



Reprinted  
February 22, 2000

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# ENGROSSED SENATE BILL No. 52

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DIGEST OF SB 52 (Updated February 21, 2000 3:41 PM - DI 22)

**Citations Affected:** IC 22-3; IC 22-4; IC 23-1; IC 25-1.

**Synopsis:** Makes numerous changes regarding worker's compensation and unemployment compensation, including the following changes to worker's compensation: (1) Bars recovery of expenses by a claimant under certain circumstances. (2) Limits the attorney's fees required to be paid by the employer. (3) Makes changes regarding compromise settlements. (4) Provides that no compensation or expenses shall be paid until notice of injury is given to the employer or the employer obtains knowledge of the injury. (5) Provides that if a physical examination (or traveling to an examination) causes an employee a loss of working time, the employer must compensate the employee as if the absence from work were a temporary partial disability. (6) Requires an award for temporary total disability or temporary partial disability compensation to be supported by medical opinion evidence of disability in certain circumstances. (7) Increases the average weekly wages used in the determination of benefits. (8) Removes from the list of presumptive dependents an unmarried child over the age of 21 who at the time of death of the parent is keeping house for and living with the parent and is not otherwise employed. (9) Limits the \$20,000 maximum amount of a bad faith claim to the life of the claim for benefits arising from an injury. (10) Excludes mental or emotional  
(Continued next page)

**Effective:** July 1, 2000.

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## Harrison

(HOUSE SPONSORS — LIGGETT, TORR)

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November 17, 1999, read first time and referred to Committee on Rules and Legislative Procedure.

January 13, 2000, amended; reassigned to Committee on Pensions and Labor.

January 28, 2000, amended, reported favorably — Do Pass.

January 31, 2000, read second time, amended, ordered engrossed.

February 1, 2000, engrossed.

February 7, 2000, read third time, passed. Yeas 29, nays 21.

HOUSE ACTION

February 10, 2000, read first time and referred to Committee on Labor and Employment.

February 17, 2000, reported — Do Pass.

February 21, 2000, read second time, amended, ordered engrossed.

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injury resulting from work-related stress in certain circumstances. (11) Defines "total permanent disability". (12) Provides that if the worker's compensation board determines that a claimant's application for benefits was fraudulent or in bad faith, the board shall fix the amount of the attorney's fees to be paid by the claimant. (13) Provides that a parent or a subsidiary of a corporation or a lessor of employees is the employer for purposes of determining the exclusive remedy under the worker's compensation law. Makes the following changes to workers' compensation: (1) Makes changes as to the issue of default as to assessment. (2) Provides that the directors and officers of an employer have personal liability for unemployment assessments owed by the employer. (3) Allows unemployment insurance records to be disclosed if the individual and the employing unit authorize the disclosure. (4) Provides that the health professions bureau and the professional licensing agency may allow the department of workforce development to have access to the name of each person who has a license or has applied for a license, and they may deny a license to a person who has unpaid liability with the department of workforce development.

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Reprinted  
February 22, 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 SENATE BILL No. 52

A BILL FOR AN ACT to amend the Indiana Code concerning worker's compensation and occupational diseases compensation.

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

1 SECTION 1. IC 22-3-3-4 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2000]: Sec. 4. (a) After an injury and prior to  
3 an adjudication of permanent impairment, the employer shall furnish  
4 or cause to be furnished, free of charge to the employee, an attending  
5 physician for the treatment of his injuries, and in addition thereto such  
6 surgical, hospital and nursing services and supplies as the attending  
7 physician or the worker's compensation board may deem necessary. If  
8 the employee is requested or required by the employer to submit to  
9 treatment outside the county of employment, the employer shall also  
10 pay the reasonable expense of travel, food, and lodging necessary  
11 during the travel, but not to exceed the amount paid at the time of the  
12 travel by the state to its employees under the state travel policies and  
13 procedures established by the department of administration and  
14 approved by the state budget agency. **If the treatment or travel to or  
15 from the place of treatment causes a loss of working time to the  
16 employee, the employer shall reimburse the employee for the loss  
17 of wages using the basis of the employee's average daily wage.**

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1 (b) During the period of temporary total disability resulting from the  
2 injury, the employer shall furnish the physician services, and supplies,  
3 and the worker's compensation board may, on proper application of  
4 either party, require that treatment by the physician and services and  
5 supplies be furnished by or on behalf of the employer as the worker's  
6 compensation board may deem reasonably necessary.

7 (c) **No representative of the employer or insurance carrier,**  
8 **including case managers or rehabilitation nurses, may be present**  
9 **at any treatment of an injured employee without the express**  
10 **written consent of the employee and the treating medical**  
11 **personnel. At the time of any medical treatment that a**  
12 **representative of the employer wishes to attend, the representative**  
13 **of the employer shall inform the injured employee and treating**  
14 **medical personnel that their written consent is required before the**  
15 **attendance of the employer's representative. The employee's**  
16 **compensation and benefits may not be jeopardized in any way due**  
17 **to the employee's failure or refusal to complete a written waiver**  
18 **allowing the attendance of the employer's representative. The**  
19 **employer's representative may not in any way cause the employee**  
20 **to believe that the employee's compensation and benefits will be**  
21 **terminated if the employee fails or refuses to complete a written**  
22 **waveer allowing the attendance of the employer's representative.**  
23 **The written waivers shall be executed on forms prescribed by the**  
24 **board.**

25 (d) After an employee's injury has been adjudicated by agreement  
26 or award on the basis of permanent partial impairment and within the  
27 statutory period for review in such case as provided in section 27 of  
28 this chapter, the employer may continue to furnish a physician or  
29 surgeon and other medical services and supplies, and the worker's  
30 compensation board may within the statutory period for review as  
31 provided in section 27 of this chapter, on a proper application of either  
32 party, require that treatment by that physician and other medical  
33 services and supplies be furnished by and on behalf of the employer as  
34 the worker's compensation board may deem necessary to limit or  
35 reduce the amount and extent of the employee's impairment. The  
36 refusal of the employee to accept such services and supplies, when  
37 provided by or on behalf of the employer, shall bar the employee from  
38 all compensation otherwise payable during the period of the refusal,  
39 and his right to prosecute any proceeding under IC 22-3-2 through  
40 IC 22-3-6 shall be suspended and abated until the employee's refusal  
41 ceases. The employee must be served with a notice setting forth the  
42 consequences of the refusal under this section. The notice must be in

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1 a form prescribed by the worker's compensation board. No  
 2 compensation for permanent total impairment, permanent partial  
 3 impairment, permanent disfigurement, or death shall be paid or payable  
 4 for that part or portion of the impairment, disfigurement, or death  
 5 which is the result of the failure of the employee to accept the  
 6 treatment, services, and supplies required under this section. However,  
 7 an employer may at any time permit an employee to have treatment for  
 8 his injuries by spiritual means or prayer in lieu of the physician or  
 9 surgeon and other medical services and supplies required under this  
 10 section.

11 ~~(d)~~ (e) If, because of an emergency, or because of the employer's  
 12 failure to provide an attending physician or surgical, hospital, or  
 13 nursing services and supplies, or treatment by spiritual means or  
 14 prayer, as required by this section, or because of any other good reason,  
 15 a physician other than that provided by the employer treats the injured  
 16 employee during the period of the employee's temporary total  
 17 disability, or necessary and proper surgical, hospital, or nursing  
 18 services and supplies are procured within the period, the reasonable  
 19 cost of those services and supplies shall, subject to the approval of the  
 20 worker's compensation board, be paid by the employer.

21 ~~(e)~~ (f) Regardless of when it occurs, where a compensable injury  
 22 results in the amputation of a body part, the enucleation of an eye, or  
 23 the loss of natural teeth, the employer shall furnish an appropriate  
 24 artificial member, braces, and prosthodontics. The cost of repairs to or  
 25 replacements for the artificial members, braces, or prosthodontics that  
 26 result from a compensable injury pursuant to a prior award and are  
 27 required due to either medical necessity or normal wear and tear,  
 28 determined according to the employee's individual use, but not abuse,  
 29 of the artificial member, braces, or prosthodontics, shall be paid from  
 30 the second injury fund upon order or award of the worker's  
 31 compensation board. The employee is not required to meet any other  
 32 requirement for admission to the second injury fund.

33 ~~(f)~~ (g) If an accident arising out of and in the course of employment  
 34 after June 30, 1997, results in the loss of or damage to an artificial  
 35 member, a brace, an implant, eyeglasses, prosthodontics, or other  
 36 medically prescribed device, the employer shall repair the artificial  
 37 member, brace, implant, eyeglasses, prosthodontics, or other medically  
 38 prescribed device or furnish an identical or a reasonably equivalent  
 39 replacement.

40 ~~(g)~~ (h) This section may not be construed to prohibit an agreement  
 41 between an employer and the employer's employees that has the  
 42 approval of the board and that binds the parties to:

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1 (1) medical care furnished by health care providers selected by  
2 agreement before or after injury; or

3 (2) the findings of a health care provider who was chosen by  
4 agreement.

5 **(i) After medical treatment has commenced, neither the**  
6 **employer nor the insurance carrier is entitled to transfer or**  
7 **otherwise redirect treatment to other treating medical personnel,**  
8 **except in an emergency situation, unless the employee requests the**  
9 **transfer or redirected treatment, the treating medical personnel**  
10 **requests discontinuance of providing treatment, or there is other**  
11 **good cause. If the employer or insurance carrier wishes to transfer**  
12 **treatment for good cause, a transfer may not be permitted unless**  
13 **and until the board issues an order granting the request. The**  
14 **request shall be made on forms prescribed by the board.**

15 SECTION 2. IC 22-3-3-6 IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) After an injury and during the  
17 period of claimed resulting disability or impairment, the employee, if  
18 ~~so~~ requested by the employee's employer or ordered by the industrial  
19 board, shall submit to an examination at reasonable times and places  
20 by a duly qualified physician or surgeon designated and paid by the  
21 employer or by order of the worker's compensation board. The  
22 employee shall have the right to have present at any such examination  
23 any duly qualified physician or surgeon provided and paid for by the  
24 employee. No fact communicated to, or otherwise learned by, any  
25 physician or surgeon who may have attended or examined the  
26 employee, or who may have been present at any examination, shall be  
27 privileged, either in the hearings provided for in IC 22-3-2 through  
28 IC 22-3-6, or in any action at law brought to recover damages against  
29 any employer who is subject to the compensation provisions of  
30 IC 22-3-2 through IC 22-3-6. **Upon reasonable notice and upon the**  
31 **employee's presentation of a written consent for release of the**  
32 **employee's health records as provided in IC 16-39-1-4, the**  
33 **physician or surgeon shall supply to the employee, the employee's**  
34 **attorney, or another authorized representative, the health records**  
35 **(including x-rays) possessed by the physician or surgeon**  
36 **concerning the employee.** If the employee refuses to submit to or in  
37 any way obstructs such examinations, the employee's right to  
38 compensation and his right to take or prosecute any proceedings under  
39 IC 22-3-2 through IC 22-3-6 shall be suspended until such refusal or  
40 obstruction ceases. No compensation shall at any time be payable for  
41 the period of suspension unless in the opinion of the worker's  
42 compensation board the circumstances justified the refusal or



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1 obstruction. The employee must be served with a notice setting forth  
 2 the consequences of the refusal under this subsection. The notice must  
 3 be in a form prescribed by the board.

4 (b) Any employer requesting an examination of any employee  
 5 residing within Indiana shall pay, in advance of the time fixed for the  
 6 examination, sufficient money to defray the necessary expenses of  
 7 travel by the most convenient means to and from the place of  
 8 examination, and the cost of meals and lodging necessary during the  
 9 travel. If the method of travel is by automobile, the mileage rate to be  
 10 paid by the employer shall be the rate currently being paid by the state  
 11 to its employees under the state travel policies and procedures  
 12 established by the department of administration and approved by the  
 13 budget agency. If such examination or travel to or from the place of  
 14 examination causes any loss of working time on the part of the  
 15 employee, the employer shall reimburse the employee for such loss of  
 16 wages upon the basis of the employee's average daily wage. When any  
 17 employee injured in Indiana moves outside Indiana, the travel expense  
 18 and the cost of meals and lodging necessary during the travel payable  
 19 under this section shall be paid from the point in Indiana nearest to the  
 20 employee's then residence to the place of examination. No travel and  
 21 other expense shall be paid for any travel and other expense required  
 22 outside Indiana.

23 (c) A duly qualified physician or surgeon provided and paid for by  
 24 the employee may be present at an examination if the employee so  
 25 desires. In all cases where the examination is made by a physician or  
 26 surgeon engaged by the employer and the injured employee has no  
 27 physician or surgeon present at such examination, it shall be the duty  
 28 of the physician or surgeon making the examination to deliver to the  
 29 injured employee, or the employee's representative, a statement in  
 30 writing of the conditions evidenced by such examination. The  
 31 statement shall disclose all facts that are reported by such physician or  
 32 surgeon to the employer. Such statement shall be furnished to the  
 33 employee or the employee's representative, as soon as practicable, but  
 34 not later than thirty (30) days before the time the case is set for hearing.  
 35 The statement may be submitted by either party as evidence by that  
 36 physician or surgeon at a hearing before the worker's compensation  
 37 board if the statement meets the requirements of subsection ~~(e)~~ (f). If  
 38 such physician or surgeon fails or refuses to furnish the employee or  
 39 the employee's representative with such statement thirty (30) days  
 40 before the hearing, then the statement may not be submitted as  
 41 evidence, and such physician or surgeon shall not be permitted to  
 42 testify before the worker's compensation board as to any facts learned



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1 in such examination. All of the requirements of this subsection apply  
2 to all subsequent examinations requested by the employer.

3 (d) **No representative of the employer or insurance carrier,**  
4 **including case managers or rehabilitation nurses, may be present**  
5 **at any examination of an injured employee without the express**  
6 **written consent of the employee and the treating medical**  
7 **personnel. At the time of any medical examination that a**  
8 **representative of the employer wishes to attend, the representative**  
9 **of the employer shall inform the injured employee and treating**  
10 **medical personnel that their written consent is required before the**  
11 **attendance of the employer's representative. The employee's**  
12 **compensation and benefits may not be jeopardized in any way due**  
13 **to the employee's failure or refusal to complete a written waiver**  
14 **allowing the attendance of the employer's representative. The**  
15 **employer's representative may not in any way cause the employee**  
16 **to believe that the employee's compensation and benefits will be**  
17 **terminated if the employee fails or refuses to complete a written**  
18 **waiver allowing the attendance of the employer's representative.**  
19 **The written waivers shall be executed on forms prescribed by the**  
20 **board.**

21 (e) In all cases where an examination of an employee is made by a  
22 physician or surgeon engaged by the employee, and the employer has  
23 no physician or surgeon present at such examination, it shall be the  
24 duty of the physician or surgeon making the examination to deliver to  
25 the employer or the employer's representative a statement in writing of  
26 the conditions evidenced by such examination. The statement shall  
27 disclose all facts that are reported by such physician or surgeon to the  
28 employee. Such statement shall be furnished to the employer or the  
29 employer's representative as soon as practicable, but not later than  
30 thirty (30) days before the time the case is set for hearing. The  
31 statement may be submitted by either party as evidence by that  
32 physician or surgeon at a hearing before the worker's compensation  
33 board if the statement meets the requirements of subsection ~~(e)~~ (f). If  
34 such physician or surgeon fails or refuses to furnish the employer, or  
35 the employer's representative, with such statement thirty (30) days  
36 before the hearing, then the statement may not be submitted as  
37 evidence, and such physician or surgeon shall not be permitted to  
38 testify before the industrial board as to any facts learned in such  
39 examination. All of the requirements of this subsection apply to all  
40 subsequent examinations made by a physician or surgeon engaged by  
41 the employee.

42 ~~(e)~~ (f) All statements of physicians or surgeons required by this



1 section, whether those engaged by employee or employer, shall contain  
2 the following information:

3 (1) The history of the injury, or claimed injury, as given by the  
4 patient.

5 (2) The diagnosis of the physician or surgeon concerning the  
6 patient's physical or mental condition.

7 (3) The opinion of the physician or surgeon concerning the causal  
8 relationship, if any, between the injury and the patient's physical  
9 or mental condition, including the physician's or surgeon's reasons  
10 for the opinion.

11 (4) The opinion of the physician or surgeon concerning whether  
12 the injury or claimed injury resulted in a disability or impairment  
13 and, if so, the opinion of the physician or surgeon concerning the  
14 extent of the disability or impairment and the reasons for the  
15 opinion.

16 (5) The original signature of the physician or surgeon.

17 Notwithstanding any hearsay objection, the worker's compensation  
18 board shall admit into evidence a statement that meets the requirements  
19 of this subsection unless the statement is ruled inadmissible on other  
20 grounds.

21 ~~(f)~~ (g) Delivery of any statement required by this section may be  
22 made to the attorney or agent of the employer or employee and such  
23 action shall be construed as delivery to the employer or employee.

24 ~~(g)~~ (h) Any party may object to a statement on the basis that the  
25 statement does not meet the requirements of subsection ~~(e)~~ (f). The  
26 objecting party must give written notice to the party providing the  
27 statement and specify the basis for the objection. Notice of the  
28 objection must be given no later than twenty (20) days before the  
29 hearing. Failure to object as provided in this subsection precludes any  
30 further objection as to the adequacy of the statement under subsection  
31 ~~(e)~~ (f).

32 ~~(h)~~ (i) The employer upon proper application, or the worker's  
33 compensation board, shall have the right in any case of death to require  
34 an autopsy at the expense of the party requesting the same. If, after a  
35 hearing, the worker's compensation board orders an autopsy and such  
36 autopsy is refused by the surviving spouse or next of kin, then any  
37 claim for compensation on account of such death shall be suspended  
38 and abated during such refusal. The surviving spouse or dependent  
39 must be served with a notice setting forth the consequences of the  
40 refusal under this subsection. The notice must be in a form prescribed  
41 by the worker's compensation board. No autopsy, except one performed  
42 by or on the authority or order of the coroner in the discharge of the



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1 coroner's duties, shall be held in any case by any person, without notice  
 2 first being given to the surviving spouse or next of kin, if they reside in  
 3 Indiana or their whereabouts can reasonably be ascertained, of the time  
 4 and place thereof, and reasonable time and opportunity given such  
 5 surviving spouse or next of kin to have a representative or  
 6 representatives present to witness same. However, if such notice is not  
 7 given, all evidence obtained by such autopsy shall be suppressed on  
 8 motion duly made to the worker's compensation board.

9 SECTION 3. IC 22-3-3-7 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) Compensation shall be  
 11 allowed on account of injuries producing only temporary total disability  
 12 to work or temporary partial disability to work beginning with the  
 13 eighth (8th) day of such disability except for medical benefits provided  
 14 in section 4 of the chapter. Compensation shall be allowed for the first  
 15 seven (7) calendar days only if the disability continues for longer than  
 16 twenty-one (21) days.

17 (b) The first weekly installment of compensation for temporary  
 18 disability is due fourteen (14) days after the disability begins. Not later  
 19 than fifteen (15) days from the date that the first installment of  
 20 compensation is due, the employer or the employer's insurance carrier  
 21 shall tender to the employee or to the employee's dependents, with all  
 22 compensation due, a properly prepared compensation agreement in a  
 23 form prescribed by the board. Whenever an employer or the employer's  
 24 insurance carrier denies or is not able to determine liability to pay  
 25 compensation or benefits, the employer or the employer's insurance  
 26 carrier shall notify the worker's compensation board and the employee  
 27 in writing on a form prescribed by the worker's compensation board not  
 28 later than thirty (30) days after the employer's knowledge of the  
 29 claimed injury. If a determination of liability cannot be made within  
 30 thirty (30) days, the worker's compensation board may approve an  
 31 additional thirty (30) days upon a written request of the employer or the  
 32 employer's insurance carrier that sets forth the reasons that the  
 33 determination could not be made within thirty (30) days and states the  
 34 facts or circumstances that are necessary to determine liability within  
 35 the additional thirty (30) days. More than thirty (30) days of additional  
 36 time may be approved by the worker's compensation board upon the  
 37 filing of a petition by the employer or the employer's insurance carrier  
 38 that sets forth:

- 39 (1) the extraordinary circumstances that have precluded a
- 40 determination of liability within the initial sixty (60) days;
- 41 (2) the status of the investigation on the date the petition is filed;
- 42 (3) the facts or circumstances that are necessary to make a



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determination; and

(4) a timetable for the completion of the remaining investigation.

**If a determination of liability is not made within thirty (30) days after the employer's knowledge of the claimed injury 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.** An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

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

(1) the employee has returned to any employment;

(2) the employee has died;

(3) the employee has refused to undergo a medical examination under section 6 of this chapter or has refused to accept suitable employment under section 11 of this chapter;

(4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowed under section 22 of this chapter; ~~or~~

(5) the employee is unable or unavailable to work for reasons unrelated to the compensable injury; ~~or~~

**(6) the employee returns to work with limitations or restrictions and the employer converts temporary total disability benefits into disabled from trade compensation under section 33 of this chapter.**

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



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

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

19 (e) If it is determined that as a result of this section temporary total  
 20 disability benefits were overpaid, the overpayment shall be deducted  
 21 from any benefits due the employee under section 10 of this chapter  
 22 and, if there are no benefits due the employee or the benefits due the  
 23 employee do not equal the amount of the overpayment, the employee  
 24 shall be responsible for paying any overpayment which cannot be  
 25 deducted from benefits due the employee.

26 SECTION 4. IC 22-3-3-10 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 10. (a) With respect to  
 28 injuries in the following schedule occurring prior to April 1, 1951, the  
 29 employee shall receive in addition to temporary total disability benefits  
 30 not exceeding twenty-six (26) weeks on account of the injuries, a  
 31 weekly compensation of fifty-five percent (55%) of the employee's  
 32 average weekly wages. With respect to injuries in the following  
 33 schedule occurring on and after April 1, 1951, and prior to July 1,  
 34 1971, the employee shall receive in addition to temporary total  
 35 disability benefits not exceeding twenty-six (26) weeks on account of  
 36 the injuries, a weekly compensation of sixty percent (60%) of the  
 37 employee's average weekly wages. With respect to injuries in the  
 38 following schedule occurring on and after July 1, 1971, and before July  
 39 1, 1977, the employee shall receive in addition to temporary total  
 40 disability benefits not exceeding twenty-six (26) weeks on account of  
 41 the injuries, a weekly compensation of sixty percent (60%) of the  
 42 employee's average weekly wages not to exceed one hundred dollars

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

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

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

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



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

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

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

39 With respect to injuries in the following schedule occurring on and  
 40 after July 1, 1990, and before July 1, 1991, the employee shall receive,  
 41 in addition to temporary total disability benefits not exceeding  
 42 seventy-eight (78) weeks on account of the injury, a weekly

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1 compensation of sixty percent (60%) of the employee's average weekly  
 2 wages, not to exceed two hundred dollars (\$200) average weekly  
 3 wages, for the period stated for the injury.

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

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

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

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

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

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

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

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

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1 twenty-five (125) weeks on account of the injury, compensation in an  
2 amount determined under the following schedule to be paid weekly at  
3 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's  
4 average weekly wages during the fifty-two (52) weeks immediately  
5 preceding the week in which the injury occurred.

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

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

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

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

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1 ears, less than the total loss as specified in subsection (a)(4),  
 2 compensation shall be paid in an amount proportionate to the  
 3 degree of a permanent reduction.  
 4 (14) In all other cases of permanent partial impairment,  
 5 compensation proportionate to the degree of a permanent partial  
 6 impairment, in the discretion of the worker's compensation board,  
 7 not exceeding one hundred (100) degrees of permanent  
 8 impairment.  
 9 (15) In all cases of permanent disfigurement which may impair  
 10 the future usefulness or opportunities of the employee,  
 11 compensation, in the discretion of the worker's compensation  
 12 board, not exceeding forty (40) degrees of permanent impairment  
 13 except that no compensation shall be payable under this  
 14 subdivision where compensation is payable elsewhere in this  
 15 section.  
 16 (d) Compensation for permanent partial impairment shall be paid  
 17 according to the degree of permanent impairment for the injury  
 18 determined under subsection (c) and the following:  
 19 (1) With respect to injuries occurring on and after July 1, 1991,  
 20 and before July 1, 1992, for each degree of permanent impairment  
 21 from one (1) to thirty-five (35), five hundred dollars (\$500) per  
 22 degree; for each degree of permanent impairment from thirty-six  
 23 (36) to fifty (50), nine hundred dollars (\$900) per degree; for each  
 24 degree of permanent impairment above fifty (50), one thousand  
 25 five hundred dollars (\$1,500) per degree.  
 26 (2) With respect to injuries occurring on and after July 1, 1992,  
 27 and before July 1, 1993, for each degree of permanent impairment  
 28 from one (1) to twenty (20), five hundred dollars (\$500) per  
 29 degree; for each degree of permanent impairment from  
 30 twenty-one (21) to thirty-five (35), eight hundred dollars (\$800)  
 31 per degree; for each degree of permanent impairment from  
 32 thirty-six (36) to fifty (50), one thousand three hundred dollars  
 33 (\$1,300) per degree; for each degree of permanent impairment  
 34 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
 35 degree.  
 36 (3) With respect to injuries occurring on and after July 1, 1993,  
 37 and before July 1, 1997, for each degree of permanent impairment  
 38 from one (1) to ten (10), five hundred dollars (\$500) per degree;  
 39 for each degree of permanent impairment from eleven (11) to  
 40 twenty (20), seven hundred dollars (\$700) per degree; for each  
 41 degree of permanent impairment from twenty-one (21) to  
 42 thirty-five (35), one thousand dollars (\$1,000) per degree; for

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- 1 each degree of permanent impairment from thirty-six (36) to fifty  
 2 (50), one thousand four hundred dollars (\$1,400) per degree; for  
 3 each degree of permanent impairment above fifty (50), one  
 4 thousand seven hundred dollars (\$1,700) per degree.
- 5 (4) With respect to injuries occurring on and after July 1, 1997,  
 6 and before July 1, 1998, for each degree of permanent impairment  
 7 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
 8 degree; for each degree of permanent impairment from eleven  
 9 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
 10 for each degree of permanent impairment from thirty-six (36) to  
 11 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
 12 for each degree of permanent impairment above fifty (50), one  
 13 thousand seven hundred dollars (\$1,700) per degree.
- 14 (5) With respect to injuries occurring on and after July 1, 1998,  
 15 and before July 1, 1999, for each degree of permanent impairment  
 16 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
 17 degree; for each degree of permanent impairment from eleven  
 18 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
 19 for each degree of permanent impairment from thirty-six (36) to  
 20 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
 21 for each degree of permanent impairment above fifty (50), one  
 22 thousand seven hundred dollars (\$1,700) per degree.
- 23 (6) With respect to injuries occurring on and after July 1, 1999,  
 24 **and before July 1, 2000**, for each degree of permanent  
 25 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
 26 per degree; for each degree of permanent impairment from eleven  
 27 (11) to thirty-five (35), one thousand one hundred dollars (\$1,100)  
 28 per degree; for each degree of permanent impairment from  
 29 thirty-six (36) to fifty (50), one thousand six hundred dollars  
 30 (\$1,600) per degree; for each degree of permanent impairment  
 31 above fifty (50), two thousand dollars (\$2,000) per degree.
- 32 (7) **With respect to injuries occurring on and after July 1,**  
 33 **2000, and before July 1, 2001**, for each degree of permanent  
 34 **impairment from one (1) to ten (10), two thousand fifty**  
 35 **dollars (\$2,050) per degree; for each degree of permanent**  
 36 **impairment from eleven (11) to thirty-five (35), two thousand**  
 37 **seven hundred dollars (\$2,700) per degree; for each degree of**  
 38 **permanent impairment from thirty-six (36) to fifty (50), three**  
 39 **thousand three hundred dollars (\$3,300) per degree; for each**  
 40 **degree of permanent impairment above fifty (50), three**  
 41 **thousand nine hundred dollars (\$3,900) per degree.**
- 42 (8) With respect to injuries occurring on and after July 1,

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1           **2001, and before July 1, 2002, for each degree of permanent**  
 2           **impairment from one (1) to ten (10), two thousand four**  
 3           **hundred dollars (\$2,400) per degree; for each degree of**  
 4           **permanent impairment from eleven (11) to thirty-five (35),**  
 5           **three thousand seventy-five dollars (\$3,075) per degree; for**  
 6           **each degree of permanent impairment from thirty-six (36) to**  
 7           **fifty (50), three thousand seven hundred seventy-five dollars**  
 8           **(\$3,775) per degree; for each degree of permanent**  
 9           **impairment above fifty (50), four thousand five hundred**  
 10           **twenty-five dollars (\$4,525) per degree.**

11           **(9) With respect to injuries occurring on and after July 1,**  
 12           **2002, for each degree of permanent impairment from one (1)**  
 13           **to ten (10), two thousand seven hundred forty-seven dollars**  
 14           **(\$2,747) per degree; for each degree of permanent**  
 15           **impairment from eleven (11) to thirty-five (35), three**  
 16           **thousand four hundred thirty-three dollars (\$3,433) per**  
 17           **degree; for each degree of permanent impairment from**  
 18           **thirty-six (36) to fifty (50), four thousand two hundred**  
 19           **ninety-two dollars (\$4,292) per degree; for each degree of**  
 20           **permanent impairment above fifty (50), five thousand three**  
 21           **hundred sixty-five dollars (\$5,365) per degree.**

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

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

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

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

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

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

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

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

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

41           (9) **With respect to injuries occurring on or after July 1, 2001,**  
 42           **and before July 1, 2002, eight hundred forty dollars (\$840).**



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**(10) With respect to injuries occurring on or after July 1, 2002, nine hundred eighteen dollars (\$918).**

SECTION 5. IC 22-3-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. On and after April 1, 1965, and prior to April 1, 1969, when death results from an injury within four hundred fifty (450) weeks, there shall be paid to total dependent of said deceased, as determined by IC 22-3-3-18, 19 and 20, a weekly compensation amounting to sixty percent (60%) of the deceased's average weekly wage, until compensation so paid, when added to any compensation paid to deceased employee, shall equal four hundred fifty (450) weeks, and to partial dependents as hereinafter provided.

On and after April 1, 1969, and prior to July 1, 1971, when death results from an injury within five hundred (500) weeks, there shall be paid to the total dependents of said deceased, as determined by the provisions of IC 22-3-3-18, 19 and 20, weekly compensation amounting to sixty percent (60%) of the deceased's average weekly wage, until the compensation so paid, when added to any compensation paid to the deceased employee, shall equal five hundred (500) weeks, and to partial dependents as hereinafter provided.

On and after July 1, 1971, and prior to July 1, 1974, when death results from an injury within five hundred (500) weeks, there shall be paid to the total dependents of said deceased, as determined by the provisions of IC 22-3-3-18, 19, and 20, weekly compensation amounting to sixty percent (60%) of the deceased's average weekly wage, not to exceed one hundred dollars (\$100) average weekly wages, until the compensation so paid, when added to any compensation paid to the deceased employee, shall equal five hundred (500) weeks, and to partial dependents as hereinafter provided.

On and after July 1, 1974, and before July 1, 1976, when death results from an injury within five hundred (500) weeks, there shall be paid the total dependents of the deceased, as determined by the provisions of sections 18, 19, and 20 of this chapter, weekly compensation amounting to sixty-six and two-thirds percent (66 2/3%) of the deceased's average weekly wage, not to exceed a maximum of one hundred thirty-five dollars (\$135) average weekly wages, until the compensation so paid, when added to any compensation paid to the deceased employee, shall equal five hundred (500) weeks, and to partial dependents as hereinafter provided. On and after July 1, 1976, when death results from an injury within five hundred (500) weeks, there shall be paid the total dependents of the deceased as determined by sections 18, 19, and 20 of this chapter, weekly compensation

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1 amounting to ~~sixty-six and two-thirds percent (66 2/3%)~~ **one hundred**  
 2 **percent (100%)** of the deceased's average weekly wage, as defined by  
 3 IC 22-3-3-22, until the compensation paid, when added to the  
 4 compensation paid to the deceased employee, equals five hundred  
 5 (500) weeks, and to partial dependents, as provided in sections 18 and  
 6 20 of this chapter.

7 SECTION 6. IC 22-3-3-22 IS AMENDED TO READ AS  
 8 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 22. (a) In computing  
 9 the compensation under this law with respect to injuries occurring on  
 10 and after April 1, 1963, and prior to April 1, 1965, the average weekly  
 11 wages shall be considered to be not more than seventy dollars (\$70) nor  
 12 less than thirty dollars (\$30). In computing the compensation under this  
 13 law with respect to injuries occurring on and after April 1, 1965, and  
 14 prior to April 1, 1967, the average weekly wages shall be considered to  
 15 be not more than seventy-five dollars (\$75) and not less than thirty  
 16 dollars (\$30). In computing the compensation under this law with  
 17 respect to injuries occurring on and after April 1, 1967, and prior to  
 18 April 1, 1969, the average weekly wages shall be considered to be not  
 19 more than eighty-five dollars (\$85) and not less than thirty-five dollars  
 20 (\$35). In computing the compensation under this law with respect to  
 21 injuries occurring on and after April 1, 1969, and prior to July 1, 1971,  
 22 the average weekly wages shall be considered to be not more than  
 23 ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In  
 24 computing the compensation under this law with respect to injuries  
 25 occurring on and after July 1, 1971, and prior to July 1, 1974, the  
 26 average weekly wages shall be considered to be: (A) Not more than: (1)  
 27 one hundred dollars (\$100) if no dependents; (2) one hundred five  
 28 dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110)  
 29 if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3)  
 30 dependents; (5) one hundred twenty dollars (\$120) if four (4)  
 31 dependents; and (6) one hundred twenty-five dollars (\$125) if five (5)  
 32 or more dependents; and (B) Not less than thirty-five dollars (\$35). In  
 33 computing compensation for temporary total disability, temporary  
 34 partial disability, and total permanent disability under this law with  
 35 respect to injuries occurring on and after July 1, 1974, and before July  
 36 1, 1976, the average weekly wages shall be considered to be (A) not  
 37 more than one hundred thirty-five dollars (\$135), and (B) not less than  
 38 seventy-five dollars (\$75). However, the weekly compensation payable  
 39 shall in no case exceed the average weekly wages of the employee at  
 40 the time of the injury. In computing compensation for temporary total  
 41 disability, temporary partial disability and total permanent disability  
 42 under this law with respect to injuries occurring on and after July 1,

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1 1976, and before July 1, 1977, the average weekly wages shall be  
2 considered to be (1) not more than one hundred fifty-six dollars (\$156)  
3 and (2) not less than seventy-five dollars (\$75). However, the weekly  
4 compensation payable shall not exceed the average weekly wages of  
5 the employee at the time of the injury. In computing compensation for  
6 temporary total disability, temporary partial disability, and total  
7 permanent disability, with respect to injuries occurring on and after  
8 July 1, 1977, and before July 1, 1979, the average weekly wages are  
9 considered to be (1) not more than one hundred eighty dollars (\$180);  
10 and (2) not less than seventy-five dollars (\$75). However, the weekly  
11 compensation payable may not exceed the average weekly wages of the  
12 employee at the time of the injury. In computing compensation for  
13 temporary total disability, temporary partial disability, and total  
14 permanent disability, with respect to injuries occurring on and after  
15 July 1, 1979, and before July 1, 1980, the average weekly wages are  
16 considered to be (1) not more than one hundred ninety-five dollars  
17 (\$195), and (2) not less than seventy-five dollars (\$75). However, the  
18 weekly compensation payable shall not exceed the average weekly  
19 wages of the employee at the time of the injury. In computing  
20 compensation for temporary total disability, temporary partial  
21 disability, and total permanent disability, with respect to injuries  
22 occurring on and after July 1, 1980, and before July 1, 1983, the  
23 average weekly wages are considered to be (1) not more than two  
24 hundred ten dollars (\$210), and (2) not less than seventy-five dollars  
25 (\$75). However, the weekly compensation payable shall not exceed the  
26 average weekly wages of the employee at the time of the injury. In  
27 computing compensation for temporary total disability, temporary  
28 partial disability, and total permanent disability, with respect to injuries  
29 occurring on and after July 1, 1983, and before July 1, 1984, the  
30 average weekly wages are considered to be (1) not more than two  
31 hundred thirty-four dollars (\$234) and (2) not less than seventy-five  
32 dollars (\$75). However, the weekly compensation payable shall not  
33 exceed the average weekly wages of the employee at the time of the  
34 injury. In computing compensation for temporary total disability,  
35 temporary partial disability, and total permanent disability, with respect  
36 to injuries occurring on and after July 1, 1984, and before July 1, 1985,  
37 the average weekly wages are considered to be (1) not more than two  
38 hundred forty-nine dollars (\$249) and (2) not less than seventy-five  
39 dollars (\$75). However, the weekly compensation payable shall not  
40 exceed the average weekly wages of the employee at the time of the  
41 injury. In computing compensation for temporary total disability,  
42 temporary partial disability, and total permanent disability, with respect

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1 to injuries occurring on and after July 1, 1985, and before July 1, 1986,  
2 the average weekly wages are considered to be (1) not more than two  
3 hundred sixty-seven dollars (\$267) and (2) not less than seventy-five  
4 dollars (\$75). However, the weekly compensation payable shall not  
5 exceed the average weekly wages of the employee at the time of the  
6 injury. In computing compensation for temporary total disability,  
7 temporary partial disability, and total permanent disability, with respect  
8 to injuries occurring on and after July 1, 1986, and before July 1, 1988,  
9 the average weekly wages are considered to be (1) not more than two  
10 hundred eighty-five dollars (\$285) and (2) not less than seventy-five  
11 dollars (\$75). However, the weekly compensation payable shall not  
12 exceed the average weekly wages of the employee at the time of the  
13 injury. In computing compensation for temporary total disability,  
14 temporary partial disability, and total permanent disability, with respect  
15 to injuries occurring on and after July 1, 1988, and before July 1, 1989,  
16 the average weekly wages are considered to be (1) not more than three  
17 hundred eighty-four dollars (\$384) and (2) not less than seventy-five  
18 dollars (\$75). However, the weekly compensation payable shall not  
19 exceed the average weekly wages of the employee at the time of the  
20 injury.

21 In computing compensation for temporary total disability, temporary  
22 partial disability, and total permanent disability, with respect to injuries  
23 occurring on and after July 1, 1989, and before July 1, 1990, the  
24 average weekly wages are considered to be (1) not more than four  
25 hundred eleven dollars (\$411) and (2) not less than seventy-five dollars  
26 (\$75). However, the weekly compensation payable shall not exceed the  
27 average weekly wages of the employee at the time of the 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, 1990, and before July 1, 1991, the  
31 average weekly wages are considered to be (1) not more than four  
32 hundred forty-one dollars (\$441) 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, 1991, and before July 1, 1992, the  
39 average weekly wages are considered to be (1) not more than four  
40 hundred ninety-two dollars (\$492) and (2) not less than seventy-five  
41 dollars (\$75). However, the weekly compensation payable shall not  
42 exceed the average weekly wages of the employee at the time of the

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1 injury.

2 In computing compensation for temporary total disability, temporary  
3 partial disability, and total permanent disability, with respect to injuries  
4 occurring on and after July 1, 1992, and before July 1, 1993, the  
5 average weekly wages are considered to be (1) not more than five  
6 hundred forty dollars (\$540) and (2) not less than seventy-five dollars  
7 (\$75). However, the weekly compensation payable shall not exceed the  
8 average weekly wages of the employee at the time of the 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, 1993, and before July 1, 1994, the  
12 average weekly wages are considered to be (1) not more than five  
13 hundred ninety-one dollars (\$591) 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 In computing compensation for temporary total disability, temporary  
18 partial disability, and total permanent disability, with respect to injuries  
19 occurring on and after July 1, 1994, and before July 1, 1997, the  
20 average weekly wages are considered to be (1) not more than six  
21 hundred forty-two dollars (\$642) and (2) not less than seventy-five  
22 dollars (\$75). However, the weekly compensation payable shall not  
23 exceed the average weekly wages of the employee at the time of the  
24 injury.

25 (b) In computing compensation for temporary total disability,  
26 temporary partial disability, and total permanent disability, the average  
27 weekly wages are considered to be:

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

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

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

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

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

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

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

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

39 and

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

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



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- 1 (A) not more than seven hundred sixty-two dollars (\$762); and  
 2 (B) not less than seventy-five dollars (\$75);  
 3 **(5) with respect to injuries occurring on and after July 1,**  
 4 **2001, and before July 1, 2002:**  
 5 **(A) not more than eight hundred forty dollars (\$840); and**  
 6 **(B) not less than seventy-five dollars (\$75); and**  
 7 **(6) with respect to injuries occurring on and after July 1,**  
 8 **2002:**  
 9 **(A) not more than nine hundred eighteen dollars (\$918);**  
 10 **and**  
 11 **(B) not less than seventy-five dollars (\$75).**

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

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

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



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

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

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

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

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

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

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

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

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

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1 any case:

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

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

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

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

14 **(5) With respect to an injury occurring on and after July 1,**  
15 **2001, and before July 1, 2002, two hundred eighty thousand**  
16 **dollars (\$280,000).**

17 **(6) With respect to an injury occurring on and after July 1,**  
18 **2002, three hundred six thousand dollars (\$306,000).**

19 SECTION 7. IC 22-3-3-33 IS ADDED TO THE INDIANA CODE  
20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 2000]: **Sec. 33. (a) If an employee:**

22 **(1) receives an injury that results in a temporary total**  
23 **disability or a permanent partial impairment;**

24 **(2) is capable of performing work with limitations or**  
25 **restrictions that prevent the employee from returning to the**  
26 **position the employee held before the employee's injury; and**  
27 **(3) returns to work;**

28 **the employee may receive disabled from trade compensation.**

29 **(b) An employee may receive disabled from trade compensation**  
30 **for a period not to exceed:**

31 **(1) fifty-two (52) consecutive weeks; or**

32 **(2) seventy-eight (78) aggregate weeks.**

33 **(c) An employee is entitled to receive disabled from trade**  
34 **compensation in a weekly amount equal to STEP FOUR of the**  
35 **following formula:**

36 **STEP ONE: Determine the employee's average weekly**  
37 **earnings from employment with limitations or restrictions**  
38 **that are entered after the employee's injury.**

39 **STEP TWO: Determine the employee's average weekly**  
40 **earnings from employment before the employee's injury.**

41 **STEP THREE: Determine the greater of:**

42 **(A) the STEP TWO result minus the STEP ONE result; or**



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- 1                   **(B) zero (0).**  
 2           **STEP FOUR: Determine the lesser of:**  
 3           **(A) the STEP THREE result; or**  
 4           **(B) with respect to injuries occurring on or after July 1,**  
 5           **2000, and before July 1, 2001, seven hundred sixty-two**  
 6           **dollars (\$762); or**  
 7           **(C) with respect to injuries occurring on or after July 1,**  
 8           **2001, and before July 1, 2002, eight hundred forty dollars**  
 9           **(\$840); or**  
 10           **(D) with respect to injuries occurring on or after July 1,**  
 11           **2002, nine hundred eighteen dollars (\$918).**  
 12           **(d) Not later than sixty (60) days after the employee's release to**  
 13           **return to work with restrictions or limitations, the employee must**  
 14           **receive notice from the employer on a form provided by the board**  
 15           **that informs the employee that the employee has been released to**  
 16           **work with limitations or restrictions. The notice must include:**  
 17                   **(1) an explanation of the limitations or restrictions placed on**  
 18                   **the employee;**  
 19                   **(2) the amount of disabled from trade compensation the**  
 20                   **employee has been awarded; and**  
 21                   **(3) information for the employee regarding the terms of this**  
 22                   **section.**  
 23           **(e) Disabled from trade compensation is in addition to any other**  
 24           **compensation awarded to an employee as a result of a temporary**  
 25           **total disability or a permanent partial impairment.**  
 26           **(f) An employer may unilaterally convert an award of benefits**  
 27           **for a temporary total disability or a permanent partial impairment**  
 28           **into disabled from trade compensation by filing a copy of the notice**  
 29           **required under subsection (d) with the board.**  
 30           **SECTION 8. IC 22-3-7-16 IS AMENDED TO READ AS**  
 31           **FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 16. (a) Compensation**  
 32           **shall be allowed on account of disablement from occupational disease**  
 33           **resulting in only temporary total disability to work or temporary partial**  
 34           **disability to work beginning with the eighth day of such disability**  
 35           **except for the medical benefits provided for in section 17 of this**  
 36           **chapter. Compensation shall be allowed for the first seven (7) calendar**  
 37           **days only as provided in this section. The first weekly installment of**  
 38           **compensation for temporary disability is due fourteen (14) days after**  
 39           **the disability begins. Not later than fifteen (15) days from the date that**  
 40           **the first installment of compensation is due, the employer or the**  
 41           **employer's insurance carrier shall tender to the employee or to the**  
 42           **employee's dependents, with all compensation due, a properly prepared**



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

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

23 **If a determination of liability is not made within thirty (30) days**  
24 **after the employer's knowledge of the claimed disablement and the**  
25 **employer is subsequently determined to be liable to pay**  
26 **compensation, the first installment of compensation must include**  
27 **the accrued weekly compensation and interest at the legal rate of**  
28 **interest specified in IC 24-4.6-1-101 computed from the date**  
29 **fourteen (14) days after the disability begins.** An employer who fails  
30 to comply with this section is subject to a civil penalty of fifty dollars  
31 (\$50), to be assessed and collected by the board upon notice and  
32 hearing. Civil penalties collected under this section shall be deposited  
33 in the state general fund.

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

- 36 (1) the employee has returned to work;
- 37 (2) the employee has died;
- 38 (3) the employee has refused to undergo a medical examination
- 39 under section 20 of this chapter;
- 40 (4) the employee has received five hundred (500) weeks of
- 41 temporary total disability benefits or has been paid the maximum
- 42 compensation allowable under section 19 of this chapter; or

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- 1 (5) the employee is unable or unavailable to work for reasons  
2 unrelated to the compensable disease.
- 3 In all other cases the employer must notify the employee in writing of  
4 the employer's intent to terminate the payment of temporary total  
5 disability benefits, and of the availability of employment, if any, on a  
6 form approved by the board. If the employee disagrees with the  
7 proposed termination, the employee must give written notice of  
8 disagreement to the board and the employer within seven (7) days after  
9 receipt of the notice of intent to terminate benefits. If the board and  
10 employer do not receive a notice of disagreement under this section, the  
11 employee's temporary total disability benefits shall be terminated. Upon  
12 receipt of the notice of disagreement, the board shall immediately  
13 contact the parties, which may be by telephone or other means and  
14 attempt to resolve the disagreement. If the board is unable to resolve  
15 the disagreement within ten (10) days of receipt of the notice of  
16 disagreement, the board shall immediately arrange for an evaluation of  
17 the employee by an independent medical examiner. The independent  
18 medical examiner shall be selected by mutual agreement of the parties  
19 or, if the parties are unable to agree, appointed by the board under  
20 IC 22-3-4-11. If the independent medical examiner determines that the  
21 employee is no longer temporarily disabled or is still temporarily  
22 disabled but can return to employment that the employer has made  
23 available to the employee, or if the employee fails or refuses to appear  
24 for examination by the independent medical examiner, temporary total  
25 disability benefits may be terminated. If either party disagrees with the  
26 opinion of the independent medical examiner, the party shall apply to  
27 the board for a hearing under section 27 of this chapter.
- 28 (c) An employer is not required to continue the payment of  
29 temporary total disability benefits for more than fourteen (14) days  
30 after the employer's proposed termination date unless the independent  
31 medical examiner determines that the employee is temporarily disabled  
32 and unable to return to any employment that the employer has made  
33 available to the employee.
- 34 (d) If it is determined that as a result of this section temporary total  
35 disability benefits were overpaid, the overpayment shall be deducted  
36 from any benefits due the employee under this section and, if there are  
37 no benefits due the employee or the benefits due the employee do not  
38 equal the amount of the overpayment, the employee shall be  
39 responsible for paying any overpayment which cannot be deducted  
40 from benefits due the employee.
- 41 (e) For disablements occurring on and after April 1, 1951, and prior  
42 to July 1, 1971, from occupational disease resulting in temporary total



1 disability for any work there shall be paid to the disabled employee  
2 during such temporary total disability a weekly compensation equal to  
3 sixty percent (60%) of the employee's average weekly wages for a  
4 period not to exceed five hundred (500) weeks. Compensation shall be  
5 allowed for the first seven (7) calendar days only if the disability  
6 continues for longer than twenty-eight (28) days.

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

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

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

35 (f) For disablements occurring on and after April 1, 1951, and prior  
36 to July 1, 1971, from occupational disease resulting in temporary  
37 partial disability for work there shall be paid to the disabled employee  
38 during such disability a weekly compensation equal to sixty percent  
39 (60%) of the difference between the employee's average weekly wages  
40 and the weekly wages at which the employee is actually employed after  
41 the disablement, for a period not to exceed three hundred (300) weeks.  
42 Compensation shall be allowed for the first seven (7) calendar days



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1 only if the disability continues for longer than twenty-eight (28) days.  
 2 In case of partial disability after the period of temporary total disability,  
 3 the later period shall be included as part of the maximum period  
 4 allowed for partial disability.

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

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

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

39 For disabilities occurring on and after July 1, 1971, and before July  
 40 1, 1977, from occupational disease in the following schedule, the  
 41 employee shall receive in addition to disability benefits not exceeding  
 42 twenty-six (26) weeks on account of said occupational disease a weekly



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1 compensation of sixty percent (60%) of his average weekly wages not  
2 to exceed one hundred dollars (\$100) average weekly wages, for the  
3 period stated for such disabilities respectively.

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

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

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

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

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

39 (1) Amputations: For the loss by separation, of the thumb, sixty  
40 (60) weeks; of the index finger, forty (40) weeks; of the second  
41 finger, thirty-five (35) weeks; of the third or ring finger, thirty  
42 (30) weeks; of the fourth or little finger, twenty (20) weeks; of the

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1 hand by separation below the elbow, two hundred (200) weeks; of  
2 the arm above the elbow joint, two hundred fifty (250) weeks; of  
3 the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks;  
4 of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15)  
5 weeks; of the fifth or little toe, ten (10) weeks; of the foot below  
6 the knee joint, one hundred fifty (150) weeks; and of the leg  
7 above the knee joint, two hundred (200) weeks. The loss of more  
8 than one (1) phalange of a thumb or toe shall be considered as the  
9 loss of the entire thumb or toe. The loss of more than two (2)  
10 phalanges of a finger shall be considered as the loss of the entire  
11 finger. The loss of not more than one (1) phalange of a thumb or  
12 toe shall be considered as the loss of one-half (1/2) of the thumb  
13 or toe and compensation shall be paid for one-half (1/2) of the  
14 period for the loss of the entire thumb or toe. The loss of not more  
15 than two (2) phalanges of a finger shall be considered as the loss  
16 of one-half (1/2) the finger and compensation shall be paid for  
17 one-half (1/2) of the period for the loss of the entire finger.  
18 (2) Loss of Use: The total permanent loss of the use of an arm,  
19 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
20 as the equivalent of the loss by separation of the arm, hand,  
21 thumb, finger, leg, foot, toe, or phalange and the compensation  
22 shall be paid for the same period as for the loss thereof by  
23 separation.  
24 (3) Partial Loss of Use: For the permanent partial loss of the use  
25 of an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
26 compensation shall be paid for the proportionate loss of the use of  
27 such arm, hand, thumb, finger, leg, foot, toe, or phalange.  
28 (4) For disablements for occupational disease resulting in total  
29 permanent disability, five hundred (500) weeks.  
30 (5) For the loss of both hands, or both feet, or the total sight of  
31 both eyes, or any two (2) of such losses resulting from the same  
32 disablement by occupational disease, five hundred (500) weeks.  
33 (6) For the permanent and complete loss of vision by enucleation  
34 of an eye or its reduction to one-tenth (1/10) of normal vision with  
35 glasses, one hundred fifty (150) weeks, and for any other  
36 permanent reduction of the sight of an eye, compensation shall be  
37 paid for a period proportionate to the degree of such permanent  
38 reduction without correction or glasses. However, when such  
39 permanent reduction without correction or glasses would result in  
40 one hundred percent (100%) loss of vision, but correction or  
41 glasses would result in restoration of vision, then compensation  
42 shall be paid for fifty percent (50%) of such total loss of vision



1 without glasses plus an additional amount equal to the  
 2 proportionate amount of such reduction with glasses, not to  
 3 exceed an additional fifty percent (50%).

4 (7) For the permanent and complete loss of hearing, two hundred  
 5 (200) weeks.

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

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

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

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



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

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

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

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

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

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

27 (14) In all cases of permanent disfigurement which may impair  
28 the future usefulness or opportunities of the employee,  
29 compensation, in the discretion of the worker's compensation  
30 board, not exceeding forty (40) degrees of permanent impairment  
31 except that no compensation shall be payable under this  
32 subdivision where compensation is payable elsewhere in this  
33 section.

34 (h) With respect to disablements occurring on and after July 1,  
35 1991, compensation for permanent partial impairment shall be paid  
36 according to the degree of permanent impairment for the disablement  
37 determined under subsection (d) and the following:

38 (1) With respect to disablements occurring on and after July 1,  
39 1991, and before July 1, 1992, for each degree of permanent  
40 impairment from one (1) to thirty-five (35), five hundred dollars  
41 (\$500) per degree; for each degree of permanent impairment from  
42 thirty-six (36) to fifty (50), nine hundred dollars (\$900) per

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

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1 1999, **and before July 1, 2000**, for each degree of permanent  
 2 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
 3 per degree; for each degree of permanent impairment from eleven  
 4 (11) to thirty-five (35), one thousand one hundred dollars (\$1,100)  
 5 per degree; for each degree of permanent impairment from  
 6 thirty-six (36) to fifty (50), one thousand six hundred dollars  
 7 (\$1,600) per degree; for each degree of permanent impairment  
 8 above fifty (50), two thousand dollars (\$2,000) per degree.

9 **(7) With respect to injuries occurring on and after July 1,**  
 10 **2000, and before July 1, 2001**, for each degree of permanent  
 11 impairment from one (1) to ten (10), two thousand fifty  
 12 dollars (\$2,050) per degree; for each degree of permanent  
 13 impairment from eleven (11) to thirty-five (35), two thousand  
 14 seven hundred dollars (\$2,700) per degree; for each degree of  
 15 permanent impairment from thirty-six (36) to fifty (50), three  
 16 thousand three hundred dollars (\$3,300) per degree; for each  
 17 degree of permanent impairment above fifty (50), three  
 18 thousand nine hundred dollars (\$3,900) per degree.

19 **(8) With respect to injuries occurring on and after July 1,**  
 20 **2001, and before July 1, 2002**, for each degree of permanent  
 21 impairment from one (1) to ten (10), two thousand four  
 22 hundred dollars (\$2,400) per degree; for each degree of  
 23 permanent impairment from eleven (11) to thirty-five (35),  
 24 three thousand seventy-five dollars (\$3,075) per degree; for  
 25 each degree of permanent impairment from thirty-six (36) to  
 26 fifty (50), three thousand seven hundred seventy-five dollars  
 27 (\$3,775) per degree; for each degree of permanent  
 28 impairment above fifty (50), four thousand five hundred  
 29 twenty-five dollars (\$4,525) per degree.

30 **(9) With respect to injuries occurring on and after July 1,**  
 31 **2002**, for each degree of permanent impairment from one (1)  
 32 to ten (10), two thousand seven hundred forty-seven dollars  
 33 (\$2,747) per degree; for each degree of permanent  
 34 impairment from eleven (11) to thirty-five (35), three  
 35 thousand four hundred thirty-three dollars (\$3,433) per  
 36 degree; for each degree of permanent impairment from  
 37 thirty-six (36) to fifty (50), four thousand two hundred  
 38 ninety-two dollars (\$4,292) per degree; for each degree of  
 39 permanent impairment above fifty (50), five thousand three  
 40 hundred sixty-five dollars (\$5,365) per degree.

41 (i) The average weekly wages used in the determination of  
 42 compensation for permanent partial impairment under subsections (g)



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- 1 and (h) shall not exceed the following:
- 2 (1) With respect to disablements occurring on or after July 1,
- 3 1991, and before July 1, 1992, four hundred ninety-two dollars
- 4 (\$492).
- 5 (2) With respect to disablements occurring on or after July 1,
- 6 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- 7 (3) With respect to disablements occurring on or after July 1,
- 8 1993, and before July 1, 1994, five hundred ninety-one dollars
- 9 (\$591).
- 10 (4) With respect to disablements occurring on or after July 1,
- 11 1994, and before July 1, 1997, six hundred forty-two dollars
- 12 (\$642).
- 13 (5) With respect to disablements occurring on or after July 1,
- 14 1997, and before July 1, 1998, six hundred seventy-two dollars
- 15 (\$672).
- 16 (6) With respect to disablements occurring on or after July 1,
- 17 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- 18 (7) With respect to disablements occurring on or after July 1,
- 19 1999, and before July 1, 2000, seven hundred thirty-two dollars
- 20 (\$732).
- 21 (8) With respect to disablements occurring on or after July 1,
- 22 2000, **and before July 1, 2001**, seven hundred sixty-two dollars
- 23 (\$762).
- 24 **(9) With respect to injuries occurring on or after July 1, 2001,**
- 25 **and before July 1, 2002, eight hundred forty dollars (\$840).**
- 26 **(10) With respect to injuries occurring on or after July 1,**
- 27 **2002, nine hundred eighteen dollars (\$918).**
- 28 (j) If any employee, only partially disabled, refuses employment
- 29 suitable to his capacity procured for him, he shall not be entitled to any
- 30 compensation at any time during the continuance of such refusal
- 31 unless, in the opinion of the worker's compensation board, such refusal
- 32 was justifiable. The employee must be served with a notice setting forth
- 33 the consequences of the refusal under this subsection. The notice must
- 34 be in a form prescribed by the worker's compensation board.
- 35 (k) If an employee has sustained a permanent impairment or
- 36 disability from an accidental injury other than an occupational disease
- 37 in another employment than that in which he suffered a subsequent
- 38 disability from an occupational disease, such as herein specified, the
- 39 employee shall be entitled to compensation for the subsequent
- 40 disability in the same amount as if the previous impairment or
- 41 disability had not occurred. However, if the permanent impairment or
- 42 disability resulting from an occupational disease for which

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1 compensation is claimed results only in the aggravation or increase of  
2 a previously sustained permanent impairment from an occupational  
3 disease or physical condition regardless of the source or cause of such  
4 previously sustained impairment from an occupational disease or  
5 physical condition, the board shall determine the extent of the  
6 previously sustained permanent impairment from an occupational  
7 disease or physical condition as well as the extent of the aggravation or  
8 increase resulting from the subsequent permanent impairment or  
9 disability, and shall award compensation only for that part of said  
10 occupational disease or physical condition resulting from the  
11 subsequent permanent impairment. An amputation of any part of the  
12 body or loss of any or all of the vision of one (1) or both eyes caused by  
13 an occupational disease shall be considered as a permanent impairment  
14 or physical condition.

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

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

37 (n) When an employee has been awarded or is entitled to an award  
38 of compensation for a definite period under this chapter for disability  
39 from occupational disease, which disablement occurs on and after April  
40 1, 1951, and prior to April 1, 1963, and such employee dies from any  
41 other cause than such occupational disease, payment of the unpaid  
42 balance of such compensation, not exceeding three hundred (300)



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1 weeks, shall be made to the employee's dependents of the second and  
 2 third class as defined in sections 11 through 14 of this chapter, and  
 3 compensation, not exceeding five hundred (500) weeks, shall be made  
 4 to the employee's dependents of the first class as defined in sections 11  
 5 through 14 of this chapter. When an employee has been awarded or is  
 6 entitled to an award of compensation for a definite period from an  
 7 occupational disease wherein disablement occurs on and after April 1,  
 8 1963, and such employee dies from other causes than such  
 9 occupational disease, payment of the unpaid balance of such  
 10 compensation not exceeding three hundred fifty (350) weeks shall be  
 11 paid to the employee's dependents of the second and third class as  
 12 defined in sections 11 through 14 of this chapter and compensation, not  
 13 exceeding five hundred (500) weeks shall be made to the employee's  
 14 dependents of the first class as defined in sections 11 through 14 of this  
 15 chapter.

16 (o) Any payment made by the employer to the employee during the  
 17 period of the employee's disability, or to the employee's dependents,  
 18 which, by the terms of this chapter, was not due and payable when  
 19 made, may, subject to the approval of the worker's compensation board,  
 20 be deducted from the amount to be paid as compensation, but such  
 21 deduction shall be made from the distal end of the period during which  
 22 compensation must be paid, except in cases of temporary disability.

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

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

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

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

42 (s) All compensation payments named and provided for in this



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1 section, shall mean and be defined to be for only such occupational  
 2 diseases and disabilities therefrom as are proved by competent  
 3 evidence, of which there are or have been objective conditions or  
 4 symptoms proven, not within the physical or mental control of the  
 5 employee himself.

6 SECTION 9. IC 22-3-7-16.1 IS ADDED TO THE INDIANA CODE  
 7 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 8 1, 2000]: **Sec. 16.1. (a) As used in this section, "board" refers to the  
 9 worker's compensation board created under IC 22-3-1-1.**

10 **(b) If an employee who from an occupational disease becomes  
 11 permanently and totally impaired by reason of the loss, or loss of  
 12 use of, another such member or eye, the employer shall be liable  
 13 only for the compensation payable for the second injury. However,  
 14 in addition to such compensation and after the completion of the  
 15 payment therefor, the employee shall be paid the remainder of the  
 16 compensation that would be due for the total permanent  
 17 impairment out of a special fund known as the occupational disease  
 18 second injury fund.**

19 **(c) Whenever the board determines under the procedures set  
 20 forth in subsection (d) that an assessment is necessary to ensure  
 21 that fund beneficiaries continue to receive compensation in a timely  
 22 manner for a reasonable prospective period, the board shall send  
 23 notice not later than October 1 in any year to:**

- 24 **(1) all insurance carriers and other entities insuring or  
 25 providing coverage to employers who are or may be liable  
 26 under this article to pay compensation for personal injuries to  
 27 or the death of one (1) of their employees from an  
 28 occupational disease; and**  
 29 **(2) each employer carrying the employer's own risk for  
 30 personal injuries to or the death of one (1) of their employees  
 31 from an occupational disease;**

32 **stating that an assessment is necessary. The board may conduct an  
 33 assessment under this subsection not more than one (1) time  
 34 annually. Every insurance carrier insuring employers who are or  
 35 may be liable under this article to pay compensation for  
 36 disablement or death from occupational diseases of their employees  
 37 under this article and every employer carrying the employer's own  
 38 risk shall, not later than thirty (30) days after receiving notice from  
 39 the board, pay to the worker's compensation board for the benefit  
 40 of a fund to be known as the occupational diseases second injury  
 41 fund. The payment shall be in a sum equal to one and one-half  
 42 percent (1.5%) of the total amount of all payments under this**



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1 chapter for occupational diseases paid to employees with  
2 occupational diseases or their beneficiaries under this chapter for  
3 the calendar year next preceding the due date of such payment. If  
4 the amount to the credit of the occupational diseases second injury  
5 fund as of October 1 of any year exceeds one million dollars  
6 (\$1,000,000), the payments of one and one-half percent (1.5%) shall  
7 not be assessed or collected during the ensuing year. But when on  
8 October 1 of any year the amount to the credit of the fund is less  
9 than one million dollars (\$1,000,000), the payments of one and  
10 one-half percent (1.5%) of the total amount of all payments under  
11 this chapter for occupational diseases paid to employees with  
12 occupational diseases or their beneficiaries under this chapter for  
13 the calendar year next preceding that date shall be resumed and  
14 paid into the fund.

15 (d) The board shall enter into a contract with an actuary or  
16 another qualified firm that has experience in calculating worker's  
17 compensation liabilities. Not later than September 1 of each year,  
18 the actuary or other qualified firm shall calculate the  
19 recommended funding level of the fund based on the previous  
20 year's claims and inform the board of the results of the calculation.  
21 If the amount to the credit of the fund is less than the amount  
22 required under subsection (c), the board may conduct an  
23 assessment under subsection (c). The board shall pay the costs of  
24 the contract under this subsection with money in the fund.

25 (e) An assessment collected under subsection (c) on an employer  
26 who is not self-insured must be assessed through a surcharge based  
27 on the employer's premium. An assessment collected under  
28 subsection (c) does not constitute an element of loss, but for the  
29 purpose of collection shall be treated as a separate cost imposed  
30 upon insured employers. A premium surcharge under this  
31 subsection must be collected at the same time and in the same  
32 manner in which the premium for coverage is collected, and must  
33 be shown as a separate amount on a premium statement. A  
34 premium surcharge under this subsection must be excluded from  
35 the definition of premium for all purposes, including the  
36 computation of agent commissions or premium taxes. However, an  
37 insurer may cancel a worker's compensation policy for  
38 nonpayment of the premium surcharge. A cancellation under this  
39 subsection must be carried out under the statutes applicable to the  
40 nonpayment of premiums.

41 (f) The sums under this section shall be paid by the worker's  
42 compensation board to the treasurer of state, to be deposited in a



1 special account known as the occupational diseases second injury  
 2 fund. The funds are not part of the state general fund. Any balance  
 3 remaining in the account at the end of any fiscal year does not  
 4 revert to the state general fund. The funds shall be used only for  
 5 the payment of awards of compensation and expense of medical  
 6 examinations or treatment made and ordered by the board and  
 7 chargeable against the occupational diseases second injury fund  
 8 under this section and shall be paid for that purpose by the  
 9 treasurer of state upon award or order of the board.

10 (g) If an employee who is entitled to compensation under this  
 11 chapter either:

- 12 (1) exhausts the maximum benefits under section 19 of this
- 13 chapter without having received the full amount of award
- 14 granted to the employee under section 16 of this chapter; or
- 15 (2) exhausts the employee's benefits under section 16 of this
- 16 chapter;

17 the employee may apply to the worker's compensation board,  
 18 which may award the employee compensation from the  
 19 occupational diseases second injury fund established by this  
 20 section, as provided under subsection (b).

21 (h) An employee who has exhausted the employee's maximum  
 22 benefits under section 10 of this chapter may be awarded  
 23 additional compensation equal to sixty-six and two-thirds percent  
 24 (66 2/3%) of the employee's average weekly wage at the time of the  
 25 employee's disablement from occupational disease, not to exceed  
 26 the maximum then applicable under section 19 of this chapter for  
 27 a period not to exceed one hundred fifty (150) weeks upon  
 28 competent evidence sufficient to establish:

- 29 (1) that the employee is totally and permanently disabled from
- 30 an occupational disease (as defined in section 10 of this
- 31 chapter) of which there are or have been objective conditions
- 32 and symptoms proven that are not within the physical or
- 33 mental control of the employee; and
- 34 (2) that the employee is unable to support the employee in any
- 35 gainful employment, not associated with rehabilitative or
- 36 vocational therapy.

37 (i) The additional award may be renewed during the employee's  
 38 total and permanent disability after appropriate hearings by the  
 39 worker's compensation board for successive periods not to exceed  
 40 one hundred fifty (150) weeks each.

41 SECTION 10. IC 22-3-7-17 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) During the



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1 period of disablement, the employer shall furnish or cause to be  
 2 furnished, free of charge to the employee, an attending physician for  
 3 the treatment of his occupational disease, and in addition thereto such  
 4 surgical, hospital, and nursing services and supplies as the attending  
 5 physician or the worker's compensation board may deem necessary. If  
 6 the employee is requested or required by the employer to submit to  
 7 treatment outside the county of employment, ~~said~~ **the** employer shall  
 8 also pay the reasonable expense of travel, food, and lodging necessary  
 9 during the travel, but not to exceed the amount paid at the time of ~~said~~  
 10 **the** travel by the state of Indiana to its employees. **If the treatment or**  
 11 **travel to or from the place of treatment causes a loss of working**  
 12 **time to the employee, the employer shall reimburse the employee**  
 13 **for the loss of wages using the basis of the employee's average daily**  
 14 **wage.**

15 (b) During the period of disablement resulting from the occupational  
 16 disease, the employer shall furnish such physician, services, and  
 17 supplies, and the worker's compensation board may, on proper  
 18 application of either party, require that treatment by such physician and  
 19 such services and supplies be furnished by or on behalf of the employer  
 20 as the board may deem reasonably necessary.

21 (c) **No representative of the employer or insurance carrier,**  
 22 **including case managers or rehabilitation nurses, may be present**  
 23 **at any treatment of an employee with an occupational disease**  
 24 **without the express written consent of the employee and the**  
 25 **treating medical personnel. At the time of any medical treatment**  
 26 **that a representative of the employer wishes to attend, the**  
 27 **representative of the employer shall inform the employee with an**  
 28 **occupational disease and treating medical personnel that their**  
 29 **written consent is required before the attendance of the employer's**  
 30 **representative. The employee's compensation and benefits may not**  
 31 **be jeopardized in any way due to the employee's failure or refusal**  
 32 **to complete a written waiver allowing the attendance of the**  
 33 **employer's representative. The employer's representative may not**  
 34 **in any way cause the employee to believe that the employee's**  
 35 **compensation and benefits will be terminated if the employee fails**  
 36 **or refuses to complete a written waiver allowing the attendance of**  
 37 **the employer's representative. The written waivers shall be**  
 38 **executed on forms prescribed by the board.**

39 (d) After an employee's occupational disease has been adjudicated  
 40 by agreement or award on the basis of permanent partial impairment  
 41 and within the statutory period for review in such case as provided in  
 42 section 27(i) of this chapter, the employer may continue to furnish a



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1 physician or a surgeon and other medical services and supplies, and the  
 2 board may, within such statutory period for review as provided in  
 3 section 27(i) of this chapter, on a proper application of either party,  
 4 require that treatment by such physician or surgeon and such services  
 5 and supplies be furnished by and on behalf of the employer as the  
 6 board may deem necessary to limit or reduce the amount and extent of  
 7 such impairment. The refusal of the employee to accept such services  
 8 and supplies when so provided by or on behalf of the employer, shall  
 9 bar the employee from all compensation otherwise payable during the  
 10 period of such refusal and his right to prosecute any proceeding under  
 11 this chapter shall be suspended and abated until such refusal ceases.  
 12 The employee must be served with a notice setting forth the  
 13 consequences of the refusal under this section. The notice must be in  
 14 a form prescribed by the worker's compensation board. No  
 15 compensation for permanent total impairment, permanent partial  
 16 impairment, permanent disfigurement, or death shall be paid or payable  
 17 for that part or portion of such impairment, disfigurement, or death  
 18 which is the result of the failure of such employee to accept such  
 19 treatment, services, and supplies, provided that an employer may at any  
 20 time permit an employee to have treatment for his disease or injury by  
 21 spiritual means or prayer in lieu of such physician, services, and  
 22 supplies.

23 (e) (e) Regardless of when it occurs, where a compensable  
 24 occupational disease results in the amputation of a body part, the  
 25 enucleation of an eye, or the loss of natural teeth, the employer shall  
 26 furnish an appropriate artificial member, braces, and prosthodontics.  
 27 The cost of repairs to or replacements for the artificial members,  
 28 braces, or prosthodontics that result from a compensable occupational  
 29 disease pursuant to a prior award and are required due to either medical  
 30 necessity or normal wear and tear, determined according to the  
 31 employee's individual use, but not abuse, of the artificial member,  
 32 braces, or prosthodontics, shall be paid from the second injury fund  
 33 upon order or award of the worker's compensation board. The employee  
 34 is not required to meet any other requirement for admission to the  
 35 second injury fund.

36 (f) (f) If an emergency or because of the employer's failure to  
 37 provide such attending physician or such surgical, hospital, or nurse's  
 38 services and supplies or such treatment by spiritual means or prayer as  
 39 specified in this section, or for other good reason, a physician other  
 40 than that provided by the employer treats the diseased employee within  
 41 the period of disability, or necessary and proper surgical, hospital, or  
 42 nurse's services and supplies are procured within ~~said~~ the period, the



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1 reasonable cost of such services and supplies shall, subject to approval  
2 of the worker's compensation board, be paid by the employer.

3 (e) (g) This section may not be construed to prohibit an agreement  
4 between an employer and employees that has the approval of the board  
5 and that:

6 (1) binds the parties to medical care furnished by providers  
7 selected by agreement before or after disablement; or

8 (2) makes the findings of a provider chosen in this manner  
9 binding upon the parties.

10 (f) (h) The employee and the employee's estate do not have liability  
11 to a health care provider for payment for services obtained under this  
12 section. The right to order payment for all services provided under this  
13 chapter is solely with the board. All claims by a health care provider for  
14 payment for services are against the employer and the employer's  
15 insurance carrier, if any, and must be made with the board under this  
16 chapter.

17 (i) **After medical treatment has commenced, neither the  
18 employer nor the insurance carrier is entitled to transfer or  
19 otherwise redirect treatment to other treating medical personnel,  
20 except in an emergency situation, unless the employee requests the  
21 transfer or redirected treatment, the treating medical personnel  
22 requests discontinuance of providing treatment, or there is other  
23 good cause. If the employer or insurance carrier wishes to transfer  
24 treatment for good cause, a transfer may not be permitted unless  
25 and until the board issues an order granting the request. The  
26 request shall be made on forms prescribed by the board.**

27 SECTION 11. IC 22-3-7-19 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 19. (a) In computing  
29 compensation for temporary total disability, temporary partial  
30 disability, and total permanent disability under this law with respect to  
31 occupational diseases occurring:

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

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

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

36 (2) on and after July 1, 1976, and before July 1, 1977, the average  
37 weekly wages shall be considered to be:

38 (A) not more than one hundred fifty-six dollars (\$156); and

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

40 (3) on and after July 1, 1977, and before July 1, 1979, the average  
41 weekly wages are considered to be:

42 (A) not more than one hundred eighty dollars (\$180); and

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- 1 (B) not less than seventy-five dollars (\$75);  
2 (4) on and after July 1, 1979, and before July 1, 1980, the average  
3 weekly wages are considered to be:  
4 (A) not more than one hundred ninety-five dollars (\$195); and  
5 (B) not less than seventy-five dollars (\$75);  
6 (5) on and after July 1, 1980, and before July 1, 1983, the average  
7 weekly wages are considered to be:  
8 (A) not more than two hundred ten dollars (\$210); and  
9 (B) not less than seventy-five dollars (\$75);  
10 (6) on and after July 1, 1983, and before July 1, 1984, the average  
11 weekly wages are considered to be:  
12 (A) not more than two hundred thirty-four dollars (\$234); and  
13 (B) not less than seventy-five dollars (\$75); and  
14 (7) on and after July 1, 1984, and before July 1, 1985, the average  
15 weekly wages are considered to be:  
16 (A) not more than two hundred forty-nine dollars (\$249); and  
17 (B) not less than seventy-five dollars (\$75).  
18 (b) 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, 1985, and before  
21 July 1, 1986, the average weekly wages are considered to be:  
22 (1) not more than two hundred sixty-seven dollars (\$267); and  
23 (2) not less than seventy-five dollars (\$75).  
24 (c) 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, 1986, and before  
27 July 1, 1988, the average weekly wages are considered to be:  
28 (1) not more than two hundred eighty-five dollars (\$285); and  
29 (2) not less than seventy-five dollars (\$75).  
30 (d) 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, 1988, and before  
33 July 1, 1989, the average weekly wages are considered to be:  
34 (1) not more than three hundred eighty-four dollars (\$384); and  
35 (2) not less than seventy-five dollars (\$75).  
36 (e) 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, 1989, and before  
39 July 1, 1990, the average weekly wages are considered to be:  
40 (1) not more than four hundred eleven dollars (\$411); and  
41 (2) not less than seventy-five dollars (\$75).  
42 (f) In computing compensation for temporary total disability,



1 temporary partial disability, and total permanent disability, with respect  
2 to occupational diseases occurring on and after July 1, 1990, and before  
3 July 1, 1991, the average weekly wages are considered to be:

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

6 (g) 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, 1991, and before  
9 July 1, 1992, the average weekly wages are considered to be:

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

12 (h) 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, 1992, and before  
15 July 1, 1993, the average weekly wages are considered to be:

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

18 (i) 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, 1993, and before  
21 July 1, 1994, the average weekly wages are considered to be:

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

24 (j) 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, 1994, and before  
27 July 1, 1997, the average weekly wages are considered to be:

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

30 (k) In computing compensation for temporary total disability,  
31 temporary partial disability, and total permanent disability, the average  
32 weekly wages are considered to be:

- 33 (1) with respect to occupational diseases occurring on and after  
34 July 1, 1997, and before July 1, 1998:  
35 (A) not more than six hundred seventy-two dollars (\$672); and  
36 (B) not less than seventy-five dollars (\$75);  
37 (2) with respect to occupational diseases occurring on and after  
38 July 1, 1998, and before July 1, 1999:  
39 (A) not more than seven hundred two dollars (\$702); and  
40 (B) not less than seventy-five dollars (\$75);  
41 (3) with respect to occupational diseases occurring on and after  
42 July 1, 1999, and before July 1, 2000:

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- 1 (A) not more than seven hundred thirty-two dollars (\$732);
- 2 and
- 3 (B) not less than seventy-five dollars (\$75); ~~and~~
- 4 (4) with respect to occupational diseases ~~occurring~~ **occurring** on
- 5 and after July 1, 2000, **and before July 1, 2001:**
- 6 (A) not more than seven hundred sixty-two dollars (\$762); and
- 7 (B) not less than seventy-five dollars (\$75);
- 8 **(5) with respect to injuries occurring on and after July 1,**
- 9 **2001, and before July 1, 2002:**
- 10 (A) **not more than eight hundred forty dollars (\$840); and**
- 11 (B) **not less than seventy-five dollars (\$75); and**
- 12 **(6) with respect to injuries occurring on and after July 1,**
- 13 **2002:**
- 14 (A) **not more than nine hundred eighteen dollars (\$918);**
- 15 **and**
- 16 (B) **not less than seventy-five dollars (\$75).**
- 17 (l) The maximum compensation that shall be paid for occupational
- 18 disease and its results under any one (1) or more provisions of this
- 19 chapter with respect to disability or death occurring:
- 20 (1) on and after July 1, 1974, and before July 1, 1976, shall not
- 21 exceed forty-five thousand dollars (\$45,000) in any case;
- 22 (2) on and after July 1, 1976, and before July 1, 1977, shall not
- 23 exceed fifty-two thousand dollars (\$52,000) in any case;
- 24 (3) on and after July 1, 1977, and before July 1, 1979, may not
- 25 exceed sixty thousand dollars (\$60,000) in any case;
- 26 (4) on and after July 1, 1979, and before July 1, 1980, may not
- 27 exceed sixty-five thousand dollars (\$65,000) in any case;
- 28 (5) on and after July 1, 1980, and before July 1, 1983, may not
- 29 exceed seventy thousand dollars (\$70,000) in any case;
- 30 (6) on and after July 1, 1983, and before July 1, 1984, may not
- 31 exceed seventy-eight thousand dollars (\$78,000) in any case; and
- 32 (7) on and after July 1, 1984, and before July 1, 1985, may not
- 33 exceed eighty-three thousand dollars (\$83,000) in any case.
- 34 (m) The maximum compensation with respect to disability or death
- 35 occurring on and after July 1, 1985, and before July 1, 1986, which
- 36 shall be paid for occupational disease and the results thereof under the
- 37 provisions of this chapter or under any combination of its provisions
- 38 may not exceed eighty-nine thousand dollars (\$89,000) in any case.
- 39 The maximum compensation with respect to disability or death
- 40 occurring on and after July 1, 1986, and before July 1, 1988, which
- 41 shall be paid for occupational disease and the results thereof under the
- 42 provisions of this chapter or under any combination of its provisions

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1 may not exceed ninety-five thousand dollars (\$95,000) in any case. The  
2 maximum compensation with respect to disability or death occurring  
3 on and after July 1, 1988, and before July 1, 1989, that shall be paid for  
4 occupational disease and the results thereof under this chapter or under  
5 any combination of its provisions may not exceed one hundred  
6 twenty-eight thousand dollars (\$128,000) in any case.

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

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

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

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

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

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

40 (t) The maximum compensation that shall be paid for occupational  
41 disease and the results of an occupational disease under this chapter or  
42 under any combination of the provisions of this chapter may not exceed

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the following amounts in any case:

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

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

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

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

**(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred eighty thousand dollars (\$280,000).**

**(6) With respect to an injury occurring on and after July 1, 2002, three hundred six thousand dollars (\$306,000).**

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted. Where the employment prior to the last day of the last exposure extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which, during the fifty-two (52) weeks previous to the last day of the last exposure, was being earned by a person in the same grade employed at the same work by the same employer, or if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee in lieu of wages or a

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1 specified part of the wage contract, they shall be deemed a part of the  
2 employee's earnings.

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

27 (w) The provisions of this article may not be construed to result in  
28 an award of benefits in which the number of weeks paid or to be paid  
29 for temporary total disability, temporary partial disability, or permanent  
30 total disability benefits combined exceeds five hundred (500) weeks.  
31 This section shall not be construed to prevent a person from applying  
32 for an award under IC 22-3-3-13. However, in case of permanent total  
33 disability resulting from a disablement occurring on or after January 1,  
34 1998, the minimum total benefit shall not be less than seventy-five  
35 thousand dollars (\$75,000).

36 SECTION 12. IC 22-3-7-20 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 20. (a) After  
38 disablement and during the period of claimed resulting disability or  
39 impairment, the employee, if so requested by the employee's employer  
40 or ordered by the worker's compensation board, shall submit to an  
41 examination at reasonable times and places by a duly qualified  
42 physician or surgeon designated and paid by the employer or by order



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1 of the board. The employee shall have the right to have present at any  
2 such examination any duly qualified physician or surgeon provided and  
3 paid for by the employee. No fact communicated to or otherwise  
4 learned by any physician or surgeon who may have attended or  
5 examined the employee, or who may have been present at any  
6 examination, shall be privileged either in the hearings provided for in  
7 this chapter, or in any action at law brought to recover damages against  
8 any employer who is subject to the compensation provisions of this  
9 chapter. If the employee refuses to submit to, or in any way obstructs  
10 the examinations, the employee's right to compensation and right to  
11 take or prosecute any proceedings under this chapter shall be  
12 suspended until the refusal or obstruction ceases. No compensation  
13 shall at any time be payable for the period of suspension unless in the  
14 opinion of the board, the circumstances justified the refusal or  
15 obstruction. The employee must be served with a notice setting forth  
16 the consequences of the refusal under this subsection. The notice must  
17 be in a form prescribed by the worker's compensation board.

18 (b) Any employer requesting an examination of any employee  
19 residing within Indiana shall pay, in advance of the time fixed for the  
20 examination, sufficient money to defray the necessary expenses of  
21 travel by the most convenient means to and from the place of  
22 examination, and the cost of meals and lodging necessary during the  
23 travel. If the method of travel is by automobile, the mileage rate to be  
24 paid by the employer shall be the rate as is then currently being paid by  
25 the state to its employees under the state travel policies and procedures  
26 established by the department of administration and approved by the  
27 state budget agency. If the examination or travel to or from the place of  
28 examination causes any loss of working time on the part of the  
29 employee, the employer shall reimburse the employee for the loss of  
30 wages upon the basis of such employee's average daily wage.

31 (c) When any employee injured in Indiana moves outside Indiana,  
32 the travel expense and the cost of meals and lodging necessary during  
33 the travel, payable under this section, shall be paid from the point in  
34 Indiana nearest to the employee's then residence to the place of  
35 examination. No travel and other expense shall be paid for any travel  
36 and other expense required outside Indiana.

37 (d) A duly qualified physician or surgeon provided and paid for by  
38 the employee may be present at an examination, if the employee so  
39 desires. In all cases, where the examination is made by a physician or  
40 surgeon engaged by the employer and the disabled or injured employee  
41 has no physician or surgeon present at the examination, it shall be the  
42 duty of the physician or surgeon making the examination to deliver to

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1 the injured employee, or the employee's representative, a statement in  
2 writing of the conditions evidenced by such examination. The  
3 statement shall disclose all facts that are reported by the physician or  
4 surgeon to the employer. This statement shall be furnished to the  
5 employee or the employee's representative as soon as practicable, but  
6 not later than thirty (30) days before the time the case is set for hearing.  
7 The statement may be submitted by either party as evidence by that  
8 physician or surgeon at a hearing before the worker's compensation  
9 board if the statement meets the requirements of subsection ~~(f)~~ (g). If  
10 the physician or surgeon fails or refuses to furnish the employee or the  
11 employee's representative with such statement thirty (30) days before  
12 the hearing, then the statement may not be submitted as evidence, and  
13 the physician shall not be permitted to testify before the worker's  
14 compensation board as to any facts learned in the examination. All of  
15 the requirements of this subsection apply to all subsequent  
16 examinations requested by the employer.

17 (e) **No representative of the employer or insurance carrier,**  
18 **including case managers or rehabilitation nurses, may be present**  
19 **at any examination of an employee with an occupational disease**  
20 **without the express written consent of the employee and the**  
21 **treating medical personnel. At the time of any medical examination**  
22 **that a representative of the employer wishes to attend, the**  
23 **representative of the employer shall inform the employee with an**  
24 **occupational disease and treating medical personnel that their**  
25 **written consent is required before the attendance of the employer's**  
26 **representative. The employee's compensation and benefits may not**  
27 **be jeopardized in any way due to the employee's failure or refusal**  
28 **to complete a written waiver allowing the attendance of the**  
29 **employer's representative. The employer's representative may not**  
30 **in any way cause the employee to believe that the employee's**  
31 **compensation and benefits will be terminated if the employee fails**  
32 **or refuses to complete a written waiver allowing the attendance of**  
33 **the employer's representative. The written waivers shall be**  
34 **executed on forms prescribed by the board.**

35 (f) In all cases where an examination of an employee is made by a  
36 physician or surgeon engaged by the employee, and the employer has  
37 no physician or surgeon present at such examination, it shall be the  
38 duty of the physician or surgeon making the examination to deliver to  
39 the employer or the employer's representative a statement in writing of  
40 the conditions evidenced by such examination. The statement shall  
41 disclose all the facts that are reported by such physician or surgeon to  
42 the employee. The statement shall be furnished to the employer or the

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1 employer's representative as soon as practicable, but not later than  
 2 thirty (30) days before the time the case is set for hearing. The  
 3 statement may be submitted by either party as evidence by that  
 4 physician or surgeon at a hearing before the worker's compensation  
 5 board if the statement meets the requirements of subsection ~~(f)~~ (g). If  
 6 the physician or surgeon fails or refuses to furnish the employer or the  
 7 employer's representative with such statement thirty (30) days before  
 8 the hearing, then the statement may not be submitted as evidence, and  
 9 the physician or surgeon shall not be permitted to testify before the  
 10 worker's compensation board as to any facts learned in such  
 11 examination. All of the requirements of this subsection apply to all  
 12 subsequent examinations made by a physician or surgeon engaged by  
 13 the employee.

14 ~~(f)~~ (g) All statements of physicians or surgeons required by this  
 15 section, whether those engaged by employee or employer, shall contain  
 16 the following information:

17 (1) The history of the injury, or claimed injury, as given by the  
 18 patient.

19 (2) The diagnosis of the physician or surgeon concerning the  
 20 patient's physical or mental condition.

21 (3) The opinion of the physician or surgeon concerning the causal  
 22 relationship, if any, between the injury and the patient's physical  
 23 or mental condition, including the physician's or surgeon's reasons  
 24 for the opinion.

25 (4) The opinion of the physician or surgeon concerning whether  
 26 the injury or claimed injury resulted in a disability or impairment  
 27 and, if so, the opinion of the physician or surgeon concerning the  
 28 extent of the disability or impairment and the reasons for the  
 29 opinion.

30 (5) The original signature of the physician or surgeon.

31 Notwithstanding any hearsay objection, the worker's compensation  
 32 board shall admit into evidence a statement that meets the requirements  
 33 of this subsection unless the statement is ruled inadmissible on other  
 34 grounds.

35 ~~(g)~~ (h) Delivery of any statement required by this section may be  
 36 made to the attorney or agent of the employer or employee and such an  
 37 action shall be construed as delivery to the employer or employee.

38 ~~(h)~~ (i) Any party may object to a statement on the basis that the  
 39 statement does not meet the requirements of subsection ~~(e)~~ (f). The  
 40 objecting party must give written notice to the party providing the  
 41 statement and specify the basis for the objection. Notice of the  
 42 objection must be given no later than twenty (20) days before the



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1 hearing. Failure to object as provided in this subsection precludes any  
 2 further objection as to the adequacy of the statement under subsection  
 3 ~~(f)~~ (g).

4 ~~(i)~~ (j) The employer upon proper application, or the worker's  
 5 compensation board, shall have the right in any case of death to require  
 6 an autopsy at the expense of the party requesting the same. If, after a  
 7 hearing, the board orders an autopsy and the autopsy is refused by the  
 8 surviving spouse or next of kin, in this event any claim for  
 9 compensation on account of the death shall be suspended and abated  
 10 during the refusal. The surviving spouse or dependent must be served  
 11 with a notice setting forth the consequences of the refusal under this  
 12 subsection. The notice must be in a form prescribed by the worker's  
 13 compensation board. No autopsy, except one performed by or on the  
 14 authority or order of the coroner in discharge of the coroner's duties,  
 15 shall be held in any case by any person without notice first being given  
 16 to the surviving spouse or next of kin, if they reside in Indiana or their  
 17 whereabouts can reasonably be ascertained, of the time and place  
 18 thereof, and reasonable time and opportunity shall be given such  
 19 surviving spouse or next of kin to have a representative or  
 20 representatives present to witness same. However, if such notice is not  
 21 given, all evidence obtained by the autopsy shall be suspended on  
 22 motion duly made to the board.

23 SECTION 13. IC 22-4-19-6, AS AMENDED BY P.L.235-1999,  
 24 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2000]: Sec. 6. (a) Each employing unit shall keep true and  
 26 accurate records containing information the department considers  
 27 necessary. These records are:

- 28 (1) open to inspection; and  
 29 (2) subject to being copied;

30 by an authorized representative of the department at any reasonable  
 31 time and as often as may be necessary. The commissioner, the review  
 32 board, or an administrative law judge may require from any employing  
 33 unit any verified or unverified report, with respect to persons employed  
 34 by it, which is considered necessary for the effective administration of  
 35 this article.

36 (b) Except as provided in subsection (d), information obtained or  
 37 obtained from any person in the administration of this article and the  
 38 records of the department relating to the unemployment tax or the  
 39 payment of benefits is confidential and may not be published or be  
 40 open to public inspection in any manner revealing the individual's or  
 41 the employing unit's identity, except:

- 42 (1) in obedience to an order of a court;

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- 1           **(2) when authorized by the individual and the employing unit;**  
 2           or  
 3           **(3) as provided in this section.**  
 4           (c) A claimant at a hearing before an administrative law judge or the  
 5 review board shall be supplied with information from the records  
 6 referred to in this section to the extent necessary for the proper  
 7 presentation of the subject matter of the appearance. The commissioner  
 8 may make the information necessary for a proper presentation of a  
 9 subject matter before an administrative law judge or the review board  
 10 available to an agency of the United States or an Indiana state agency.  
 11           (d) The commissioner may release the following information:  
 12           (1) Summary statistical data may be released to the public.  
 13           (2) Employer specific information known as ES 202 data and data  
 14 resulting from enhancements made through the business  
 15 establishment list improvement project may be released to the  
 16 department of commerce only for the following purposes:  
 17           (A) The purpose of conducting a survey.  
 18           (B) The purpose of aiding the officers or employees of the  
 19 department of commerce in providing economic development  
 20 assistance through program development, research, or other  
 21 methods.  
 22           (C) Other purposes consistent with the goals of the department  
 23 of commerce and not inconsistent with those of the  
 24 department.  
 25           (3) Employer specific information known as ES 202 data and data  
 26 resulting from enhancements made through the business  
 27 establishment list improvement project may be released to the  
 28 budget agency only for aiding the employees of the budget agency  
 29 in forecasting tax revenues.  
 30           (4) Information obtained from any person in the administration of  
 31 this article and the records of the department relating to the  
 32 unemployment tax or the payment of benefits for use by the  
 33 following governmental entities:  
 34           (A) department of state revenue; or  
 35           (B) state or local law enforcement agencies;  
 36           only if there is an agreement that the information will be kept  
 37 confidential and used for legitimate governmental purposes.  
 38           (e) The commissioner may make information available under  
 39 subsection (d)(1), (d)(2), or (d)(3) only:  
 40           (1) if:  
 41           (A) data provided in summary form cannot be used to identify  
 42 information relating to a specific employer or specific

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1 employee; or  
 2 (B) there is an agreement that the employer specific  
 3 information released to the department of commerce or budget  
 4 agency will be treated as confidential and will be released only  
 5 in summary form that cannot be used to identify information  
 6 relating to a specific employer or a specific employee; and  
 7 (2) after the cost of making the information available to the  
 8 person requesting the information is paid under IC 5-14-3.  
 9 (f) An employee:  
 10 (1) of the department who recklessly violates subsection (a), (c),  
 11 (d), or (e); or  
 12 (2) of any governmental entity listed in subsection (d)(4) of this  
 13 chapter who recklessly violates subsection (d)(4) of this chapter;  
 14 commits a Class B misdemeanor.  
 15 (g) An employee of the department of commerce or the budget  
 16 agency who violates subsection (d) or (e) commits a Class B  
 17 misdemeanor.  
 18 SECTION 14. IC 22-4-29-3 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The commissioner,  
 20 or the commissioner's duly authorized representative, shall immediately  
 21 notify the employing unit of the assessment in writing by mail, and,  
 22 **except as provided in section 4.5 of this chapter**, such assessment  
 23 shall be final unless the employing unit protests such assessment within  
 24 fifteen (15) days after the mailing of the notice.  
 25 SECTION 15. IC 22-4-29-4.5 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Upon terms that are just,**  
 28 **by motion filed with the commissioner, the liability administrative**  
 29 **law judge may relieve an employing unit from a final assessment**  
 30 **under section 3 of this chapter for the following reasons:**  
 31 (1) **Mistake.**  
 32 (2) **Surprise.**  
 33 (3) **Excusable neglect, including, but not limited to, the**  
 34 **employing unit showing to the satisfaction of the liability**  
 35 **administrative law judge that no return was filed because**  
 36 **there was no contribution liability for the period covered by**  
 37 **the final assessment.**  
 38 (b) **The motion must be filed not later than two (2) years after**  
 39 **the date of the mailing of the notice of assessment under section 3**  
 40 **of this chapter.**  
 41 (c) **The motion must contain:**  
 42 (1) **the grounds for an appeal under this section; and**

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1 (2) a defense to the assessment imposed in section 2 of this  
2 chapter.

3 (d) Upon receipt of an appeal under this section, if a warrant  
4 has been filed with the clerk of the circuit court under section 6 of  
5 this chapter, the commissioner or the commissioner's  
6 representative shall immediately notify the clerk of the circuit  
7 court that an appeal has been filed.

8 (e) The filing of a motion stays the following:

9 (1) Issuance of a warrant by the commissioner or the  
10 commissioner's representative under section 6 of this chapter.

11 (2) Action to be performed by the sheriff or clerk in response  
12 to the demands of the warrant under section 6 of this chapter.

13 (3) Placement of a lien upon the real and personal property of  
14 the employing unit under section 6 of this chapter.

15 (4) Issuance of the warrant to the sheriff of the county by the  
16 department under section 7 of this chapter.

17 (f) Costs due under section 8 of this chapter and amounts  
18 retained under section 9 of this chapter may not be returned to an  
19 employing unit that is relieved from assessment liability under this  
20 section.

21 (g) At the hearing, the employing unit seeking to set aside the  
22 final assessment must show:

23 (1) the grounds for relief set forth in subsection (a); and

24 (2) the defense to the assessment as required by section 4 of  
25 this chapter.

26 (h) Judicial relief of the decision of the liability administrative  
27 law judge may be sought under section 5 of this chapter.

28 SECTION 16. IC 22-4-32-4 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided**  
30 **in IC 22-4-29-4.5**, an employing unit shall have fifteen (15) days  
31 within which to protest in writing initial determinations of the  
32 commissioner with respect to:

33 (1) the assessments of contributions, penalties, and interest;

34 (2) the transfer of charges from an employer's account;

35 (3) merit rate calculations;

36 (4) successorships;

37 (5) the denial of claims for refunds and adjustments; and

38 (6) a protest arising from an initial determination of the director  
39 relating to any matter listed in subdivisions (1) through (5).

40 The fifteen (15) day period shall commence with the day following the  
41 day upon which the initial determination or denial of claim for refund  
42 or adjustment is mailed to the employing unit.

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1 SECTION 17. IC 22-4-32-20 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 20. The contributions,  
 3 penalties, and interest due from any employer under the provisions of  
 4 this article from the time they shall be due shall be a personal liability  
 5 of the:

6 (1) employer; **and**

7 (2) **directors and officers of an employer;**

8 to and for the benefit of the fund and the employment and training  
 9 services administration fund.

10 SECTION 18. IC 22-4-32-23 IS AMENDED TO READ AS  
 11 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. (a) As used in this  
 12 section:

13 (1) "Dissolution" refers to dissolution of a corporation under  
 14 IC 23-1-45 through IC 23-1-48.

15 (2) "Liquidation" means the operation or act of winding up a  
 16 corporation's affairs, when normal business activities have ceased,  
 17 by settling its debts and realizing upon and distributing its assets.

18 (3) "Withdrawal" refers to the withdrawal of a foreign corporation  
 19 from Indiana under IC 23-1-50.

20 (b) The officers and directors of a corporation effecting dissolution,  
 21 liquidation, or withdrawal shall do the following:

22 (1) File all necessary documents with the department in a timely  
 23 manner as required by this article.

24 (2) Make all payments of contributions to the department in a  
 25 timely manner as required by this article.

26 (3) File with the department a form of notification within thirty  
 27 (30) days of the adoption of a resolution or plan. The form of  
 28 notification shall be prescribed by the department and may  
 29 require information concerning:

30 (A) the corporation's assets;

31 (B) the corporation's liabilities;

32 (C) details of the plan or resolution;

33 (D) the names and addresses of corporate officers, directors,  
 34 and shareholders;

35 (E) a copy of the minutes of the shareholders' meeting at which  
 36 the plan or resolution was formally adopted; and

37 (F) such other information as the board may require.

38 The commissioner may accept, in lieu of the department's form of  
 39 notification, a copy of Form 966 that the corporation filed with the  
 40 Internal Revenue Service.

41 (c) **Notwithstanding IC 23-1-35-1(e)**, unless a clearance is issued  
 42 under subsection (g) for a period of one (1) year following the filing of

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1 the form of notification with the department; ~~(e)~~, the corporate officers  
 2 and directors remain personally liable subject to IC 23-1-35-1(e); for  
 3 any acts or omissions that result in the distribution of corporate assets  
 4 in violation of the interests of the state. An officer or director held  
 5 liable for an unlawful distribution under this subsection is entitled to  
 6 contribution:

7 (1) from every other director who voted for or assented to the  
 8 distribution; subject to IC 23-1-35-1(e); and

9 (2) from each shareholder for the amount the shareholder  
 10 accepted.

11 ~~(d)~~ The corporation's officers' and directors' personal liability  
 12 includes for all contributions, penalties, interest, and fees associated  
 13 with the collection of the liability due the department. In addition to the  
 14 penalties provided elsewhere in this article, a penalty of up to thirty  
 15 percent (30%) of the unpaid contributions may be imposed on the  
 16 corporate officers and directors for failure to take reasonable steps to  
 17 set aside corporate assets to meet the liability due the department.

18 ~~(e)~~ If the department fails to begin a collection action against a  
 19 corporate officer or director within one ~~(1)~~ year after the filing of a  
 20 completed form of notification with the department; the personal  
 21 liability of the corporate officer or director expires. The filing of a  
 22 substantially blank form of notification or a form containing  
 23 misrepresentation of material facts does not constitute filing a form of  
 24 notification for the purpose of determining the period of personal  
 25 liability of the officers and directors of the corporation.

26 ~~(f)~~ ~~(d)~~ In addition to the remedies contained in this section, the  
 27 department is entitled to pursue corporate assets that have been  
 28 distributed to shareholders in violation of the interests of the state. The  
 29 election to pursue one (1) remedy does not foreclose the state's option  
 30 to pursue other legal remedies.

31 ~~(g)~~ ~~(e)~~ The department may issue a clearance to a corporation  
 32 effecting dissolution, liquidation, or withdrawal if:

33 (1) the officers and directors of the corporation have met the  
 34 requirements of subsection (b); and

35 (2) request for the clearance is made in writing by the officers and  
 36 directors of the corporation within thirty (30) days after the filing  
 37 of the form of notification with the department.

38 ~~(h)~~ ~~(f)~~ The issuance of a clearance by the department under  
 39 subsection ~~(g)~~ ~~(e)~~ releases the officers and directors from personal  
 40 liability under this section.

41 SECTION 19. IC 23-1-46-3 IS AMENDED TO READ AS  
 42 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A corporation

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1 administratively dissolved under section 2 of this chapter may apply to  
2 the secretary of state for reinstatement. The application must:

3 (1) recite the name of the corporation and the effective date of its  
4 administrative dissolution;

5 (2) state that the ground or grounds for dissolution either did not  
6 exist or have been eliminated;

7 (3) state that the corporation's name satisfies the requirements of  
8 IC 23-1-23-1; ~~and~~

9 (4) contain a certificate from the department of state revenue  
10 reciting that all taxes owed by the corporation have been paid;  
11 **and**

12 **(5) contain a certificate from the department of workforce**  
13 **development stating that all employer contributions owed by**  
14 **the corporation under IC 22-4-10 have been paid.**

15 (b) If the secretary of state determines that the application contains  
16 the information required by subsection (a) and that the information is  
17 correct, the secretary of state shall cancel the certificate of dissolution  
18 and prepare a certificate of reinstatement that recites the determination  
19 and the effective date of reinstatement, file the original of the  
20 certificate, and serve a copy on the corporation under IC 23-1-24-4.

21 (c) When the reinstatement is effective, it relates back to and takes  
22 effect as of the effective date of the administrative dissolution and the  
23 corporation resumes carrying on its business as if the administrative  
24 dissolution had never occurred.

25 SECTION 20. IC 25-1-5-8 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and  
27 the boards may allow the department of state revenue **and the**  
28 **department of workforce development** access to the name of each  
29 person who:

30 (1) is licensed under this chapter; or

31 (2) has applied for a license under this chapter.

32 (b) If the department of state revenue notifies the bureau that a  
33 person is on the most recent tax warrant list, the bureau may not issue  
34 or renew the person's license until:

35 (1) the person provides to the bureau a statement from the  
36 department of state revenue that the person's delinquent tax  
37 liability has been satisfied; or

38 (2) the bureau receives a notice from the commissioner of the  
39 department of state revenue under IC 6-8.1-8-2(k).

40 **(c) If the department of workforce development notifies the**  
41 **bureau that a person has unpaid contribution liability, the bureau**  
42 **may not issue or renew the person's license until the person**



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1 provides to the bureau a statement from the department of  
2 workforce development that the person's delinquent contribution  
3 liability has been satisfied.

4 SECTION 21. IC 25-1-6-8 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and  
6 the boards may allow the department of state revenue **and the**  
7 **department of workforce development** access to the name of each  
8 person who:

9 (1) is licensed under this chapter; or

10 (2) has applied for a license under this chapter.

11 (b) If the department of state revenue notifies the bureau that a  
12 person is on the most recent tax warrant list, the bureau may not issue  
13 or renew the person's license until:

14 (1) the person provides to the bureau a statement from the  
15 department of revenue that the person's delinquent tax liability  
16 has been satisfied; or

17 (2) the bureau receives a notice from the commissioner of the  
18 department of state revenue under IC 6-8.1-8-2(k).

19 (c) **If the department of workforce development notifies the**  
20 **bureau that a person has unpaid contribution liability, the bureau**  
21 **may not issue or renew the person's license until the person**  
22 **provides to the bureau a statement from the department of**  
23 **workforce development that the person's delinquent contribution**  
24 **liability has been satisfied.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 52, 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:

Delete the title and insert :

A BILL FOR AN ACT to amend the Indiana Code concerning worker's compensation and occupational diseases compensation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Pensions and Labor.

(Reference is to SB 52 as introduced.)

GARTON, Chairperson

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COMMITTEE REPORT

Mr. President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 52, 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:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to SB 52 as printed January 14, 2000.)

HARRISON, Chairperson

Committee Vote: Yeas 7, Nays 3.

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## SENATE MOTION

Mr. President: I move that Senate Bill 52 be amended to read as follows:

Page 11, line 29, delete "or an affirmative finding of a hearing officer concerning".

Page 11, line 30, delete "the disability".

Page 11, line 30, delete "disability." and insert "**, unless a member of the worker's compensation board determines, based upon other clear and convincing evidence, that due to the severity and nature of the injury, temporary total disability or temporary partial disability is obvious without medical opinion evidence of disability.**".

Page 31, between lines 27 and 28, begin a new paragraph and insert: "SECTION 12. IC 22-3-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 32. The provisions of this article may not be construed to result in an award ~~of~~ **or series of awards for** benefits in which the number of weeks paid and to be paid for temporary total disability, temporary partial disability, or permanent total disability combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person who is permanently totally disabled from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from an injury occurring on or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000).".

Page 63, line 10, reset in roman "However, in case of permanent total".

Page 63, reset in roman lines 11 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 52 as printed January 28, 2000.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred Senate Bill 52, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

LIGGETT, Chair

Committee Vote: yeas 6, nays 2.

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## HOUSE MOTION

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

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

LIGGETT

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 HOUSE MOTION

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

Page 63, after line 27, begin a new paragraph and insert:

"SECTION 19. IC 22-4-19-6, AS AMENDED BY P.L.235-1999, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) Each employing unit shall keep true and accurate records containing information the department considers necessary. These records are:

- (1) open to inspection; and
- (2) subject to being copied;

by an authorized representative of the department at any reasonable time and as often as may be necessary. The commissioner, the review board, or an administrative law judge may require from any employing unit any verified or unverified report, with respect to persons employed by it, which is considered necessary for the effective administration of this article.

(b) Except as provided in subsection (d), information obtained or obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits is confidential and may not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, except:

- (1) in obedience to an order of a court;
- (2) **when authorized by the individual and the employing unit;**
- or
- (3) as provided in this section.

(c) A claimant at a hearing before an administrative law judge or the review board shall be supplied with information from the records

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referred to in this section to the extent necessary for the proper presentation of the subject matter of the appearance. The commissioner may make the information necessary for a proper presentation of a subject matter before an administrative law judge or the review board available to an agency of the United States or an Indiana state agency.

(d) The commissioner may release the following information:

(1) Summary statistical data may be released to the public.

(2) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the department of commerce only for the following purposes:

(A) The purpose of conducting a survey.

(B) The purpose of aiding the officers or employees of the department of commerce in providing economic development assistance through program development, research, or other methods.

(C) Other purposes consistent with the goals of the department of commerce and not inconsistent with those of the department.

(3) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the budget agency only for aiding the employees of the budget agency in forecasting tax revenues.

(4) Information obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits for use by the following governmental entities:

(A) department of state revenue; or

(B) state or local law enforcement agencies;

only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.

(e) The commissioner may make information available under subsection (d)(1), (d)(2), or (d)(3) only:

(1) if:

(A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or

(B) there is an agreement that the employer specific information released to the department of commerce or budget agency will be treated as confidential and will be released only in summary form that cannot be used to identify information

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relating to a specific employer or a specific employee; and  
 (2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.

(f) An employee:

(1) of the department who recklessly violates subsection (a), (c), (d), or (e); or

(2) of any governmental entity listed in subsection (d)(4) of this chapter who recklessly violates subsection (d)(4) of this chapter; commits a Class B misdemeanor.

(g) An employee of the department of commerce or the budget agency who violates subsection (d) or (e) commits a Class B misdemeanor.

SECTION 20. IC 22-4-29-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. The commissioner, or the commissioner's duly authorized representative, shall immediately notify the employing unit of the assessment in writing by mail, and, **except as provided in section 4.5 of this chapter**, such assessment shall be final unless the employing unit protests such assessment within fifteen (15) days after the mailing of the notice.

SECTION 21. IC 22-4-29-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: **Sec. 4.5. (a) Upon terms that are just, by motion filed with the commissioner, the liability administrative law judge may relieve an employing unit from a final assessment under section 3 of this chapter for the following reasons:**

(1) Mistake.

(2) Surprise.

(3) Excusable neglect, including, but not limited to, the employing unit showing to the satisfaction of the liability administrative law judge that no return was filed because there was no contribution liability for the period covered by the final assessment.

(b) The motion must be filed not later than two (2) years after the date of the mailing of the notice of assessment under section 3 of this chapter.

(c) The motion must contain:

(1) the grounds for an appeal under this section; and

(2) a defense to the assessment imposed in section 2 of this chapter.

(d) Upon receipt of an appeal under this section, if a warrant has been filed with the clerk of the circuit court under section 6 of this chapter, the commissioner or the commissioner's

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representative shall immediately notify the clerk of the circuit court that an appeal has been filed.

(e) The filing of a motion stays the following:

- (1) Issuance of a warrant by the commissioner or the commissioner's representative under section 6 of this chapter.
- (2) Action to be performed by the sheriff or clerk in response to the demands of the warrant under section 6 of this chapter.
- (3) Placement of a lien upon the real and personal property of the employing unit under section 6 of this chapter.
- (4) Issuance of the warrant to the sheriff of the county by the department under section 7 of this chapter.

(f) Costs due under section 8 of this chapter and amounts retained under section 9 of this chapter may not be returned to an employing unit that is relieved from assessment liability under this section.

(g) At the hearing, the employing unit seeking to set aside the final assessment must show:

- (1) the grounds for relief set forth in subsection (a); and
- (2) the defense to the assessment as required by section 4 of this chapter.

(h) Judicial relief of the decision of the liability administrative law judge may be sought under section 5 of this chapter.

SECTION 22. IC 22-4-32-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 4. **Except as provided in IC 22-4-29-4.5**, an employing unit shall have fifteen (15) days within which to protest in writing initial determinations of the commissioner with respect to:

- (1) the assessments of contributions, penalties, and interest;
- (2) the transfer of charges from an employer's account;
- (3) merit rate calculations;
- (4) successorships;
- (5) the denial of claims for refunds and adjustments; and
- (6) a protest arising from an initial determination of the director relating to any matter listed in subdivisions (1) through (5).

The fifteen (15) day period shall commence with the day following the day upon which the initial determination or denial of claim for refund or adjustment is mailed to the employing unit.

SECTION 23. IC 22-4-32-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 20. The contributions, penalties, and interest due from any employer under the provisions of this article from the time they shall be due shall be a personal liability of the:

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- (1) employer; **and**
- (2) **directors and officers of an employer;**

to and for the benefit of the fund and the employment and training services administration fund.

SECTION 24. IC 22-4-32-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 23. (a) As used in this section:

- (1) "Dissolution" refers to dissolution of a corporation under IC 23-1-45 through IC 23-1-48.
- (2) "Liquidation" means the operation or act of winding up a corporation's affairs, when normal business activities have ceased, by settling its debts and realizing upon and distributing its assets.
- (3) "Withdrawal" refers to the withdrawal of a foreign corporation from Indiana under IC 23-1-50.

(b) The officers and directors of a corporation effecting dissolution, liquidation, or withdrawal shall do the following:

- (1) File all necessary documents with the department in a timely manner as required by this article.
- (2) Make all payments of contributions to the department in a timely manner as required by this article.
- (3) File with the department a form of notification within thirty (30) days of the adoption of a resolution or plan. The form of notification shall be prescribed by the department and may require information concerning:
  - (A) the corporation's assets;
  - (B) the corporation's liabilities;
  - (C) details of the plan or resolution;
  - (D) the names and addresses of corporate officers, directors, and shareholders;
  - (E) a copy of the minutes of the shareholders' meeting at which the plan or resolution was formally adopted; and
  - (F) such other information as the board may require.

The commissioner may accept, in lieu of the department's form of notification, a copy of Form 966 that the corporation filed with the Internal Revenue Service.

(c) **Notwithstanding IC 23-1-35-1(e)**, unless a clearance is issued under subsection (g) for a period of one (1) year following the filing of the form of notification with the department; (e), the corporate officers and directors remain personally liable subject to IC 23-1-35-1(e), for any acts or omissions that result in the distribution of corporate assets in violation of the interests of the state. An officer or director held liable for an unlawful distribution under this subsection is entitled to



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contribution:

- (1) from every other director who voted for or assented to the distribution; subject to IC 23-1-35-1(e); and
- (2) from each shareholder for the amount the shareholder accepted.

(d) The corporation's officers' and directors' personal liability includes for all contributions, penalties, interest, and fees associated with the collection of the liability due the department. In addition to the penalties provided elsewhere in this article, a penalty of up to thirty percent (30%) of the unpaid contributions may be imposed on the corporate officers and directors for failure to take reasonable steps to set aside corporate assets to meet the liability due the department.

(e) If the department fails to begin a collection action against a corporate officer or director within one (1) year after the filing of a completed form of notification with the department; the personal liability of the corporate officer or director expires. The filing of a substantially blank form of notification or a form containing misrepresentation of material facts does not constitute filing a form of notification for the purpose of determining the period of personal liability of the officers and directors of the corporation.

(f) (d) In addition to the remedies contained in this section, the department is entitled to pursue corporate assets that have been distributed to shareholders in violation of the interests of the state. The election to pursue one (1) remedy does not foreclose the state's option to pursue other legal remedies.

(g) (e) The department may issue a clearance to a corporation effecting dissolution, liquidation, or withdrawal if:

- (1) the officers and directors of the corporation have met the requirements of subsection (b); and
- (2) request for the clearance is made in writing by the officers and directors of the corporation within thirty (30) days after the filing of the form of notification with the department.

(h) (f) The issuance of a clearance by the department under subsection (g) (e) releases the officers and directors from personal liability under this section.

SECTION 25. IC 23-1-46-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) A corporation administratively dissolved under section 2 of this chapter may apply to the secretary of state for reinstatement. The application must:

- (1) recite the name of the corporation and the effective date of its administrative dissolution;
- (2) state that the ground or grounds for dissolution either did not

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exist or have been eliminated;

(3) state that the corporation's name satisfies the requirements of IC 23-1-23-1; ~~and~~

(4) contain a certificate from the department of state revenue reciting that all taxes owed by the corporation have been paid; **and**

**(5) contain a certificate from the department of workforce development stating that all employer contributions owed by the corporation under IC 22-4-10 have been paid.**

(b) If the secretary of state determines that the application contains the information required by subsection (a) and that the information is correct, the secretary of state shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites the determination and the effective date of reinstatement, file the original of the certificate, and serve a copy on the corporation under IC 23-1-24-4.

(c) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its business as if the administrative dissolution had never occurred.

SECTION 26. IC 25-1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and the boards may allow the department of state revenue **and the department of workforce development** access to the name of each person who:

(1) is licensed under this chapter; or

(2) has applied for a license under this chapter.

(b) If the department of state revenue notifies the bureau that a person is on the most recent tax warrant list, the bureau may not issue or renew the person's license until:

(1) the person provides to the bureau a statement from the department of state revenue that the person's delinquent tax liability has been satisfied; or

(2) the bureau receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

**(c) If the department of workforce development notifies the bureau that a person has unpaid contribution liability, the bureau may not issue or renew the person's license until the person provides to the bureau a statement from the department of workforce development that the person's delinquent contribution liability has been satisfied.**

SECTION 27. IC 25-1-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. (a) The bureau and



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the boards may allow the department of state revenue **and the department of workforce development** access to the name of each person who:

- (1) is licensed under this chapter; or
- (2) has applied for a license under this chapter.

(b) If the department of state revenue notifies the bureau that a person is on the most recent tax warrant list, the bureau may not issue or renew the person's license until:

- (1) the person provides to the bureau a statement from the department of revenue that the person's delinquent tax liability has been satisfied; or
- (2) the bureau receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

**(c) If the department of workforce development notifies the bureau that a person has unpaid contribution liability, the bureau may not issue or renew the person's license until the person provides to the bureau a statement from the department of workforce development that the person's delinquent contribution liability has been satisfied."**

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

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