
27          respect to any injury occurring on and after April 1, 1957 and prior to  
28          April 1, 1963, the maximum compensation exclusive of medical  
29          benefits, which shall be paid for an injury under any provision of this  
30          law or under any combination of its provisions shall not exceed fifteen  
31          thousand dollars (\$15,000) in any case. With respect to any injury  
32          occurring on and after April 1, 1963, and prior to April 1, 1965, the  
33          maximum compensation exclusive of medical benefits, which shall be  
34          paid for an injury under any provision of this law or under any  
35          combination of its provisions shall not exceed sixteen thousand five  
36          hundred dollars (\$16,500) in any case. With respect to any injury  
37          occurring on and after April 1, 1965, and prior to April 1, 1967, the  
38          maximum compensation exclusive of medical benefits which shall be  
39          paid for any injury under any provision of this law or any combination  
40          of provisions shall not exceed twenty thousand dollars (\$20,000) in any  
41          case. With respect to any injury occurring on and after April 1, 1967,  
42          and prior to July 1, 1971, the maximum compensation exclusive of

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

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1 combination of provisions may not exceed eighty-nine thousand dollars  
2 (\$89,000) in any case. With respect to any injury occurring on and after  
3 July 1, 1986, and before July 1, 1988, the maximum compensation,  
4 exclusive of medical benefits, which may be paid for an injury under  
5 any provisions of this law or any combination of provisions may not  
6 exceed ninety-five thousand dollars (\$95,000) in any case. With respect  
7 to any injury occurring on and after July 1, 1988, and before July 1,  
8 1989, the maximum compensation, exclusive of medical benefits,  
9 which may be paid for an injury under any provisions of this law or any  
10 combination of provisions may not exceed one hundred twenty-eight  
11 thousand dollars (\$128,000) in any case.

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

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

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

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

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

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

42 (e) The maximum compensation, exclusive of medical benefits, that



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1 may be paid for an injury under any provision of this law or any  
2 combination of provisions may not exceed the following amounts in  
3 any case:

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

7 (2) With respect to an injury occurring on and after July 1, 1998,  
8 and before July 1, 1999, two hundred thirty-four thousand dollars  
9 (\$234,000).

10 (3) With respect to an injury occurring on and after July 1, 1999,  
11 and before July 1, 2000, two hundred forty-four thousand dollars  
12 (\$244,000).

13 (4) With respect to an injury occurring on and after July 1, 2000,  
14 **and before July 1, 2001**, two hundred fifty-four thousand dollars  
15 (\$254,000).

16 (5) **With respect to an injury occurring on and after July 1,**  
17 **2001, and before July 1, 2002, two hundred seventy-four**  
18 **thousand dollars (\$274,000).**

19 (6) **With respect to an injury occurring on and after July 1,**  
20 **2002, and before July 1, 2003, two hundred ninety-four**  
21 **thousand dollars (\$294,000).**

22 (7) **With respect to an injury occurring on and after July 1,**  
23 **2003, and before July 1, 2004, three hundred fourteen**  
24 **thousand dollars (\$314,000).**

25 (8) **With respect to an injury occurring on and after July 1,**  
26 **2004, three hundred thirty-four thousand dollars (\$334,000).**

27 SECTION 3. IC 22-3-7-16 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16. (a) Compensation  
29 shall be allowed on account of disablement from occupational disease  
30 resulting in only temporary total disability to work or temporary partial  
31 disability to work beginning with the eighth day of such disability  
32 except for the medical benefits provided for in section 17 of this  
33 chapter. Compensation shall be allowed for the first seven (7) calendar  
34 days only as provided in this section. The first weekly installment of  
35 compensation for temporary disability is due fourteen (14) days after  
36 the disability begins. Not later than fifteen (15) days from the date that  
37 the first installment of compensation is due, the employer or the  
38 employer's insurance carrier shall tender to the employee or to the  
39 employee's dependents, with all compensation due, a properly prepared  
40 compensation agreement in a form prescribed by the board. Whenever  
41 an employer or the employer's insurance carrier denies or is not able to  
42 determine liability to pay compensation or benefits, the employer or the

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

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

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

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

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

35 In all other cases the employer must notify the employee in writing of  
 36 the employer's intent to terminate the payment of temporary total  
 37 disability benefits, and of the availability of employment, if any, on a  
 38 form approved by the board. If the employee disagrees with the  
 39 proposed termination, the employee must give written notice of  
 40 disagreement to the board and the employer within seven (7) days after  
 41 receipt of the notice of intent to terminate benefits. If the board and  
 42 employer do not receive a notice of disagreement under this section,



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1 the employee's temporary total disability benefits shall be terminated.  
2 Upon receipt of the notice of disagreement, the board shall immediately  
3 contact the parties, which may be by telephone or other means and  
4 attempt to resolve the disagreement. If the board is unable to resolve  
5 the disagreement within ten (10) days of receipt of the notice of  
6 disagreement, the board shall immediately arrange for an evaluation of  
7 the employee by an independent medical examiner. The independent  
8 medical examiner shall be selected by mutual agreement of the parties  
9 or, if the parties are unable to agree, appointed by the board under  
10 IC 22-3-4-11. If the independent medical examiner determines that the  
11 employee is no longer temporarily disabled or is still temporarily  
12 disabled but can return to employment that the employer has made  
13 available to the employee, or if the employee fails or refuses to appear  
14 for examination by the independent medical examiner, temporary total  
15 disability benefits may be terminated. If either party disagrees with the  
16 opinion of the independent medical examiner, the party shall apply to  
17 the board for a hearing under section 27 of this chapter.

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

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

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

39 For disablements occurring on and after July 1, 1971, and prior to  
40 July 1, 1974, from occupational disease resulting in temporary total  
41 disability for any work there shall be paid to the disabled employee  
42 during such temporary total disability a weekly compensation equal to



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1 sixty percent (60%) of the employee's average weekly wages, as  
2 defined in section 19 of this chapter, for a period not to exceed five  
3 hundred (500) weeks. Compensation shall be allowed for the first seven  
4 (7) calendar days only if the disability continues for longer than  
5 twenty-eight (28) days.

6 For disablements occurring on and after July 1, 1974, and before  
7 July 1, 1976, from occupational disease resulting in temporary total  
8 disability for any work there shall be paid to the disabled employee  
9 during such temporary total disability a weekly compensation equal to  
10 sixty-six and two-thirds percent (66 2/3%) of the employee's average  
11 weekly wages, up to one hundred thirty-five dollars (\$135) average  
12 weekly wages, as defined in section 19 of this chapter, for a period not  
13 to exceed five hundred (500) weeks. Compensation shall be allowed for  
14 the first seven (7) calendar days only if the disability continues for  
15 longer than twenty-one (21) days.

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

25 (f) For disablements occurring on and after April 1, 1951, and prior  
26 to July 1, 1971, from occupational disease resulting in temporary  
27 partial disability for work there shall be paid to the disabled employee  
28 during such disability a weekly compensation equal to sixty percent  
29 (60%) of the difference between the employee's average weekly wages  
30 and the weekly wages at which the employee is actually employed after  
31 the disablement, for a period not to exceed three hundred (300) weeks.  
32 Compensation shall be allowed for the first seven (7) calendar days  
33 only if the disability continues for longer than twenty-eight (28) days.  
34 In case of partial disability after the period of temporary total disability,  
35 the later period shall be included as part of the maximum period  
36 allowed for partial disability.

37 For disablements occurring on and after July 1, 1971, and prior to  
38 July 1, 1974, from occupational disease resulting in temporary partial  
39 disability for work there shall be paid to the disabled employee during  
40 such disability a weekly compensation equal to sixty percent (60%) of  
41 the difference between the employee's average weekly wages, as  
42 defined in section 19 of this chapter, and the weekly wages at which the

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1 employee is actually employed after the disablement, for a period not  
2 to exceed three hundred (300) weeks. Compensation shall be allowed  
3 for the first seven (7) calendar days only if the disability continues for  
4 longer than twenty-eight (28) days. In case of partial disability after the  
5 period of temporary total disability, the latter period shall be included  
6 as a part of the maximum period allowed for partial disability.

7 For disablements occurring on and after July 1, 1974, from  
8 occupational disease resulting in temporary partial disability for work  
9 there shall be paid to the disabled employee during such disability a  
10 weekly compensation equal to sixty-six and two-thirds percent (66  
11 2/3%) of the difference between the employee's average weekly wages,  
12 as defined in section 19 of this chapter, and the weekly wages at which  
13 he is actually employed after the disablement, for a period not to  
14 exceed three hundred (300) weeks. Compensation shall be allowed for  
15 the first seven (7) calendar days only if the disability continues for  
16 longer than twenty-one (21) days. In case of partial disability after the  
17 period of temporary total disability, the latter period shall be included  
18 as a part of the maximum period allowed for partial disability.

19 (g) For disabilities occurring on and after April 1, 1951, and prior  
20 to April 1, 1955, from occupational disease in the following schedule,  
21 the employee shall receive in lieu of all other compensation, on account  
22 of such disabilities, a weekly compensation of sixty percent (60%) of  
23 the employee's average weekly wage; for disabilities occurring on and  
24 after April 1, 1955, and prior to July 1, 1971, from occupational disease  
25 in the following schedule, the employee shall receive in addition to  
26 disability benefits not exceeding twenty-six (26) weeks on account of  
27 said occupational disease a weekly compensation of sixty percent  
28 (60%) of the employee's average weekly wages.

29 For disabilities occurring on and after July 1, 1971, and before July  
30 1, 1977, from occupational disease in the following schedule, the  
31 employee shall receive in addition to disability benefits not exceeding  
32 twenty-six (26) weeks on account of said occupational disease a weekly  
33 compensation of sixty percent (60%) of his average weekly wages not  
34 to exceed one hundred dollars (\$100) average weekly wages, for the  
35 period stated for such disabilities respectively.

36 For disabilities occurring on and after July 1, 1977, and before July  
37 1, 1979, from occupational disease in the following schedule, the  
38 employee shall receive in addition to disability benefits not exceeding  
39 twenty-six (26) weeks on account of the occupational disease a weekly  
40 compensation of sixty percent (60%) of the employee's average weekly  
41 wages, not to exceed one hundred twenty-five dollars (\$125) average  
42 weekly wages, for the period stated for the disabilities.

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1 For disabilities occurring on and after July 1, 1979, and before July  
2 1, 1988, from occupational disease in the following schedule, the  
3 employee shall receive in addition to disability benefits, not exceeding  
4 fifty-two (52) weeks on account of the occupational disease, a weekly  
5 compensation of sixty percent (60%) of the employee's average weekly  
6 wages, not to exceed one hundred twenty-five dollars (\$125) average  
7 weekly wages, for the period stated for the disabilities.

8 For disabilities occurring on and after July 1, 1988, and before July  
9 1, 1989, from occupational disease in the following schedule, the  
10 employee shall receive in addition to disability benefits, not exceeding  
11 seventy-eight (78) weeks on account of the occupational disease, a  
12 weekly compensation of sixty percent (60%) of the employee's average  
13 weekly wages, not to exceed one hundred sixty-six dollars (\$166)  
14 average weekly wages, for the period stated for the disabilities.

15 For disabilities occurring on and after July 1, 1989, and before July  
16 1, 1990, from occupational disease in the following schedule, the  
17 employee shall receive in addition to disability benefits, not exceeding  
18 seventy-eight (78) weeks on account of the occupational disease, a  
19 weekly compensation of sixty percent (60%) of the employee's average  
20 weekly wages, not to exceed one hundred eighty-three dollars (\$183)  
21 average weekly wages, for the period stated for the disabilities.

22 For disabilities occurring on and after July 1, 1990, and before July  
23 1, 1991, from occupational disease in the following schedule, the  
24 employee shall receive in addition to disability benefits, not exceeding  
25 seventy-eight (78) weeks on account of the occupational disease, a  
26 weekly compensation of sixty percent (60%) of the employee's average  
27 weekly wages, not to exceed two hundred dollars (\$200) average  
28 weekly wages, for the period stated for the disabilities.

29 (1) Amputations: For the loss by separation, of the thumb, sixty  
30 (60) weeks; of the index finger, forty (40) weeks; of the second  
31 finger, thirty-five (35) weeks; of the third or ring finger, thirty  
32 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the  
33 hand by separation below the elbow, two hundred (200) weeks; of  
34 the arm above the elbow joint, two hundred fifty (250) weeks; of  
35 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
36 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
37 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
38 the knee joint, one hundred fifty (150) weeks; and of the leg  
39 above the knee joint, two hundred (200) weeks. The loss of more  
40 than one (1) phalange of a thumb or toe shall be considered as the  
41 loss of the entire thumb or toe. The loss of more than two (2)  
42 phalanges of a finger shall be considered as the loss of the entire

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

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

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

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

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

41 (3) The loss of more than one (1) phalange of a thumb or toe shall  
 42 be considered as the loss of the entire thumb or toe. The loss of

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- 1 more than two (2) phalanges of a finger shall be considered as the  
 2 loss of the entire finger. The loss of not more than one (1)  
 3 phalange of a thumb or toe shall be considered as the loss of  
 4 one-half (1/2) of the degrees of permanent impairment for the loss  
 5 of the entire thumb or toe. The loss of not more than one (1)  
 6 phalange of a finger shall be considered as the loss of one-third  
 7 (1/3) of the finger and compensation shall be paid for one-third  
 8 (1/3) of the degrees payable for the loss of the entire finger. The  
 9 loss of more than one (1) phalange of the finger but not more than  
 10 two (2) phalanges of the finger shall be considered as the loss of  
 11 one-half (1/2) of the finger and compensation shall be paid for  
 12 one-half (1/2) of the degrees payable for the loss of the entire  
 13 finger.
- 14 (4) For the loss by separation of both hands or both feet or the  
 15 total sight of both eyes or any two (2) such losses in the same  
 16 accident, one hundred (100) degrees of permanent impairment.
- 17 (5) For the permanent and complete loss of vision by enucleation  
 18 or its reduction to one-tenth (1/10) of normal vision with glasses,  
 19 thirty-five (35) degrees of permanent impairment.
- 20 (6) For the permanent and complete loss of hearing in one (1) ear,  
 21 fifteen (15) degrees of permanent impairment, and in both ears,  
 22 forty (40) degrees of permanent impairment.
- 23 (7) For the loss of one (1) testicle, (10) ten degrees of permanent  
 24 impairment; for the loss of both testicles, thirty (30) degrees of  
 25 permanent impairment.
- 26 (8) Loss of use: The total permanent loss of the use of an arm, a  
 27 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be  
 28 considered as the equivalent of the loss by separation of the arm,  
 29 hand, thumb, finger, leg, foot, toe, or phalange, and compensation  
 30 shall be paid in the same amount as for the loss by separation.  
 31 However, the doubling provision of subdivision (2) does not  
 32 apply to a loss of use that is not a loss by separation.
- 33 (9) Partial loss of use: For the permanent partial loss of the use of  
 34 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a  
 35 phalange, compensation shall be paid for the proportionate loss of  
 36 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 37 (10) For disablements resulting in total permanent disability, the  
 38 amount payable for impairment or five hundred (500) weeks of  
 39 compensation, whichever is greater.
- 40 (11) For any permanent reduction of the sight of an eye less than  
 41 a total loss as specified in subdivision (3), the compensation shall  
 42 be paid in an amount proportionate to the degree of a permanent

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

8 (12) For any permanent reduction of the hearing of one (1) or both  
9 ears, less than the total loss as specified in subdivision (4),  
10 compensation shall be paid in an amount proportionate to the  
11 degree of a permanent reduction.

12 (13) In all other cases of permanent partial impairment,  
13 compensation proportionate to the degree of a permanent partial  
14 impairment, in the discretion of the worker's compensation board,  
15 not exceeding one hundred (100) degrees of permanent  
16 impairment.

17 (14) In all cases of permanent disfigurement which may impair  
18 the future usefulness or opportunities of the employee,  
19 compensation, in the discretion of the worker's compensation  
20 board, not exceeding forty (40) degrees of permanent impairment  
21 except that no compensation shall be payable under this  
22 subdivision where compensation is payable elsewhere in this  
23 section.

24 (h) With respect to disablements occurring on and after July 1,  
25 1991, compensation for permanent partial impairment shall be paid  
26 according to the degree of permanent impairment for the disablement  
27 determined under subsection (d) and the following:

28 (1) With respect to disablements occurring on and after July 1,  
29 1991, and before July 1, 1992, for each degree of permanent  
30 impairment from one (1) to thirty-five (35), five hundred dollars  
31 (\$500) per degree; for each degree of permanent impairment from  
32 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per  
33 degree; for each degree of permanent impairment above fifty (50),  
34 one thousand five hundred dollars (\$1,500) per degree.

35 (2) With respect to disablements occurring on and after July 1,  
36 1992, and before July 1, 1993, for each degree of permanent  
37 impairment from one (1) to twenty (20), five hundred dollars  
38 (\$500) per degree; for each degree of permanent impairment from  
39 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
40 per degree; for each degree of permanent impairment from  
41 thirty-six (36) to fifty (50), one thousand three hundred dollars  
42 (\$1,300) per degree; for each degree of permanent impairment

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- 1 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
 2 degree.
- 3 (3) With respect to disablements occurring on and after July 1,  
 4 1993, and before July 1, 1997, for each degree of permanent  
 5 impairment from one (1) to ten (10), five hundred dollars (\$500)  
 6 per degree; for each degree of permanent impairment from eleven  
 7 (11) to twenty (20), seven hundred dollars (\$700) per degree; for  
 8 each degree of permanent impairment from twenty-one (21) to  
 9 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
 10 each degree of permanent impairment from thirty-six (36) to fifty  
 11 (50), one thousand four hundred dollars (\$1,400) per degree; for  
 12 each degree of permanent impairment above fifty (50), one  
 13 thousand seven hundred dollars (\$1,700) per degree.
- 14 (4) With respect to disablements occurring on and after July 1,  
 15 1997, and before July 1, 1998, for each degree of permanent  
 16 impairment from one (1) to ten (10), seven hundred fifty dollars  
 17 (\$750) per degree; for each degree of permanent impairment from  
 18 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
 19 degree; for each degree of permanent impairment from thirty-six  
 20 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
 21 degree; for each degree of permanent impairment above fifty (50),  
 22 one thousand seven hundred dollars (\$1,700) per degree.
- 23 (5) With respect to disablements occurring on and after July 1,  
 24 1998, and before July 1, 1999, for each degree of permanent  
 25 impairment from one (1) to ten (10), seven hundred fifty dollars  
 26 (\$750) per degree; for each degree of permanent impairment from  
 27 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
 28 degree; for each degree of permanent impairment from thirty-six  
 29 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
 30 degree; for each degree of permanent impairment above fifty (50),  
 31 one thousand seven hundred dollars (\$1,700) per degree.
- 32 (6) With respect to disablements occurring on and after July 1,  
 33 1999, **and before July 1, 2000**, for each degree of permanent  
 34 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
 35 per degree; for each degree of permanent impairment from eleven  
 36 (11) to thirty-five (35), one thousand one hundred dollars  
 37 (\$1,100) per degree; for each degree of permanent impairment  
 38 from thirty-six (36) to fifty (50), one thousand six hundred dollars  
 39 (\$1,600) per degree; for each degree of permanent impairment  
 40 above fifty (50), two thousand dollars (\$2,000) per degree.
- 41 **(7) With respect to injuries occurring on and after July 1,**  
 42 **2000, and before July 1, 2002, for each degree of permanent**

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1           impairment from one (1) to ten (10), one thousand dollars  
 2           (\$1,000) per degree; for each degree of permanent  
 3           impairment from eleven (11) to thirty-five (35), one thousand  
 4           two hundred dollars (\$1,200) per degree; for each degree of  
 5           permanent impairment from thirty-six (36) to fifty (50), one  
 6           thousand eight hundred dollars (\$1,800) per degree; for each  
 7           degree of permanent impairment above fifty (50), two  
 8           thousand two hundred fifty dollars (\$2,250) per degree.

9           (8) With respect to injuries occurring on and after July 1,  
 10          2002, for each degree of permanent impairment from one (1)  
 11          to ten (10), one thousand two hundred dollars (\$1,200) per  
 12          degree; for each degree of permanent impairment from eleven  
 13          (11) to thirty-five (35), one thousand four hundred dollars  
 14          (\$1,400) per degree; for each degree of permanent  
 15          impairment from thirty-six (36) to fifty (50), two thousand  
 16          dollars (\$2,000) per degree; for each degree of permanent  
 17          impairment above fifty (50), two thousand five hundred  
 18          dollars (\$2,500) per degree.

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

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

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

27           (3) With respect to disablements occurring on or after July 1,  
 28           1993, and before July 1, 1994, five hundred ninety-one dollars  
 29           (\$591).

30           (4) With respect to disablements occurring on or after July 1,  
 31           1994, and before July 1, 1997, six hundred forty-two dollars  
 32           (\$642).

33           (5) With respect to disablements occurring on or after July 1,  
 34           1997, and before July 1, 1998, six hundred seventy-two dollars  
 35           (\$672).

36           (6) With respect to disablements occurring on or after July 1,  
 37           1998, and before July 1, 1999, seven hundred two dollars (\$702).

38           (7) With respect to disablements occurring on or after July 1,  
 39           1999, and before July 1, 2000, seven hundred thirty-two dollars  
 40           (\$732).

41           (8) With respect to disablements occurring on or after July 1,  
 42           2000, and before July 1, 2001, seven hundred sixty-two dollars



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- 1 (\$762).
- 2 **(9) With respect to injuries occurring on or after July 1, 2001,**
- 3 **and before July 1, 2002, eight hundred twenty-two dollars**
- 4 **(\$822).**
- 5 **(10) With respect to injuries occurring on or after July 1,**
- 6 **2002, and before July 1, 2003, eight hundred eighty-two**
- 7 **dollars (\$882).**
- 8 **(11) With respect to injuries occurring on or after July 1,**
- 9 **2003, and before July 1, 2004, nine hundred forty-two dollars**
- 10 **(\$942).**
- 11 **(12) With respect to injuries occurring on or after July 1,**
- 12 **2004, one thousand two dollars (\$1,002).**
- 13 (j) If any employee, only partially disabled, refuses employment
- 14 suitable to his capacity procured for him, he shall not be entitled to any
- 15 compensation at any time during the continuance of such refusal
- 16 unless, in the opinion of the worker's compensation board, such refusal
- 17 was justifiable. The employee must be served with a notice setting forth
- 18 the consequences of the refusal under this subsection. The notice must
- 19 be in a form prescribed by the worker's compensation board.
- 20 (k) If an employee has sustained a permanent impairment or
- 21 disability from an accidental injury other than an occupational disease
- 22 in another employment than that in which he suffered a subsequent
- 23 disability from an occupational disease, such as herein specified, the
- 24 employee shall be entitled to compensation for the subsequent
- 25 disability in the same amount as if the previous impairment or
- 26 disability had not occurred. However, if the permanent impairment or
- 27 disability resulting from an occupational disease for which
- 28 compensation is claimed results only in the aggravation or increase of
- 29 a previously sustained permanent impairment from an occupational
- 30 disease or physical condition regardless of the source or cause of such
- 31 previously sustained impairment from an occupational disease or
- 32 physical condition, the board shall determine the extent of the
- 33 previously sustained permanent impairment from an occupational
- 34 disease or physical condition as well as the extent of the aggravation or
- 35 increase resulting from the subsequent permanent impairment or
- 36 disability, and shall award compensation only for that part of said
- 37 occupational disease or physical condition resulting from the
- 38 subsequent permanent impairment. An amputation of any part of the
- 39 body or loss of any or all of the vision of one (1) or both eyes caused by
- 40 an occupational disease shall be considered as a permanent impairment
- 41 or physical condition.
- 42 (l) If an employee suffers a disablement from occupational disease

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

10 (m) If an employee receives a permanent disability from  
 11 occupational disease such as specified in subsection (g)(1), (g)(2),  
 12 (g)(3), (g)(6), or (g)(7), after having sustained another such permanent  
 13 disability in the same employment the employee shall be entitled to  
 14 compensation for both such disabilities, but the total compensation  
 15 shall be paid by extending the period and not by increasing the amount  
 16 of weekly compensation and, when such previous and subsequent  
 17 permanent disabilities, in combination result in total permanent  
 18 disability or permanent total impairment, compensation shall be  
 19 payable for such permanent total disability or impairment, but  
 20 payments made for the previous disability or impairment shall be  
 21 deducted from the total payment of compensation due.

22 (n) When an employee has been awarded or is entitled to an award  
 23 of compensation for a definite period under this chapter for disability  
 24 from occupational disease, which disablement occurs on and after April  
 25 1, 1951, and prior to April 1, 1963, and such employee dies from any  
 26 other cause than such occupational disease, payment of the unpaid  
 27 balance of such compensation, not exceeding three hundred (300)  
 28 weeks, shall be made to the employee's dependents of the second and  
 29 third class as defined in sections 11 through 14 of this chapter, and  
 30 compensation, not exceeding five hundred (500) weeks, shall be made  
 31 to the employee's dependents of the first class as defined in sections 11  
 32 through 14 of this chapter. When an employee has been awarded or is  
 33 entitled to an award of compensation for a definite period from an  
 34 occupational disease wherein disablement occurs on and after April 1,  
 35 1963, and such employee dies from other causes than such  
 36 occupational disease, payment of the unpaid balance of such  
 37 compensation not exceeding three hundred fifty (350) weeks shall be  
 38 paid to the employee's dependents of the second and third class as  
 39 defined in sections 11 through 14 of this chapter and compensation, not  
 40 exceeding five hundred (500) weeks shall be made to the employee's  
 41 dependents of the first class as defined in sections 11 through 14 of this  
 42 chapter.



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

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

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

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

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

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

33 SECTION 4. IC 22-3-7-19 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) In computing  
35 compensation for temporary total disability, temporary partial  
36 disability, and total permanent disability under this law with respect to  
37 occupational diseases occurring:

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

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

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

42 (2) on and after July 1, 1976, and before July 1, 1977, the average

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



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1 temporary partial disability, and total permanent disability, with respect  
2 to occupational diseases occurring on and after July 1, 1989, and before  
3 July 1, 1990, the average weekly wages are considered to be:

4 (1) not more than four hundred eleven dollars (\$411); and

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

6 (f) In computing compensation for temporary total disability,  
7 temporary partial disability, and total permanent disability, with respect  
8 to occupational diseases occurring on and after July 1, 1990, and before  
9 July 1, 1991, the average weekly wages are considered to be:

10 (1) not more than four hundred forty-one dollars (\$441); and

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

12 (g) In computing compensation for temporary total disability,  
13 temporary partial disability, and total permanent disability, with respect  
14 to occupational diseases occurring on and after July 1, 1991, and before  
15 July 1, 1992, the average weekly wages are considered to be:

16 (1) not more than four hundred ninety-two dollars (\$492); and

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

18 (h) In computing compensation for temporary total disability,  
19 temporary partial disability, and total permanent disability, with respect  
20 to occupational diseases occurring on and after July 1, 1992, and before  
21 July 1, 1993, the average weekly wages are considered to be:

22 (1) not more than five hundred forty dollars (\$540); and

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

24 (i) In computing compensation for temporary total disability,  
25 temporary partial disability, and total permanent disability, with respect  
26 to occupational diseases occurring on and after July 1, 1993, and before  
27 July 1, 1994, the average weekly wages are considered to be:

28 (1) not more than five hundred ninety-one dollars (\$591); and

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

30 (j) In computing compensation for temporary total disability,  
31 temporary partial disability and total permanent disability, with respect  
32 to occupational diseases occurring on and after July 1, 1994, and before  
33 July 1, 1997, the average weekly wages are considered to be:

34 (1) not more than six hundred forty-two dollars (\$642); and

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

36 (k) In computing compensation for temporary total disability,  
37 temporary partial disability, and total permanent disability, the average  
38 weekly wages are considered to be:

39 (1) with respect to occupational diseases occurring on and after  
40 July 1, 1997, and before July 1, 1998:

41 (A) not more than six hundred seventy-two dollars (\$672); and

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

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- 1 (2) with respect to occupational diseases occurring on and after  
 2 July 1, 1998, and before July 1, 1999:  
 3 (A) not more than seven hundred two dollars (\$702); and  
 4 (B) not less than seventy-five dollars (\$75);  
 5 (3) with respect to occupational diseases occurring on and after  
 6 July 1, 1999, and before July 1, 2000:  
 7 (A) not more than seven hundred thirty-two dollars (\$732);  
 8 and  
 9 (B) not less than seventy-five dollars (\$75); ~~and~~  
 10 (4) with respect to occupational diseases ~~occurring~~ **occurring** on  
 11 and after July 1, 2000, **and before July 1, 2001:**  
 12 (A) not more than seven hundred sixty-two dollars (\$762); and  
 13 (B) not less than seventy-five dollars (\$75);  
 14 **(5) with respect to injuries occurring on and after July 1,**  
 15 **2001, and before July 1, 2002:**  
 16 (A) **not more than eight hundred twenty-two dollars**  
 17 **(\$822); and**  
 18 **(B) not less than seventy-five dollars (\$75);**  
 19 **(6) with respect to injuries occurring on and after July 1,**  
 20 **2002, and before July 1, 2003:**  
 21 (A) **not more than eight hundred eighty-two dollars (\$882);**  
 22 **and**  
 23 **(B) not less than seventy-five dollars (\$75);**  
 24 **(7) with respect to injuries occurring on and after July 1,**  
 25 **2003, and before July 1, 2004:**  
 26 (A) **not more than nine hundred forty-two dollars (\$942);**  
 27 **and**  
 28 **(B) not less than seventy-five dollars (\$75); and**  
 29 **(8) with respect to injuries occurring on and after July 1,**  
 30 **2004:**  
 31 (A) **not more than one thousand two dollars (\$1,002); and**  
 32 (B) **not less than seventy-five dollars (\$75).**  
 33 (l) The maximum compensation that shall be paid for occupational  
 34 disease and its results under any one (1) or more provisions of this  
 35 chapter with respect to disability or death occurring:  
 36 (1) on and after July 1, 1974, and before July 1, 1976, shall not  
 37 exceed forty-five thousand dollars (\$45,000) in any case;  
 38 (2) on and after July 1, 1976, and before July 1, 1977, shall not  
 39 exceed fifty-two thousand dollars (\$52,000) in any case;  
 40 (3) on and after July 1, 1977, and before July 1, 1979, may not  
 41 exceed sixty thousand dollars (\$60,000) in any case;  
 42 (4) on and after July 1, 1979, and before July 1, 1980, may not

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1 exceed sixty-five thousand dollars (\$65,000) in any case;  
2 (5) on and after July 1, 1980, and before July 1, 1983, may not  
3 exceed seventy thousand dollars (\$70,000) in any case;  
4 (6) on and after July 1, 1983, and before July 1, 1984, may not  
5 exceed seventy-eight thousand dollars (\$78,000) in any case; and  
6 (7) on and after July 1, 1984, and before July 1, 1985, may not  
7 exceed eighty-three thousand dollars (\$83,000) in any case.

8 (m) The maximum compensation with respect to disability or death  
9 occurring on and after July 1, 1985, and before July 1, 1986, which  
10 shall be paid for occupational disease and the results thereof under the  
11 provisions of this chapter or under any combination of its provisions  
12 may not exceed eighty-nine thousand dollars (\$89,000) in any case.  
13 The maximum compensation with respect to disability or death  
14 occurring on and after July 1, 1986, and before July 1, 1988, which  
15 shall be paid for occupational disease and the results thereof under the  
16 provisions of this chapter or under any combination of its provisions  
17 may not exceed ninety-five thousand dollars (\$95,000) in any case. The  
18 maximum compensation with respect to disability or death occurring  
19 on and after July 1, 1988, and before July 1, 1989, that shall be paid for  
20 occupational disease and the results thereof under this chapter or under  
21 any combination of its provisions may not exceed one hundred  
22 twenty-eight thousand dollars (\$128,000) in any case.

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

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

33 (p) The maximum compensation with respect to disability or death  
34 occurring on and after July 1, 1991, and before July 1, 1992, 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 sixty-four thousand dollars (\$164,000) in any  
38 case.

39 (q) The maximum compensation with respect to disability or death  
40 occurring on and after July 1, 1992, and before July 1, 1993, 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 one hundred eighty thousand dollars (\$180,000) in any case.

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

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

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

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

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

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

27 (4) With respect to disability or death occurring on and after July  
28 1, 2000, **and before July 1, 2001**, two hundred fifty-four  
29 thousand dollars (\$254,000).

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

33 (6) **With respect to an injury occurring on and after July 1,**  
34 **2002, and before July 1, 2003, two hundred ninety-four**  
35 **thousand dollars (\$294,000).**

36 (7) **With respect to an injury occurring on and after July 1,**  
37 **2003, and before July 1, 2004, three hundred fourteen**  
38 **thousand dollars (\$314,000).**

39 (8) **With respect to an injury occurring on and after July 1,**  
40 **2004, three hundred thirty-four thousand dollars (\$334,000).**

41 (u) For all disabilities occurring before July 1, 1985, "average  
42 weekly wages" shall mean the earnings of the injured employee in the

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

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



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

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

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1050, 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:

Page 2, line 3, after "agency." insert **"If the treatment or travel to or from the place of treatment causes a loss of working time to the employee, the employer shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage."**

Page 8, line 42, before "An" insert **"If a determination of liability is not made within thirty (30) days and the employer is subsequently determined to be liable to pay compensation, the first installment of compensation must include the accrued weekly compensation and interest at the legal rate of interest specified in IC 24-4.6-1-101 computed from the date fourteen (14) days after the disability begins."**

Page 29, delete lines 16 through 42.

Page 34, line 36, before "An" insert **"If a determination of liability is not made within thirty (30) days and the employer is subsequently determined to be liable to pay compensation, the first installment of compensation must include the accrued weekly compensation and interest at the legal rate of interest specified in IC 24-4.6-1-101 computed from the date fourteen (14) days after the disability begins."**

Page 51, line 18, after "employees." insert **"If the treatment or travel to or from the place of treatment causes a loss of working time to the employee, the employer shall reimburse the employee for the loss of wages using the basis of the employee's average daily wage."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1050 as introduced.)

LIGGETT, Chair

Committee Vote: yeas 9, nays 5.

EH 1050—LS 6518/DI 94+



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HOUSE MOTION

Mr. Speaker: I move that House Bill 1050 be amended to read as follows:

Page 1, delete lines 1 through 6.

Page 4, line 36, after "IC 22-3-6." insert "**Upon reasonable notice and upon the employee's presentation of a written consent for release of the employee's health records as provided in IC 16-39-1-4, the physician or surgeon shall supply to the employee, the employee's attorney, or another authorized representative, the health records (including x-rays) possessed by the physician or surgeon concerning the employee.**".

Page 29, delete lines 25 through 42.

Delete pages 30 through 32.

Page 33, delete lines 1 through 24.

Page 63, delete lines 21 through 22.

Renumber all SECTIONS consecutively.

(Reference is to HB 1050 as printed January 14, 2000.)

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1050 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 2, line 17, delete "employer's" and insert "**employee's**".

Page 6, line 13, delete "employer's" and insert "**employee's**".

Page 44, line 2, delete "NEW" and insert "**NEW**".

Page 47, line 26, delete "employer's" and insert "**employee's**".

Page 57, line 24, delete "employer's" and insert "**employee's**".

(Reference is to HB 1050 as reprinted January 20, 2000.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred House Bill 1050, begs leave to report that said bill has been amended as directed.

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred House Bill No. 1050, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 9.

Page 10, delete lines 1 through 24.

Page 10, line 25, after "IC 22-3-3-10" insert ", AS AMENDED BY P.L.235-1999, SECTION 2,".

Page 18, delete lines 31 through 42, begin a new line block indented and insert:

**"(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand two hundred dollars (\$1, 200) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand eight hundred dollars (\$1,800) per degree; for each degree of permanent impairment above fifty (50), two thousand two hundred fifty dollars (\$2,250) per degree.**

**(8) With respect to injuries occurring on and after July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), one thousand two hundred dollars (\$1,200) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree."**

Page 19, delete lines 1 through 20.

Page 19, line 41, delete "thirty-eight" and insert "**twenty-two**".

Page 19, line 42, delete "\$838" and insert "**(\$822)**".

Page 20, line 2, delete "nine hundred fourteen dollars (\$914)" and insert "**and before July 1, 2003, eight hundred eighty-two dollars (\$882)**".

Page 20, delete lines 3 through 42, begin a new line block indented and insert:

**"(11) With respect to injuries occurring on or after July 1,**

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**2003, and before July 1, 2004, nine hundred forty-two dollars (\$942).**

**(12) With respect to injuries occurring on or after July 1, 2004, one thousand two dollars (\$1,002)."**

Page 21, delete lines 1 through 6.

Page 25, delete lines 3 through 12, begin a new line block indented and insert:

**"(5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:**

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

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

**(6) with respect to injuries occurring on and after July 1, 2002, and before July 1, 2003:**

**(A) not more than eight hundred eighty-two dollars (\$882); and**

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

**(7) with respect to injuries occurring on and after July 1, 2003, and before July 1, 2004:**

**(A) not more than nine hundred forty-two dollars (\$942); and**

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

**(8) with respect to injuries occurring on and after July 1, 2004:**

**(A) not more than one thousand two dollars (\$1,002); and**

**(B) not less than seventy-five dollars (\$75)."**

Page 28, delete lines 15 through 42, begin a new line block indented and insert:

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

**(6) With respect to an injury occurring on and after July 1, 2002, and before July 1, 2003, two hundred ninety-four thousand dollars (\$294,000).**

**(7) With respect to an injury occurring on and after July 1, 2003, and before July 1, 2004, three hundred fourteen thousand dollars (\$314,000).**

**(8) With respect to an injury occurring on and after July 1, 2004, three hundred thirty-four thousand dollars (\$334,000)."**

Page 29, delete lines 1 through 24.

Page 30, delete lines 18 through 22.

Page 30, line 23, delete "fourteen (14) days after the disability

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begins."

Page 40, delete lines 3 through 34, begin a new line block indented and insert:

**"(7) With respect to injuries occurring on and after July 1, 2000, and before July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand two hundred dollars (\$1,200) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand eight hundred dollars (\$1,800) per degree; for each degree of permanent impairment above fifty (50), two thousand two hundred fifty dollars (\$2,250) per degree.**

**(8) With respect to injuries occurring on and after July 1, 2002, for each degree of permanent impairment from one (1) to ten (10), one thousand two hundred dollars (\$1,200) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree."**

Page 41, line 19, delete "thirty-eight" and insert "**twenty-two**".

Page 41, line 20, delete "\$838" and insert "**(\$822)**".

Page 41, line 22, delete "nine hundred fourteen dollars (\$914)" and insert "**and before July 1, 2003, eight hundred eighty-two dollars (\$882)**".

Page 41, between lines 22 and 23, begin a new line block indented and insert:

**"(11) With respect to injuries occurring on or after July 1, 2003, and before July 1, 2004, nine hundred forty-two dollars (\$942).**

**(12) With respect to injuries occurring on or after July 1, 2004, one thousand two dollars (\$1,002)."**

Delete pages 44 through 48.

Page 49, delete lines 1 through 21.

Page 52, delete lines 3 through 12, begin a new line block indented and insert:

**"(5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:**

**(A) not more than eight hundred twenty-two dollars**



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- (\$822); and
- (B) not less than seventy-five dollars (\$75);
- (6) with respect to injuries occurring on and after July 1, 2002, and before July 1, 2003:
  - (A) not more than eight hundred eighty-two dollars (\$882); and
  - (B) not less than seventy-five dollars (\$75);
- (7) with respect to injuries occurring on and after July 1, 2003, and before July 1, 2004:
  - (A) not more than nine hundred forty-two dollars (\$942); and
  - (B) not less than seventy-five dollars (\$75); and
- (8) with respect to injuries occurring on and after July 1, 2004:
  - (A) not more than one thousand two dollars (\$1,002); and
  - (B) not less than seventy-five dollars (\$75)."

Page 54, delete lines 10 through 15, begin a new line block indented and insert:

- "(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).
- (6) With respect to an injury occurring on and after July 1, 2002, and before July 1, 2003, two hundred ninety-four thousand dollars (\$294,000).
- (7) With respect to an injury occurring on and after July 1, 2003, and before July 1, 2004, three hundred fourteen thousand dollars (\$314,000).
- (8) With respect to an injury occurring on and after July 1, 2004, three hundred thirty-four thousand dollars (\$334,000)."

Page 55, delete lines 33 through 42.

Delete pages 56 through 59.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1050 as reprinted January 27, 2000.)

HARRISON, Chairperson

Committee Vote: Yeas 5, Nays 4.



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