

## SENATE BILL No. 33

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### DIGEST OF INTRODUCED BILL

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

**Synopsis:** Sheriff's department survivor benefits. Provides that, without regard to any maximum statutory compensation period, the surviving spouse of a county police officer or a county sheriff who was killed in the line of duty is entitled to receive worker 's compensation benefits until the earlier of: (1) the surviving spouse's remarriage; or (2) the surviving spouse's death. Makes conforming amendments and technical corrections.

**Effective:** July 1, 2011.

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**Bray, Arnold**

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January 5, 2011, read first time and referred to Committee on Pensions and Labor.

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First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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## SENATE BILL No. 33



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

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

1 SECTION 1. IC 22-3-3-10, AS AMENDED BY P.L.3-2008,  
2 SECTION 156, IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) With respect to injuries in  
4 the schedule set forth in subsection (d) occurring on and after July 1,  
5 1979, and before July 1, 1988, the employee shall receive, in addition  
6 to temporary total disability benefits not to exceed fifty-two (52) weeks  
7 on account of the injury, a weekly compensation of sixty percent (60%)  
8 of the employee's average weekly wages, not to exceed one hundred  
9 twenty-five dollars (\$125) average weekly wages, for the period stated  
10 for the injury.

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



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

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

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

41 (2) For the loss by separation of both hands or both feet or the  
 42 total sight of both eyes, or any two (2) such losses in the same

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1 accident, five hundred (500) weeks.  
 2 (3) For the permanent and complete loss of vision by enucleation  
 3 or its reduction to one-tenth (1/10) of normal vision with glasses,  
 4 one hundred seventy-five (175) weeks.  
 5 (4) For the permanent and complete loss of hearing in one (1) ear,  
 6 seventy-five (75) weeks, and in both ears, two hundred (200)  
 7 weeks.  
 8 (5) For the loss of one (1) testicle, fifty (50) weeks; for the loss of  
 9 both testicles, one hundred fifty (150) weeks.  
 10 (e) With respect to injuries in the schedule set forth in subsection  
 11 (h) occurring on and after July 1, 1979, and before July 1, 1988, the  
 12 employee shall receive, in addition to temporary total disability benefits  
 13 not exceeding fifty-two (52) weeks on account of the injury, a weekly  
 14 compensation of sixty percent (60%) of the employee's average weekly  
 15 wages not to exceed one hundred twenty-five dollars (\$125) average  
 16 weekly wages for the period stated for the injury.  
 17 (f) With respect to injuries in the schedule set forth in subsection (h)  
 18 occurring on and after July 1, 1988, and before July 1, 1989, the  
 19 employee shall receive, in addition to temporary total disability benefits  
 20 not exceeding seventy-eight (78) weeks on account of the injury, a  
 21 weekly compensation of sixty percent (60%) of the employee's average  
 22 weekly wages, not to exceed one hundred sixty-six dollars (\$166)  
 23 average weekly wages, for the period stated for the injury.  
 24 (g) With respect to injuries in the schedule set forth in subsection  
 25 (h) occurring on and after July 1, 1989, and before July 1, 1990, the  
 26 employee shall receive, in addition to temporary total disability benefits  
 27 not exceeding seventy-eight (78) weeks on account of the injury, a  
 28 weekly compensation of sixty percent (60%) of the employee's average  
 29 weekly wages, not to exceed one hundred eighty-three dollars (\$183)  
 30 average weekly wages, for the period stated for the injury.  
 31 (h) With respect to injuries in the following schedule occurring on  
 32 and after July 1, 1990, and before July 1, 1991, the employee shall  
 33 receive, in addition to temporary total disability benefits not exceeding  
 34 seventy-eight (78) weeks on account of the injury, a weekly  
 35 compensation of sixty percent (60%) of the employee's average weekly  
 36 wages, not to exceed two hundred dollars (\$200) average weekly  
 37 wages, for the period stated for the injury.  
 38 (1) Loss of use: The total permanent loss of the use of an arm,  
 39 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
 40 as the equivalent of the loss by separation of the arm, hand,  
 41 thumb, finger, leg, foot, toe, or phalange, and compensation shall  
 42 be paid for the same period as for the loss thereof by separation.

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1 (2) Partial loss of use: For the permanent partial loss of the use of  
 2 an arm, hand, thumb, finger, leg, foot, toe, or phalange,  
 3 compensation shall be paid for the proportionate loss of the use of  
 4 such arm, hand, thumb, finger, leg, foot, toe, or phalange.  
 5 (3) For injuries resulting in total permanent disability, five  
 6 hundred (500) weeks.  
 7 (4) For any permanent reduction of the sight of an eye less than a  
 8 total loss as specified in subsection (d)(3), compensation shall be  
 9 paid for a period proportionate to the degree of such permanent  
 10 reduction without correction or glasses. However, when such  
 11 permanent reduction without correction or glasses would result in  
 12 one hundred percent (100%) loss of vision, but correction or  
 13 glasses would result in restoration of vision, then in such event  
 14 compensation shall be paid for fifty percent (50%) of such total  
 15 loss of vision without glasses, plus an additional amount equal to  
 16 the proportionate amount of such reduction with glasses, not to  
 17 exceed an additional fifty percent (50%).  
 18 (5) For any permanent reduction of the hearing of one (1) or both  
 19 ears, less than the total loss as specified in subsection (d)(4),  
 20 compensation shall be paid for a period proportional to the degree  
 21 of such permanent reduction.  
 22 (6) In all other cases of permanent partial impairment,  
 23 compensation proportionate to the degree of such permanent  
 24 partial impairment, in the discretion of the worker's compensation  
 25 board, not exceeding five hundred (500) weeks.  
 26 (7) In all cases of permanent disfigurement which may impair the  
 27 future usefulness or opportunities of the employee, compensation,  
 28 in the discretion of the worker's compensation board, not  
 29 exceeding two hundred (200) weeks, except that no compensation  
 30 shall be payable under this subdivision where compensation is  
 31 payable elsewhere in this section.  
 32 (i) With respect to injuries in the following schedule occurring on  
 33 and after July 1, 1991, the employee shall receive in addition to  
 34 temporary total disability benefits, not exceeding one hundred  
 35 twenty-five (125) weeks on account of the injury, compensation in an  
 36 amount determined under the following schedule to be paid weekly at  
 37 a rate of sixty-six and two-thirds percent (66 2/3%) of the employee's  
 38 average weekly wages during the fifty-two (52) weeks immediately  
 39 preceding the week in which the injury occurred.  
 40 (1) Amputation: For the loss by separation of the thumb, twelve  
 41 (12) degrees of permanent impairment; of the index finger, eight  
 42 (8) degrees of permanent impairment; of the second finger, seven

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1 (7) degrees of permanent impairment; of the third or ring finger,  
 2 six (6) degrees of permanent impairment; of the fourth or little  
 3 finger, four (4) degrees of permanent impairment; of the hand by  
 4 separation below the elbow joint, forty (40) degrees of permanent  
 5 impairment; of the arm above the elbow, fifty (50) degrees of  
 6 permanent impairment; of the big toe, twelve (12) degrees of  
 7 permanent impairment; of the second toe, six (6) degrees of  
 8 permanent impairment; of the third toe, four (4) degrees of  
 9 permanent impairment; of the fourth toe, three (3) degrees of  
 10 permanent impairment; of the fifth or little toe, two (2) degrees of  
 11 permanent impairment; by separation of the foot below the knee  
 12 joint, thirty-five (35) degrees of permanent impairment; and of the  
 13 leg above the knee joint, forty-five (45) degrees of permanent  
 14 impairment.

15 (2) Amputations: For the loss by separation of any of the body  
 16 parts described in subdivision (1) on or after July 1, 1997, and for  
 17 the loss by separation of any of the body parts described in  
 18 subdivision (3), (5), or (8), on or after July 1, 1999, the dollar  
 19 values per degree applying on the date of the injury as described  
 20 in subsection (j) shall be multiplied by two (2). However, the  
 21 doubling provision of this subdivision does not apply to a loss of  
 22 use that is not a loss by separation.

23 (3) The loss of more than one (1) phalange of a thumb or toe shall  
 24 be considered as the loss of the entire thumb or toe. The loss of  
 25 more than two (2) phalanges of a finger shall be considered as the  
 26 loss of the entire finger. The loss of not more than one (1)  
 27 phalange of a thumb or toe shall be considered as the loss of  
 28 one-half (1/2) of the degrees of permanent impairment for the loss  
 29 of the entire thumb or toe. The loss of not more than one (1)  
 30 phalange of a finger shall be considered as the loss of one-third  
 31 (1/3) of the finger and compensation shall be paid for one-third  
 32 (1/3) of the degrees payable for the loss of the entire finger. The  
 33 loss of more than one (1) phalange of the finger but not more than  
 34 two (2) phalanges of the finger shall be considered as the loss of  
 35 one-half (1/2) of the finger and compensation shall be paid for  
 36 one-half (1/2) of the degrees payable for the loss of the entire  
 37 finger.

38 (4) For the loss by separation of both hands or both feet or the  
 39 total sight of both eyes or any two (2) such losses in the same  
 40 accident, one hundred (100) degrees of permanent impairment.

41 (5) For the permanent and complete loss of vision by enucleation,  
 42 thirty-five (35) degrees of permanent impairment.

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

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

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

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

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

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

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

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1 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
 2 for each degree of permanent impairment from thirty-six (36) to  
 3 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
 4 for each degree of permanent impairment above fifty (50), one  
 5 thousand seven hundred dollars (\$1,700) per degree.  
 6 (5) With respect to injuries occurring on and after July 1, 1998,  
 7 and before July 1, 1999, for each degree of permanent impairment  
 8 from one (1) to ten (10), seven hundred fifty dollars (\$750) per  
 9 degree; for each degree of permanent impairment from eleven  
 10 (11) to thirty-five (35), one thousand dollars (\$1,000) per degree;  
 11 for each degree of permanent impairment from thirty-six (36) to  
 12 fifty (50), one thousand four hundred dollars (\$1,400) per degree;  
 13 for each degree of permanent impairment above fifty (50), one  
 14 thousand seven hundred dollars (\$1,700) per degree.  
 15 (6) With respect to injuries occurring on and after July 1, 1999,  
 16 and before July 1, 2000, for each degree of permanent impairment  
 17 from one (1) to ten (10), nine hundred dollars (\$900) per degree;  
 18 for each degree of permanent impairment from eleven (11) to  
 19 thirty-five (35), one thousand one hundred dollars (\$1,100) per  
 20 degree; for each degree of permanent impairment from thirty-six  
 21 (36) to fifty (50), one thousand six hundred dollars (\$1,600) per  
 22 degree; for each degree of permanent impairment above fifty (50),  
 23 two thousand dollars (\$2,000) per degree.  
 24 (7) With respect to injuries occurring on and after July 1, 2000,  
 25 and before July 1, 2001, for each degree of permanent impairment  
 26 from one (1) to ten (10), one thousand one hundred dollars  
 27 (\$1,100) per degree; for each degree of permanent impairment  
 28 from eleven (11) to thirty-five (35), one thousand three hundred  
 29 dollars (\$1,300) per degree; for each degree of permanent  
 30 impairment from thirty-six (36) to fifty (50), two thousand dollars  
 31 (\$2,000) per degree; for each degree of permanent impairment  
 32 above fifty (50), two thousand five hundred fifty dollars (~~\$2,500~~)  
 33 **(\$2,550)** per degree.  
 34 (8) With respect to injuries occurring on and after July 1, 2001,  
 35 and before July 1, 2007, for each degree of permanent impairment  
 36 from one (1) to ten (10), one thousand three hundred dollars  
 37 (\$1,300) per degree; for each degree of permanent impairment  
 38 from eleven (11) to thirty-five (35), one thousand five hundred  
 39 dollars (\$1,500) per degree; for each degree of permanent  
 40 impairment from thirty-six (36) to fifty (50), two thousand four  
 41 hundred dollars (\$2,400) per degree; for each degree of  
 42 permanent impairment above fifty (50), three thousand dollars

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1 (\$3,000) per degree.  
 2 (9) With respect to injuries occurring on and after July 1, 2007,  
 3 and before July 1, 2008, for each degree of permanent impairment  
 4 from one (1) to ten (10), one thousand three hundred forty dollars  
 5 (\$1,340) per degree; for each degree of permanent impairment  
 6 from eleven (11) to thirty-five (35), one thousand five hundred  
 7 forty-five dollars (\$1,545) per degree; for each degree of  
 8 permanent impairment from thirty-six (36) to fifty (50), two  
 9 thousand four hundred seventy-five dollars (\$2,475) per degree;  
 10 for each degree of permanent impairment above fifty (50), three  
 11 thousand one hundred fifty dollars (\$3,150) per degree.  
 12 (10) With respect to injuries occurring on and after July 1, 2008,  
 13 and before July 1, 2009, for each degree of permanent impairment  
 14 from one (1) to ten (10), one thousand three hundred sixty-five  
 15 dollars (\$1,365) per degree; for each degree of permanent  
 16 impairment from eleven (11) to thirty-five (35), one thousand five  
 17 hundred seventy dollars (\$1,570) per degree; for each degree of  
 18 permanent impairment from thirty-six (36) to fifty (50), two  
 19 thousand five hundred twenty-five dollars (\$2,525) per degree; for  
 20 each degree of permanent impairment above fifty (50), three  
 21 thousand two hundred dollars (\$3,200) per degree.  
 22 (11) With respect to injuries occurring on and after July 1, 2009,  
 23 and before July 1, 2010, for each degree of permanent impairment  
 24 from one (1) to ten (10), one thousand three hundred eighty  
 25 dollars (\$1,380) per degree; for each degree of permanent  
 26 impairment from eleven (11) to thirty-five (35), one thousand five  
 27 hundred eighty-five dollars (\$1,585) per degree; for each degree  
 28 of permanent impairment from thirty-six (36) to fifty (50), two  
 29 thousand six hundred dollars (\$2,600) per degree; for each degree  
 30 of permanent impairment above fifty (50), three thousand three  
 31 hundred dollars (\$3,300) per degree.  
 32 (12) With respect to injuries occurring on and after July 1, 2010,  
 33 for each degree of permanent impairment from one (1) to ten (10),  
 34 one thousand four hundred dollars (\$1,400) per degree; for each  
 35 degree of permanent impairment from eleven (11) to thirty-five  
 36 (35), one thousand six hundred dollars (\$1,600) per degree; for  
 37 each degree of permanent impairment from thirty-six (36) to fifty  
 38 (50), two thousand seven hundred dollars (\$2,700) per degree; for  
 39 each degree of permanent impairment above fifty (50), three  
 40 thousand five hundred dollars (\$3,500) per degree.  
 41 (k) The average weekly wages used in the determination of  
 42 compensation for permanent partial impairment under subsections (i)

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- 1 and (j) shall not exceed the following:
- 2 (1) With respect to injuries occurring on or after July 1, 1991, and
- 3 before July 1, 1992, four hundred ninety-two dollars (\$492).
- 4 (2) With respect to injuries occurring on or after July 1, 1992, and
- 5 before July 1, 1993, five hundred forty dollars (\$540).
- 6 (3) With respect to injuries occurring on or after July 1, 1993, and
- 7 before July 1, 1994, five hundred ninety-one dollars (\$591).
- 8 (4) With respect to injuries occurring on or after July 1, 1994, and
- 9 before July 1, 1997, six hundred forty-two dollars (\$642).
- 10 (5) With respect to injuries occurring on or after July 1, 1997, and
- 11 before July 1, 1998, six hundred seventy-two dollars (\$672).
- 12 (6) With respect to injuries occurring on or after July 1, 1998, and
- 13 before July 1, 1999, seven hundred two dollars (\$702).
- 14 (7) With respect to injuries occurring on or after July 1, 1999, and
- 15 before July 1, 2000, seven hundred thirty-two dollars (\$732).
- 16 (8) With respect to injuries occurring on or after July 1, 2000, and
- 17 before July 1, 2001, seven hundred sixty-two dollars (\$762).
- 18 (9) With respect to injuries occurring on or after July 1, 2001, and
- 19 before July 1, 2002, eight hundred twenty-two dollars (\$822).
- 20 (10) With respect to injuries occurring on or after July 1, 2002,
- 21 and before July 1, 2006, eight hundred eighty-two dollars (\$882).
- 22 (11) With respect to injuries occurring on or after July 1, 2006,
- 23 and before July 1, 2007, nine hundred dollars (\$900).
- 24 (12) With respect to injuries occurring on or after July 1, 2007,
- 25 and before July 1, 2008, nine hundred thirty dollars (\$930).
- 26 (13) With respect to injuries occurring on or after July 1, 2008,
- 27 and before July 1, 2009, nine hundred fifty-four dollars (\$954).
- 28 (14) With respect to injuries occurring on or after July 1, 2009,
- 29 nine hundred seventy-five dollars (\$975).

30 SECTION 2. IC 22-3-3-16 IS AMENDED TO READ AS  
 31 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 16. When an employee  
 32 has been awarded or is entitled to an award of compensation for a  
 33 definite period under IC 22-3-2 through IC 22-3-6 for an injury  
 34 occurring prior to April 1, 1945, and dies from any other cause than  
 35 such injury, payment of the unpaid balance of such compensation, not  
 36 exceeding three hundred (300) weeks, shall be made to ~~his~~ **the**  
 37 **employee's** dependents as defined in section 18 of this chapter.  
 38 ~~provided that~~ Where the compensable injury occurred on and after  
 39 April 1, 1945, and prior to April 1, 1951, the maximum shall not  
 40 exceed three hundred fifty (350) weeks. With respect to any such injury  
 41 occurring on and after April 1, 1951, the maximum shall not exceed  
 42 three hundred fifty (350) weeks for dependents of the second or third

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1 class, and, **except as provided by section 17.5 of this chapter**, the  
2 maximum shall not exceed five hundred (500) weeks for dependents of  
3 the first class.

4 SECTION 3. IC 22-3-3-17 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 17. On and after April  
6 1, 1965, and prior to April 1, 1969, when death results from an injury  
7 within four hundred fifty (450) weeks, there shall be paid to **the** total  
8 dependent of said deceased, as determined by ~~IC 22-3-3-18~~; **sections**  
9 **18, 19, and 20 of this chapter**, a weekly compensation amounting to  
10 sixty percent (60%) of the deceased's average weekly wage, until  
11 compensation so paid, when added to any compensation paid to **the**  
12 deceased employee, shall equal four hundred fifty (450) weeks, and to  
13 partial dependents as hereinafter provided.

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

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

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

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1 **and, except as provided by section 17.5 of this chapter**, when death  
 2 results from an injury within five hundred (500) weeks, there shall be  
 3 paid to the total dependents of the deceased as determined by sections  
 4 18, 19, and 20 of this chapter, weekly compensation amounting to  
 5 sixty-six and two-thirds percent (66 2/3%) of the deceased's average  
 6 weekly wage, as defined by ~~IC 22-3-3-22~~; **section 22 of this chapter**,  
 7 until the compensation paid, when added to the compensation paid to  
 8 the deceased employee, equals five hundred (500) weeks, and to partial  
 9 dependents, as provided in sections 18 and 20 of this chapter.

10 SECTION 4. IC 22-3-3-17.5 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 12 1, 2011]: **Sec. 17.5. (a) This section applies to an individual who:**

13 **(1) is the surviving spouse of a county police officer or a**  
 14 **county sheriff who was killed in the line of duty (as defined in**  
 15 **IC 5-10-10-2); and**

16 **(2) after June 30, 2011, receives compensation as determined**  
 17 **under this article as a dependent of the deceased.**

18 **(b) Notwithstanding any other provision in this article, a**  
 19 **surviving spouse is entitled to receive compensation under this**  
 20 **article until the earlier of:**

21 **(1) the date of the surviving spouse's remarriage; or**

22 **(2) the date of the surviving spouse's death.**

23 SECTION 5. IC 22-3-3-32 IS AMENDED TO READ AS  
 24 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 32. Except as**  
 25 **provided by section 17.5 of this chapter**, the provisions of this article  
 26 may not be construed to result in an award of benefits in which the  
 27 number of weeks paid and to be paid for temporary total disability,  
 28 temporary partial disability, or permanent total disability combined  
 29 exceeds five hundred (500) weeks. This section shall not be construed  
 30 to prevent a person who is permanently totally disabled from applying  
 31 for an award under ~~IC 22-3-3-13~~; **section 13 of this chapter**. However,  
 32 in case of permanent total disability resulting from an injury occurring  
 33 on or after January 1, 1998, the minimum total benefit shall not be less  
 34 than seventy-five thousand dollars (\$75,000).

35 SECTION 6. IC 22-3-7-11 IS AMENDED TO READ AS  
 36 FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 11.** On and after April  
 37 1, 1957, and prior to April 1, 1967, when death results from an  
 38 occupational disease within four hundred (400) weeks, there shall be  
 39 paid to **the** total dependents of said deceased, as determined by the  
 40 provisions of ~~IC 22-3-7-12~~, ~~IC 22-3-7-13~~, ~~IC 22-3-7-14~~, ~~IC 22-3-7-15~~;  
 41 **sections 12, 13, 14, and 15 of this chapter**, a weekly compensation  
 42 amounting to sixty (60) per centum of the deceased's average weekly

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1 wage until the compensation so paid when added to any compensation  
2 paid to the deceased employee shall equal four hundred (400) weeks,  
3 and to partial dependents as hereinafter provided.

4 On and after April 1, 1967, and prior to April 1, 1969, when death  
5 results from an occupational disease within four hundred fifty (450)  
6 weeks, there shall be paid to **the** total dependents of said deceased, as  
7 determined by the provisions of ~~IC 22-3-7-12, IC 22-3-7-13,~~  
8 ~~IC 22-3-7-14, IC 22-3-7-15, sections 12, 13, 14, and 15 of this~~  
9 **chapter**, a weekly compensation amounting to sixty (60) per centum  
10 of the deceased's average weekly wage, until the compensation so paid  
11 when added to any compensation paid to the deceased employee shall  
12 equal four hundred fifty (450) weeks, and to partial dependents as  
13 hereinafter provided.

14 On and after April 1, 1969, and prior to July 1, 1974, when death  
15 results from occupational disease within five hundred (500) weeks,  
16 there shall be paid to **the** total dependents of said deceased, as  
17 determined by the provisions of ~~IC 22-3-7-12, IC 22-3-7-13,~~  
18 ~~IC 22-3-7-14, IC 22-3-7-15, sections 12, 13, 14, and 15 of this~~  
19 **chapter**, a weekly compensation amounting to sixty (60) per centum  
20 of the deceased's average weekly wage, until the compensation so paid  
21 when added to any compensation paid to the deceased employee shall  
22 equal five hundred (500) weeks, and to partial dependents as  
23 hereinafter provided.

24 On and after July 1, 1974, and before July 1, 1976, when death  
25 results from occupational disease within five hundred (500) weeks,  
26 there shall be paid to **the** total dependents of said deceased as  
27 determined by the provisions of ~~IC 22-3-7-12, IC 22-3-7-13,~~  
28 ~~IC 22-3-7-14, IC 22-3-7-15, sections 12, 13, 14, and 15 of this~~  
29 **chapter**, a weekly compensation amounting to sixty-six and two-thirds  
30 (66 2/3) per centum of the deceased's average weekly wage, up to one  
31 hundred thirty-five dollars (\$135.00) average weekly wages, until the  
32 compensation so paid when added to any compensation paid to the  
33 deceased employee shall equal five hundred (500) weeks, and to partial  
34 dependents as hereinafter provided.

35 On and after July 1, 1976, **and except as provided by section 11.5**  
36 **of this chapter**, when death results from occupational disease within  
37 five hundred (500) weeks, there shall be paid to **the** total dependents  
38 of the deceased, as determined by the provisions of ~~IC 22-3-7-12~~  
39 **sections 12** through ~~IC 22-3-7-15, 15 of this chapter~~, a weekly  
40 compensation amounting to sixty-six and two-thirds percent (66 2/3%)  
41 of the deceased's average weekly wage, as defined in ~~IC 22-3-7-19,~~  
42 **section 19 of this chapter**, until the compensation paid, when added

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1 to compensation paid to the deceased employee, equals five hundred  
2 (500) weeks, and to partial dependents as provided in this chapter.

3 SECTION 7. IC 22-3-7-11.5 IS ADDED TO THE INDIANA CODE  
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2011]: **Sec. 11.5. (a) This section applies to an individual who:**

6 **(1) is the surviving spouse of a county police officer or a**  
7 **county sheriff who was killed in the line of duty (as defined in**  
8 **IC 5-10-10-2); and**

9 **(2) after June 30, 2011, receives compensation as determined**  
10 **under this chapter as a dependent of the deceased.**

11 **(b) Notwithstanding any other provision in this chapter, a**  
12 **surviving spouse is entitled to receive compensation under this**  
13 **chapter until the earlier of:**

14 **(1) the date of the surviving spouse's remarriage; or**

15 **(2) the date of the surviving spouse's death.**

16 SECTION 8. IC 22-3-7-16, AS AMENDED BY P.L.134-2006,  
17 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2011]: Sec. 16. (a) Compensation shall be allowed on account  
19 of disablement from occupational disease resulting in only temporary  
20 total disability to work or temporary partial disability to work  
21 beginning with the eighth day of such disability except for the medical  
22 benefits provided for in section 17 of this chapter. Compensation shall  
23 be allowed for the first seven (7) calendar days only as provided in this  
24 section. The first weekly installment of compensation for temporary  
25 disability is due fourteen (14) days after the disability begins. Not later  
26 than fifteen (15) days from the date that the first installment of  
27 compensation is due, the employer or the employer's insurance carrier  
28 shall tender to the employee or to the employee's dependents, with all  
29 compensation due, a properly prepared compensation agreement in a  
30 form prescribed by the board. Whenever an employer or the employer's  
31 insurance carrier denies or is not able to determine liability to pay  
32 compensation or benefits, the employer or the employer's insurance  
33 carrier shall notify the worker's compensation board and the employee  
34 in writing on a form prescribed by the worker's compensation board not  
35 later than thirty (30) days after the employer's knowledge of the  
36 claimed disablement. If a determination of liability cannot be made  
37 within thirty (30) days, the worker's compensation board may approve  
38 an additional thirty (30) days upon a written request of the employer or  
39 the employer's insurance carrier that sets forth the reasons that the  
40 determination could not be made within thirty (30) days and states the  
41 facts or circumstances that are necessary to determine liability within  
42 the additional thirty (30) days. More than thirty (30) days of additional

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1 time may be approved by the worker's compensation board upon the  
 2 filing of a petition by the employer or the employer's insurance carrier  
 3 that sets forth:

- 4 (1) the extraordinary circumstances that have precluded a
- 5 determination of liability within the initial sixty (60) days;
- 6 (2) the status of the investigation on the date the petition is filed;
- 7 (3) the facts or circumstances that are necessary to make a
- 8 determination; and
- 9 (4) a timetable for the completion of the remaining investigation.

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

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

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

25 In all other cases the employer must notify the employee in writing of  
 26 the employer's intent to terminate the payment of temporary total  
 27 disability benefits, and of the availability of employment, if any, on a  
 28 form approved by the board. If the employee disagrees with the  
 29 proposed termination, the employee must give written notice of  
 30 disagreement to the board and the employer within seven (7) days after  
 31 receipt of the notice of intent to terminate benefits. If the board and  
 32 employer do not receive a notice of disagreement under this section,  
 33 the employee's temporary total disability benefits shall be terminated.  
 34 Upon receipt of the notice of disagreement, the board shall immediately  
 35 contact the parties, which may be by telephone or other means and  
 36 attempt to resolve the disagreement. If the board is unable to resolve  
 37 the disagreement within ten (10) days of receipt of the notice of  
 38 disagreement, the board shall immediately arrange for an evaluation of  
 39 the employee by an independent medical examiner. The independent  
 40 medical examiner shall be selected by mutual agreement of the parties  
 41 or, if the parties are unable to agree, appointed by the board under  
 42 IC 22-3-4-11. If the independent medical examiner determines that the

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1 employee is no longer temporarily disabled or is still temporarily  
2 disabled but can return to employment that the employer has made  
3 available to the employee, or if the employee fails or refuses to appear  
4 for examination by the independent medical examiner, temporary total  
5 disability benefits may be terminated. If either party disagrees with the  
6 opinion of the independent medical examiner, the party shall apply to  
7 the board for a hearing under section 27 of this chapter.

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

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

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

30 (f) For disablements occurring on and after July 1, 1974, from  
31 occupational disease resulting in temporary partial disability for work,  
32 there shall be paid to the disabled employee during such disability a  
33 weekly compensation equal to sixty-six and two-thirds percent (66  
34 2/3%) of the difference between the employee's average weekly wages,  
35 as defined in section 19 of this chapter, and the weekly wages at which  
36 the employee is actually employed after the disablement, for a period  
37 not to exceed three hundred (300) weeks. Compensation shall be  
38 allowed for the first seven (7) calendar days only if the disability  
39 continues for longer than twenty-one (21) days. In case of partial  
40 disability after the period of temporary total disability, the latter period  
41 shall be included as a part of the maximum period allowed for partial  
42 disability.

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

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

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

25 (j) For disabilities occurring on and after July 1, 1990, and before  
26 July 1, 1991, 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 two hundred dollars (\$200) average  
31 weekly wages, for the period stated for the disabilities.

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

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1 than one (1) phalange of a thumb or toe shall be considered as the  
 2 loss of the entire thumb or toe. The loss of more than two (2)  
 3 phalanges of a finger shall be considered as the loss of the entire  
 4 finger. The loss of not more than one (1) phalange of a thumb or  
 5 toe shall be considered as the loss of one-half (1/2) of the thumb  
 6 or toe and compensation shall be paid for one-half (1/2) of the  
 7 period for the loss of the entire thumb or toe. The loss of not more  
 8 than two (2) phalanges of a finger shall be considered as the loss  
 9 of one-half (1/2) the finger and compensation shall be paid for  
 10 one-half (1/2) of the period for the loss of the entire finger.

11 (2) Loss of Use: The total permanent loss of the use of an arm,  
 12 hand, thumb, finger, leg, foot, toe, or phalange shall be considered  
 13 as the equivalent of the loss by separation of the arm, hand,  
 14 thumb, finger, leg, foot, toe, or phalange and the compensation  
 15 shall be paid for the same period as for the loss thereof by  
 16 separation.

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

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

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

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

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

41 (8) In all other cases of permanent partial impairment,  
 42 compensation proportionate to the degree of such permanent

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partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

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

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

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

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

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

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1 (11) For any permanent reduction of the sight of an eye less than  
2 a total loss as specified in subdivision (5), the compensation shall  
3 be paid in an amount proportionate to the degree of a permanent  
4 reduction without correction or glasses. However, when a  
5 permanent reduction without correction or glasses would result in  
6 one hundred percent (100%) loss of vision, then compensation  
7 shall be paid for fifty percent (50%) of the total loss of vision  
8 without glasses, plus an additional amount equal to the  
9 proportionate amount of the reduction with glasses, not to exceed  
10 an additional fifty percent (50%).

11 (12) For any permanent reduction of the hearing of one (1) or both  
12 ears, less than the total loss as specified in subdivision (6),  
13 compensation shall be paid in an amount proportionate to the  
14 degree of a permanent reduction.

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

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

27 (l) With respect to disablements occurring on and after July 1, 1991,  
28 compensation for permanent partial impairment shall be paid according  
29 to the degree of permanent impairment for the disablement determined  
30 under subsection (k) and the following:

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

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

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1 per degree; for each degree of permanent impairment from  
 2 thirty-six (36) to fifty (50), one thousand three hundred dollars  
 3 (\$1,300) per degree; for each degree of permanent impairment  
 4 above fifty (50), one thousand seven hundred dollars (\$1,700) per  
 5 degree.  
 6 (3) With respect to disablements occurring on and after July 1,  
 7 1993, and before July 1, 1997, for each degree of permanent  
 8 impairment from one (1) to ten (10), five hundred dollars (\$500)  
 9 per degree; for each degree of permanent impairment from eleven  
 10 (11) to twenty (20), seven hundred dollars (\$700) per degree; for  
 11 each degree of permanent impairment from twenty-one (21) to  
 12 thirty-five (35), one thousand dollars (\$1,000) per degree; for  
 13 each degree of permanent impairment from thirty-six (36) to fifty  
 14 (50), one thousand four hundred dollars (\$1,400) per degree; for  
 15 each degree of permanent impairment above fifty (50), one  
 16 thousand seven hundred dollars (\$1,700) per degree.  
 17 (4) With respect to disablements occurring on and after July 1,  
 18 1997, and before July 1, 1998, for each degree of permanent  
 19 impairment from one (1) to ten (10), seven hundred fifty dollars  
 20 (\$750) per degree; for each degree of permanent impairment from  
 21 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
 22 degree; for each degree of permanent impairment from thirty-six  
 23 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
 24 degree; for each degree of permanent impairment above fifty (50),  
 25 one thousand seven hundred dollars (\$1,700) per degree.  
 26 (5) With respect to disablements occurring on and after July 1,  
 27 1998, and before July 1, 1999, for each degree of permanent  
 28 impairment from one (1) to ten (10), seven hundred fifty dollars  
 29 (\$750) per degree; for each degree of permanent impairment from  
 30 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per  
 31 degree; for each degree of permanent impairment from thirty-six  
 32 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per  
 33 degree; for each degree of permanent impairment above fifty (50),  
 34 one thousand seven hundred dollars (\$1,700) per degree.  
 35 (6) With respect to disablements occurring on and after July 1,  
 36 1999, and before July 1, 2000, for each degree of permanent  
 37 impairment from one (1) to ten (10), nine hundred dollars (\$900)  
 38 per degree; for each degree of permanent impairment from eleven  
 39 (11) to thirty-five (35), one thousand one hundred dollars  
 40 (\$1,100) per degree; for each degree of permanent impairment  
 41 from thirty-six (36) to fifty (50), one thousand six hundred dollars  
 42 (\$1,600) per degree; for each degree of permanent impairment

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1 above fifty (50), two thousand dollars (\$2,000) per degree.  
 2 (7) With respect to disablements occurring on and after July 1,  
 3 2000, and before July 1, 2001, for each degree of permanent  
 4 impairment from one (1) to ten (10), one thousand one hundred  
 5 dollars (\$1,100) per degree; for each degree of permanent  
 6 impairment from eleven (11) to thirty-five (35), one thousand  
 7 three hundred dollars (\$1,300) per degree; for each degree of  
 8 permanent impairment from thirty-six (36) to fifty (50), two  
 9 thousand dollars (\$2,000) per degree; for each degree of  
 10 permanent impairment above fifty (50), two thousand five  
 11 hundred fifty dollars (~~\$2,500~~) **(\$2,550)** per degree.  
 12 (8) With respect to disablements occurring on and after July 1,  
 13 2001, and before July 1, 2007, for each degree of permanent  
 14 impairment from one (1) to ten (10), one thousand three hundred  
 15 dollars (\$1,300) per degree; for each degree of permanent  
 16 impairment from eleven (11) to thirty-five (35), one thousand five  
 17 hundred dollars (\$1,500) per degree; for each degree of  
 18 permanent impairment from thirty-six (36) to fifty (50), two  
 19 thousand four hundred dollars (\$2,400) per degree; for each  
 20 degree of permanent impairment above fifty (50), three thousand  
 21 dollars (\$3,000) per degree.  
 22 (9) With respect to disablements occurring on and after July 1,  
 23 2007, and before July 1, 2008, for each degree of permanent  
 24 impairment from one (1) to ten (10), one thousand three hundred  
 25 forty dollars (\$1,340) per degree; for each degree of permanent  
 26 impairment from eleven (11) to thirty-five (35), one thousand five  
 27 hundred forty-five dollars (\$1,545) per degree; for each degree of  
 28 permanent impairment from thirty-six (36) to fifty (50), two  
 29 thousand four hundred seventy-five dollars (\$2,475) per degree;  
 30 for each degree of permanent impairment above fifty (50), three  
 31 thousand one hundred fifty dollars (\$3,150) per degree.  
 32 (10) With respect to disablements occurring on and after July 1,  
 33 2008, and before July 1, 2009, for each degree of permanent  
 34 impairment from one (1) to ten (10), one thousand three hundred  
 35 sixty-five dollars (\$1,365) per degree; for each degree of  
 36 permanent impairment from eleven (11) to thirty-five (35), one  
 37 thousand five hundred seventy dollars (\$1,570) per degree; for  
 38 each degree of permanent impairment from thirty-six (36) to fifty  
 39 (50), two thousand five hundred twenty-five dollars (\$2,525) per  
 40 degree; for each degree of permanent impairment above fifty (50),  
 41 three thousand two hundred dollars (\$3,200) per degree.  
 42 (11) With respect to disablements occurring on and after July 1,

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

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

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

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

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

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

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

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

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

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

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

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1 (\$762).  
 2 (9) With respect to injuries occurring on or after July 1, 2001, and  
 3 before July 1, 2002, eight hundred twenty-two dollars (\$822).  
 4 (10) With respect to injuries occurring on or after July 1, 2002,  
 5 and before July 1, 2006, eight hundred eighty-two dollars (\$882).  
 6 (11) With respect to injuries occurring on or after July 1, 2006,  
 7 and before July 1, 2007, nine hundred dollars (\$900).  
 8 (12) With respect to injuries occurring on or after July 1, 2007,  
 9 and before July 1, 2008, nine hundred thirty dollars (\$930).  
 10 (13) With respect to injuries occurring on or after July 1, 2008,  
 11 and before July 1, 2009, nine hundred fifty-four dollars (\$954).  
 12 (14) With respect to injuries occurring on or after July 1, 2009,  
 13 nine hundred seventy-five dollars (\$975).  
 14 (n) If any employee, only partially disabled, refuses employment  
 15 suitable to the employee's capacity procured for the employee, the  
 16 employee shall not be entitled to any compensation at any time during  
 17 the continuance of such refusal unless, in the opinion of the worker's  
 18 compensation board, such refusal was justifiable. The employee must  
 19 be served with a notice setting forth the consequences of the refusal  
 20 under this subsection. The notice must be in a form prescribed by the  
 21 worker's compensation board.  
 22 (o) If an employee has sustained a permanent impairment or  
 23 disability from an accidental injury other than an occupational disease  
 24 in another employment than that in which the employee suffered a  
 25 subsequent disability from an occupational disease, such as herein  
 26 specified, the employee shall be entitled to compensation for the  
 27 subsequent disability in the same amount as if the previous impairment  
 28 or disability had not occurred. However, if the permanent impairment  
 29 or disability resulting from an occupational disease for which  
 30 compensation is claimed results only in the aggravation or increase of  
 31 a previously sustained permanent impairment from an occupational  
 32 disease or physical condition regardless of the source or cause of such  
 33 previously sustained impairment from an occupational disease or  
 34 physical condition, the board shall determine the extent of the  
 35 previously sustained permanent impairment from an occupational  
 36 disease or physical condition as well as the extent of the aggravation or  
 37 increase resulting from the subsequent permanent impairment or  
 38 disability, and shall award compensation only for that part of said  
 39 occupational disease or physical condition resulting from the  
 40 subsequent permanent impairment. An amputation of any part of the  
 41 body or loss of any or all of the vision of one (1) or both eyes caused by  
 42 an occupational disease shall be considered as a permanent impairment

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- 1 or physical condition.
- 2 (p) If an employee suffers a disablement from an occupational  
3 disease for which compensation is payable while the employee is still  
4 receiving or entitled to compensation for a previous injury by accident  
5 or disability by occupational disease in the same employment, the  
6 employee shall not at the same time be entitled to compensation for  
7 both, unless it be for a permanent injury, such as specified in  
8 subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall  
9 be entitled to compensation for that disability and from the time of that  
10 disability which will cover the longest period and the largest amount  
11 payable under this chapter.
- 12 (q) If an employee receives a permanent disability from **an**  
13 occupational disease such as specified in subsection (k)(1), (k)(4),  
14 (k)(5), (k)(8), or (k)(9) after having sustained another such permanent  
15 disability in the same employment the employee shall be entitled to  
16 compensation for both such disabilities, but the total compensation  
17 shall be paid by extending the period and not by increasing the amount  
18 of weekly compensation and, when such previous and subsequent  
19 permanent disabilities, in combination result in total permanent  
20 disability or permanent total impairment, compensation shall be  
21 payable for such permanent total disability or impairment, but  
22 payments made for the previous disability or impairment shall be  
23 deducted from the total payment of compensation due.
- 24 (r) When an employee has been awarded or is entitled to an award  
25 of compensation for a definite period from an occupational disease  
26 wherein disablement occurs on and after April 1, 1963, and such  
27 employee dies from other causes than such occupational disease,  
28 payment of the unpaid balance of such compensation not exceeding  
29 three hundred fifty (350) weeks shall be paid to the employee's  
30 dependents of the second and third class as defined in sections 11  
31 through 14 of this chapter, and, **except as provided by section 11.5 of**  
32 **this chapter**, compensation, not exceeding five hundred (500) weeks,  
33 shall be made to the employee's dependents of the first class as defined  
34 in sections 11 through 14 of this chapter.
- 35 (s) Any payment made by the employer to the employee during the  
36 period of the employee's disability, or to the employee's dependents,  
37 which, by the terms of this chapter, was not due and payable when  
38 made, may, subject to the approval of the worker's compensation board,  
39 be deducted from the amount to be paid as compensation, but such  
40 deduction shall be made from the distal end of the period during which  
41 compensation must be paid, except in cases of temporary disability.
- 42 (t) When so provided in the compensation agreement or in the

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1 award of the worker's compensation board, compensation may be paid  
2 semimonthly, or monthly, instead of weekly.

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

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

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

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

25 SECTION 9. IC 22-3-7-19, AS AMENDED BY P.L.134-2006,  
26 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2011]: Sec. 19. (a) In computing compensation for temporary  
28 total disability, temporary partial disability, and total permanent  
29 disability, with respect to occupational diseases occurring on and after  
30 July 1, 1985, and before July 1, 1986, the average weekly wages are  
31 considered to be:

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

34 (b) In computing compensation for temporary total disability,  
35 temporary partial disability, and total permanent disability, with respect  
36 to occupational diseases occurring on and after July 1, 1986, and before  
37 July 1, 1988, the average weekly wages are considered to be:

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

40 (c) In computing compensation for temporary total disability,  
41 temporary partial disability, and total permanent disability, with respect  
42 to occupational diseases occurring on and after July 1, 1988, and before

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- 1 July 1, 1989, the average weekly wages are considered to be:  
2 (1) not more than three hundred eighty-four dollars (\$384); and  
3 (2) not less than seventy-five dollars (\$75).  
4 (d) In computing compensation for temporary total disability,  
5 temporary partial disability, and total permanent disability, with respect  
6 to occupational diseases occurring on and after July 1, 1989, and before  
7 July 1, 1990, the average weekly wages are considered to be:  
8 (1) not more than four hundred eleven dollars (\$411); and  
9 (2) not less than seventy-five dollars (\$75).  
10 (e) In computing compensation for temporary total disability,  
11 temporary partial disability, and total permanent disability, with respect  
12 to occupational diseases occurring on and after July 1, 1990, and before  
13 July 1, 1991, the average weekly wages are considered to be:  
14 (1) not more than four hundred forty-one dollars (\$441); and  
15 (2) not less than seventy-five dollars (\$75).  
16 (f) In computing compensation for temporary total disability,  
17 temporary partial disability, and total permanent disability, with respect  
18 to occupational diseases occurring on and after July 1, 1991, and before  
19 July 1, 1992, the average weekly wages are considered to be:  
20 (1) not more than four hundred ninety-two dollars (\$492); and  
21 (2) not less than seventy-five dollars (\$75).  
22 (g) In computing compensation for temporary total disability,  
23 temporary partial disability, and total permanent disability, with respect  
24 to occupational diseases occurring on and after July 1, 1992, and before  
25 July 1, 1993, the average weekly wages are considered to be:  
26 (1) not more than five hundred forty dollars (\$540); and  
27 (2) not less than seventy-five dollars (\$75).  
28 (h) In computing compensation for temporary total disability,  
29 temporary partial disability, and total permanent disability, with respect  
30 to occupational diseases occurring on and after July 1, 1993, and before  
31 July 1, 1994, the average weekly wages are considered to be:  
32 (1) not more than five hundred ninety-one dollars (\$591); and  
33 (2) not less than seventy-five dollars (\$75).  
34 (i) In computing compensation for temporary total disability,  
35 temporary partial disability and total permanent disability, with respect  
36 to occupational diseases occurring on and after July 1, 1994, and before  
37 July 1, 1997, the average weekly wages are considered to be:  
38 (1) not more than six hundred forty-two dollars (\$642); and  
39 (2) not less than seventy-five dollars (\$75).  
40 (j) In computing compensation for temporary total disability,  
41 temporary partial disability, and total permanent disability, the average  
42 weekly wages are considered to be:

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- 1 (1) with respect to occupational diseases occurring on and after  
2 July 1, 1997, and before July 1, 1998:  
3 (A) not more than six hundred seventy-two dollars (\$672); and  
4 (B) not less than seventy-five dollars (\$75);  
5 (2) with respect to occupational diseases occurring on and after  
6 July 1, 1998, and before July 1, 1999:  
7 (A) not more than seven hundred two dollars (\$702); and  
8 (B) not less than seventy-five dollars (\$75);  
9 (3) with respect to occupational diseases occurring on and after  
10 July 1, 1999, and before July 1, 2000:  
11 (A) not more than seven hundred thirty-two dollars (\$732);  
12 and  
13 (B) not less than seventy-five dollars (\$75);  
14 (4) with respect to occupational diseases occurring on and after  
15 July 1, 2000, and before July 1, 2001:  
16 (A) not more than seven hundred sixty-two dollars (\$762); and  
17 (B) not less than seventy-five dollars (\$75);  
18 (5) with respect to disablements occurring on and after July 1,  
19 2001, and before July 1, 2002:  
20 (A) not more than eight hundred twenty-two dollars (\$822);  
21 and  
22 (B) not less than seventy-five dollars (\$75);  
23 (6) with respect to disablements occurring on and after July 1,  
24 2002, and before July 1, 2006:  
25 (A) not more than eight hundred eighty-two dollars (\$882);  
26 and  
27 (B) not less than seventy-five dollars (\$75);  
28 (7) with respect to disablements occurring on and after July 1,  
29 2006, and before July 1, 2007:  
30 (A) not more than nine hundred dollars (\$900); and  
31 (B) not less than seventy-five dollars (\$75);  
32 (8) with respect to disablements occurring on and after July 1,  
33 2007, and before July 1, 2008:  
34 (A) not more than nine hundred thirty dollars (\$930); and  
35 (B) not less than seventy-five dollars. (\$75);  
36 (9) with respect to disablements occurring on and after July 1,  
37 2008, and before July 1, 2009:  
38 (A) not more than nine hundred fifty-four dollars (\$954); and  
39 (B) not less than seventy-five dollars. (\$75);  
40 (10) with respect to disablements occurring on and after July 1,  
41 2009:  
42 (A) not more than nine hundred seventy-five dollars (\$975);

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

(k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

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

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

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

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

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

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

(r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may

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1 not exceed one hundred ninety-seven thousand dollars (\$197,000) in  
2 any case.

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

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

13 (1) With respect to disability or death occurring on and after July  
14 1, 1997, and before July 1, 1998, two hundred twenty-four  
15 thousand dollars (\$224,000).

16 (2) With respect to disability or death occurring on and after July  
17 1, 1998, and before July 1, 1999, two hundred thirty-four  
18 thousand dollars (\$234,000).

19 (3) With respect to disability or death occurring on and after July  
20 1, 1999, and before July 1, 2000, two hundred forty-four thousand  
21 dollars (\$244,000).

22 (4) With respect to disability or death occurring on and after July  
23 1, 2000, and before July 1, 2001, two hundred fifty-four thousand  
24 dollars (\$254,000).

25 (5) With respect to disability or death occurring on and after July  
26 1, 2001, and before July 1, 2002, two hundred seventy-four  
27 thousand dollars (\$274,000).

28 (6) With respect to disability or death occurring on and after July  
29 1, 2002, and before July 1, 2006, two hundred ninety-four  
30 thousand dollars (\$294,000).

31 (7) With respect to disability or death occurring on and after July  
32 1, 2006, and before July 1, 2007, three hundred thousand dollars  
33 (\$300,000).

34 (8) With respect to disability or death occurring on and after July  
35 1, 2007, and before July 1, 2008, three hundred ten thousand  
36 dollars (\$310,000).

37 (9) With respect to disability or death occurring on and after July  
38 1, 2008, and before July 1, 2009, three hundred eighteen thousand  
39 dollars (\$318,000).

40 (10) With respect to disability or death occurring on or after July  
41 1, 2009, three hundred twenty-five thousand dollars (\$325,000).

42 (u) For all disabilities occurring on and after July 1, 1985, "average

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

24 (v) **Except as provided by section 11.5 of this chapter,** the  
 25 provisions of this article may not be construed to result in an award of  
 26 benefits in which the number of weeks paid or to be paid for temporary  
 27 total disability, temporary partial disability, or permanent total  
 28 disability benefits combined exceeds five hundred (500) weeks. This  
 29 section shall not be construed to prevent a person from applying for an  
 30 award under IC 22-3-3-13. However, in case of permanent total  
 31 disability resulting from a disablement occurring on or after January 1,  
 32 1998, the minimum total benefit shall not be less than seventy-five  
 33 thousand dollars (\$75,000).

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