



January 28, 2011

SENATE BILL No. 33

DIGEST OF SB 33 (Updated January 26, 2011 1:37 pm - DI 102)

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; (2) the date that the surviving spouse becomes eligible for a benefit, other than a disability benefit, from another tax supported public employee retirement plan, including Social Security; or (3) the surviving spouse's death. Makes conforming amendments and technical corrections.

Effective: January 1, 2011 (retroactive).

Bray, Arnold

January 5, 2011, read first time and referred to Committee on Pensions and Labor.
January 27, 2011, amended, reported favorably — Do Pass. Pursuant to Senate Rule 68(b), reassigned to Committee on Appropriations.

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January 28, 2011

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 JANUARY 1, 2011 (RETROACTIVE)]: Sec. 10. (a)
4 With respect to injuries in the schedule set forth in subsection (d)
5 occurring on and after July 1, 1979, and before July 1, 1988, the
6 employee shall receive, in addition to temporary total disability benefits
7 not to exceed fifty-two (52) weeks on account of the injury, 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 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.

SB 33—LS 6150/DI 102+



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 JANUARY 1, 2011 (RETROACTIVE)]:
 32 Sec. 16. When an employee has been awarded or is entitled to an award
 33 of compensation for a definite period under IC 22-3-2 through
 34 IC 22-3-6 for an injury occurring prior to April 1, 1945, and dies from
 35 any other cause than such injury, payment of the unpaid balance of
 36 such compensation, not exceeding three hundred (300) weeks, shall be
 37 made to ~~his~~ **the employee's** dependents as defined in section 18 of this
 38 chapter. ~~provided that~~ Where the compensable injury occurred on and
 39 after 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 JANUARY 1, 2011 (RETROACTIVE)]:
6 Sec. 17. On and after April 1, 1965, and prior to April 1, 1969, when
7 death results from an injury within four hundred fifty (450) weeks,
8 there shall be paid to **the** total dependent of said deceased, as
9 determined by ~~IC 22-3-3-18~~, **sections 18, 19, and 20 of this chapter**,
10 a weekly compensation amounting to sixty percent (60%) of the
11 deceased's average weekly wage, until compensation so paid, when
12 added to any compensation paid to **the** deceased employee, shall equal
13 four hundred fifty (450) weeks, and to partial dependents as hereinafter
14 provided.

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

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

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

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1 partial dependents as hereinafter provided. On and after July 1, 1976,
 2 **and, except as provided by section 17.5 of this chapter**, when death
 3 results from an injury within five hundred (500) weeks, there shall be
 4 paid to the total dependents of the deceased as determined by sections
 5 18, 19, and 20 of this chapter, weekly compensation amounting to
 6 sixty-six and two-thirds percent (66 2/3%) of the deceased's average
 7 weekly wage, as defined by ~~IC 22-3-3-22~~, **section 22 of this chapter**,
 8 until the compensation paid, when added to the compensation paid to
 9 the deceased employee, equals five hundred (500) weeks, and to partial
 10 dependents, as provided in sections 18 and 20 of this chapter.

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

- 15 (1) **is the surviving spouse of a county police officer or a**
 16 **county sheriff who was killed in the line of duty (as defined in**
 17 **IC 5-10-10-2); and**
 18 (2) **after December 31, 2010, receives compensation as**
 19 **determined under this article as a dependent of the deceased.**

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

- 23 (1) **the date of the surviving spouse's remarriage;**
 24 (2) **the date the surviving spouse becomes eligible for a benefit**
 25 **other than a disability benefit:**
 26 (A) **under the Social Security Act (as defined in**
 27 **IC 5-10.2-1-7); or**
 28 (B) **from another tax supported public employee**
 29 **retirement plan; or**
 30 (3) **the date of the surviving spouse's death.**

31 SECTION 5. IC 22-3-3-32 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]:
 33 Sec. 32. **Except as provided by section 17.5 of this chapter**, the
 34 provisions of this article may not be construed to result in an award of
 35 benefits in which the number of weeks paid and to be paid for
 36 temporary total disability, temporary partial disability, or permanent
 37 total disability combined exceeds five hundred (500) weeks. This
 38 section shall not be construed to prevent a person who is permanently
 39 totally disabled from applying for an award under ~~IC 22-3-3-13~~.
 40 **section 13 of this chapter**. However, in case of permanent total
 41 disability resulting from an injury occurring on or after January 1,
 42 1998, the minimum total benefit shall not be less than seventy-five

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1 thousand dollars (\$75,000).

2 SECTION 6. IC 22-3-7-11 IS AMENDED TO READ AS

3 FOLLOWS [EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]:

4 Sec. 11. On and after April 1, 1957, and prior to April 1, 1967, when

5 death results from an occupational disease within four hundred (400)

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 (400) weeks, and to partial dependents as

13 hereinafter provided.

14 On and after April 1, 1967, and prior to April 1, 1969, when death

15 results from an occupational disease within four hundred fifty (450)

16 weeks, 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 four hundred fifty (450) weeks, and to partial dependents as

23 hereinafter provided.

24 On and after April 1, 1969, and prior to July 1, 1974, 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 (60) per centum

30 of the deceased's average weekly wage, until the compensation so paid

31 when added to any compensation paid to the deceased employee shall

32 equal five hundred (500) weeks, and to partial dependents as

33 hereinafter provided.

34 On and after July 1, 1974, and before July 1, 1976, when death

35 results from occupational disease within five hundred (500) weeks,

36 there shall be paid to **the** total dependents of said deceased as

37 determined by the provisions of ~~IC 22-3-7-12, IC 22-3-7-13,~~

38 ~~IC 22-3-7-14, IC 22-3-7-15,~~ **sections 12, 13, 14, and 15 of this**

39 **chapter**, a weekly compensation amounting to sixty-six and two-thirds

40 (66 2/3) per centum of the deceased's average weekly wage, up to one

41 hundred thirty-five dollars (\$135.00) average weekly wages, until the

42 compensation so paid when added to any compensation paid to the

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1 deceased employee shall equal five hundred (500) weeks, and to partial
2 dependents as hereinafter provided.

3 On and after July 1, 1976, **and except as provided by section 11.5**
4 **of this chapter**, when death results from occupational disease within
5 five hundred (500) weeks, there shall be paid to **the** total dependents
6 of the deceased, as determined by the provisions of ~~IC 22-3-7-12~~
7 **sections 12** through ~~IC 22-3-7-15~~, **15 of this chapter**, a weekly
8 compensation amounting to sixty-six and two-thirds percent (66 2/3%)
9 of the deceased's average weekly wage, as defined in ~~IC 22-3-7-19~~;
10 **section 19 of this chapter**, until the compensation paid, when added
11 to compensation paid to the deceased employee, equals five hundred
12 (500) weeks, and to partial dependents as provided in this chapter.

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

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

20 (2) **after December 31, 2010, receives compensation as**
21 **determined under this chapter as a dependent of the deceased.**

22 (b) **Notwithstanding any other provision in this chapter, a**
23 **surviving spouse is entitled to receive compensation under this**
24 **chapter until the earliest of:**

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

26 (2) **the date the surviving spouse becomes eligible for a benefit**
27 **other than a disability benefit:**

28 (A) **under the Social Security Act (as defined in**
29 **IC 5-10.2-1-7); or**

30 (B) **from another tax supported public employee**
31 **retirement plan; or**

32 (3) **the date of the surviving spouse's death.**

33 SECTION 8. IC 22-3-7-16, AS AMENDED BY P.L.134-2006,
34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JANUARY 1, 2011 (RETROACTIVE)]: Sec. 16. (a) Compensation
36 shall be allowed on account of disablement from occupational disease
37 resulting in only temporary total disability to work or temporary partial
38 disability to work beginning with the eighth day of such disability
39 except for the medical benefits provided for in section 17 of this
40 chapter. Compensation shall be allowed for the first seven (7) calendar
41 days only as provided in this section. The first weekly installment of
42 compensation for temporary disability is due fourteen (14) days after

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

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

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

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

- 33 (1) the employee has returned to work;
- 34 (2) the employee has died;
- 35 (3) the employee has refused to undergo a medical examination
- 36 under section 20 of this chapter;
- 37 (4) the employee has received five hundred (500) weeks of
- 38 temporary total disability benefits or has been paid the maximum
- 39 compensation allowable under section 19 of this chapter; or
- 40 (5) the employee is unable or unavailable to work for reasons
- 41 unrelated to the compensable disease.

42 In all other cases the employer must notify the employee in writing of

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1 the employer's intent to terminate the payment of temporary total
 2 disability benefits, and of the availability of employment, if any, on a
 3 form approved by the board. If the employee disagrees with the
 4 proposed termination, the employee must give written notice of
 5 disagreement to the board and the employer within seven (7) days after
 6 receipt of the notice of intent to terminate benefits. If the board and
 7 employer do not receive a notice of disagreement under this section,
 8 the employee's temporary total disability benefits shall be terminated.
 9 Upon receipt of the notice of disagreement, the board shall immediately
 10 contact the parties, which may be by telephone or other means and
 11 attempt to resolve the disagreement. If the board is unable to resolve
 12 the disagreement within ten (10) days of receipt of the notice of
 13 disagreement, the board shall immediately arrange for an evaluation of
 14 the employee by an independent medical examiner. The independent
 15 medical examiner shall be selected by mutual agreement of the parties
 16 or, if the parties are unable to agree, appointed by the board under
 17 IC 22-3-4-11. If the independent medical examiner determines that the
 18 employee is no longer temporarily disabled or is still temporarily
 19 disabled but can return to employment that the employer has made
 20 available to the employee, or if the employee fails or refuses to appear
 21 for examination by the independent medical examiner, temporary total
 22 disability benefits may be terminated. If either party disagrees with the
 23 opinion of the independent medical examiner, the party shall apply to
 24 the board for a hearing under section 27 of this chapter.

25 (c) An employer is not required to continue the payment of
 26 temporary total disability benefits for more than fourteen (14) days
 27 after the employer's proposed termination date unless the independent
 28 medical examiner determines that the employee is temporarily disabled
 29 and unable to return to any employment that the employer has made
 30 available to the employee.

31 (d) If it is determined that as a result of this section temporary total
 32 disability benefits were overpaid, the overpayment shall be deducted
 33 from any benefits due the employee under this section and, if there are
 34 no benefits due the employee or the benefits due the employee do not
 35 equal the amount of the overpayment, the employee shall be
 36 responsible for paying any overpayment which cannot be deducted
 37 from benefits due the employee.

38 (e) For disablements occurring on and after July 1, 1976, from
 39 occupational disease resulting in temporary total disability for any work
 40 there shall be paid to the disabled employee during the temporary total
 41 disability weekly compensation equal to sixty-six and two-thirds
 42 percent (66 2/3%) of the employee's average weekly wages, as defined

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1 in section 19 of this chapter, for a period not to exceed five hundred
2 (500) weeks. Compensation shall be allowed for the first seven (7)
3 calendar days only if the disability continues for longer than twenty-one
4 (21) days.

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

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

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

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

42 (j) For disabilities occurring on and after July 1, 1990, and before

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1 July 1, 1991, from occupational disease in the following schedule, the
 2 employee shall receive in addition to disability benefits, not exceeding
 3 seventy-eight (78) weeks on account of the occupational disease, a
 4 weekly compensation of sixty percent (60%) of the employee's average
 5 weekly wages, not to exceed two hundred dollars (\$200) average
 6 weekly wages, for the period stated for the disabilities.

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

28 (2) Loss of Use: The total permanent loss of the use of an arm,
 29 hand, thumb, finger, leg, foot, toe, or phalange shall be considered
 30 as the equivalent of the loss by separation of the arm, hand,
 31 thumb, finger, leg, foot, toe, or phalange and the compensation
 32 shall be paid for the same period as for the loss thereof by
 33 separation.

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

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

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

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1 (6) For the permanent and complete loss of vision by enucleation
 2 of an eye or its reduction to one-tenth (1/10) of normal vision with
 3 glasses, one hundred fifty (150) weeks, and for any other
 4 permanent reduction of the sight of an eye, compensation shall be
 5 paid for a period proportionate to the degree of such permanent
 6 reduction without correction or glasses. However, when such
 7 permanent reduction without correction or glasses would result in
 8 one hundred percent (100%) loss of vision, but correction or
 9 glasses would result in restoration of vision, then compensation
 10 shall be paid for fifty percent (50%) of such total loss of vision
 11 without glasses plus an additional amount equal to the
 12 proportionate amount of such reduction with glasses, not to
 13 exceed an additional fifty percent (50%).

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

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

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

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

- 37 (1) Amputation: For the loss by separation of the thumb, twelve
- 38 (12) degrees of permanent impairment; of the index finger, eight
- 39 (8) degrees of permanent impairment; of the second finger, seven
- 40 (7) degrees of permanent impairment; of the third or ring finger,
- 41 six (6) degrees of permanent impairment; of the fourth or little
- 42 finger, four (4) degrees of permanent impairment; of the hand by

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

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

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

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

37 (5) For the permanent and complete loss of vision by enucleation
 38 or its reduction to one-tenth (1/10) of normal vision with glasses,
 39 thirty-five (35) degrees of permanent impairment.

40 (6) For the permanent and complete loss of hearing in one (1) ear,
 41 fifteen (15) degrees of permanent impairment, and in both ears,
 42 forty (40) degrees of permanent impairment.

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- 1 (7) For the loss of one (1) testicle, ten (10) degrees of permanent
2 impairment; for the loss of both testicles, thirty (30) degrees of
3 permanent impairment.
- 4 (8) Loss of use: The total permanent loss of the use of an arm, a
5 hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be
6 considered as the equivalent of the loss by separation of the arm,
7 hand, thumb, finger, leg, foot, toe, or phalange, and compensation
8 shall be paid in the same amount as for the loss by separation.
9 However, the doubling provision of subdivision (2) does not
10 apply to a loss of use that is not a loss by separation.
- 11 (9) Partial loss of use: For the permanent partial loss of the use of
12 an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a
13 phalange, compensation shall be paid for the proportionate loss of
14 the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.
- 15 (10) For disablements resulting in total permanent disability, the
16 amount payable for impairment or five hundred (500) weeks of
17 compensation, whichever is greater.
- 18 (11) For any permanent reduction of the sight of an eye less than
19 a total loss as specified in subdivision (5), the compensation shall
20 be paid in an amount proportionate to the degree of a permanent
21 reduction without correction or glasses. However, when a
22 permanent reduction without correction or glasses would result in
23 one hundred percent (100%) loss of vision, then compensation
24 shall be paid for fifty percent (50%) of the total loss of vision
25 without glasses, plus an additional amount equal to the
26 proportionate amount of the reduction with glasses, not to exceed
27 an additional fifty percent (50%).
- 28 (12) For any permanent reduction of the hearing of one (1) or both
29 ears, less than the total loss as specified in subdivision (6),
30 compensation shall be paid in an amount proportionate to the
31 degree of a permanent reduction.
- 32 (13) In all other cases of permanent partial impairment,
33 compensation proportionate to the degree of a permanent partial
34 impairment, in the discretion of the worker's compensation board,
35 not exceeding one hundred (100) degrees of permanent
36 impairment.
- 37 (14) In all cases of permanent disfigurement which may impair
38 the future usefulness or opportunities of the employee,
39 compensation, in the discretion of the worker's compensation
40 board, not exceeding forty (40) degrees of permanent impairment
41 except that no compensation shall be payable under this
42 subdivision where compensation is payable elsewhere in this

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

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

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

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

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

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- 1 (5) With respect to disablements occurring on and after July 1,
 2 1998, and before July 1, 1999, for each degree of permanent
 3 impairment from one (1) to ten (10), seven hundred fifty dollars
 4 (\$750) per degree; for each degree of permanent impairment from
 5 eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per
 6 degree; for each degree of permanent impairment from thirty-six
 7 (36) to fifty (50), one thousand four hundred dollars (\$1,400) per
 8 degree; for each degree of permanent impairment above fifty (50),
 9 one thousand seven hundred dollars (\$1,700) per degree.
- 10 (6) With respect to disablements occurring on and after July 1,
 11 1999, and before July 1, 2000, for each degree of permanent
 12 impairment from one (1) to ten (10), nine hundred dollars (\$900)
 13 per degree; for each degree of permanent impairment from eleven
 14 (11) to thirty-five (35), one thousand one hundred dollars
 15 (\$1,100) per degree; for each degree of permanent impairment
 16 from thirty-six (36) to fifty (50), one thousand six hundred dollars
 17 (\$1,600) per degree; for each degree of permanent impairment
 18 above fifty (50), two thousand dollars (\$2,000) per degree.
- 19 (7) With respect to disablements occurring on and after July 1,
 20 2000, and before July 1, 2001, for each degree of permanent
 21 impairment from one (1) to ten (10), one thousand one hundred
 22 dollars (\$1,100) per degree; for each degree of permanent
 23 impairment from eleven (11) to thirty-five (35), one thousand
 24 three hundred dollars (\$1,300) per degree; for each degree of
 25 permanent impairment from thirty-six (36) to fifty (50), two
 26 thousand dollars (\$2,000) per degree; for each degree of
 27 permanent impairment above fifty (50), two thousand five
 28 hundred fifty dollars (~~\$2,500~~) **(\$2,550)** per degree.
- 29 (8) With respect to disablements occurring on and after July 1,
 30 2001, and before July 1, 2007, for each degree of permanent
 31 impairment from one (1) to ten (10), one thousand three hundred
 32 dollars (\$1,300) per degree; for each degree of permanent
 33 impairment from eleven (11) to thirty-five (35), one thousand five
 34 hundred dollars (\$1,500) per degree; for each degree of
 35 permanent impairment from thirty-six (36) to fifty (50), two
 36 thousand four hundred dollars (\$2,400) per degree; for each
 37 degree of permanent impairment above fifty (50), three thousand
 38 dollars (\$3,000) per degree.
- 39 (9) With respect to disablements occurring on and after July 1,
 40 2007, and before July 1, 2008, for each degree of permanent
 41 impairment from one (1) to ten (10), one thousand three hundred
 42 forty dollars (\$1,340) per degree; for each degree of permanent

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1 impairment from eleven (11) to thirty-five (35), one thousand five
2 hundred forty-five dollars (\$1,545) per degree; for each degree of
3 permanent impairment from thirty-six (36) to fifty (50), two
4 thousand four hundred seventy-five dollars (\$2,475) per degree;
5 for each degree of permanent impairment above fifty (50), three
6 thousand one hundred fifty dollars (\$3,150) per degree.

7 (10) With respect to disablements occurring on and after July 1,
8 2008, and before July 1, 2009, for each degree of permanent
9 impairment from one (1) to ten (10), one thousand three hundred
10 sixty-five dollars (\$1,365) per degree; for each degree of
11 permanent impairment from eleven (11) to thirty-five (35), one
12 thousand five hundred seventy dollars (\$1,570) per degree; for
13 each degree of permanent impairment from thirty-six (36) to fifty
14 (50), two thousand five hundred twenty-five dollars (\$2,525) per
15 degree; for each degree of permanent impairment above fifty (50),
16 three thousand two hundred dollars (\$3,200) per degree.

17 (11) With respect to disablements occurring on and after July 1,
18 2009, and before July 1, 2010, for each degree of permanent
19 impairment from one (1) to ten (10), one thousand three hundred
20 eighty dollars (\$1,380) per degree; for each degree of permanent
21 impairment from eleven (11) to thirty-five (35), one thousand five
22 hundred eighty-five dollars (\$1,585) per degree; for each degree
23 of permanent impairment from thirty-six (36) to fifty (50), two
24 thousand six hundred dollars (\$2,600) per degree; for each degree
25 of permanent impairment above fifty (50), three thousand three
26 hundred dollars (\$3,300) per degree.

27 (12) With respect to disablements occurring on and after July 1,
28 2010, for each degree of permanent impairment from one (1) to
29 ten (10), one thousand four hundred dollars (\$1,400) per degree;
30 for each degree of permanent impairment from eleven (11) to
31 thirty-five (35), one thousand six hundred dollars (\$1,600) per
32 degree; for each degree of permanent impairment from thirty-six
33 (36) to fifty (50), two thousand seven hundred dollars (\$2,700)
34 per degree; for each degree of permanent impairment above fifty
35 (50), three thousand five hundred dollars (\$3,500) per degree.

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

39 (1) With respect to disablements occurring on or after July 1,
40 1991, and before July 1, 1992, four hundred ninety-two dollars
41 (\$492).

42 (2) With respect to disablements occurring on or after July 1,

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- 1 1992, and before July 1, 1993, five hundred forty dollars (\$540).
2 (3) With respect to disablements occurring on or after July 1,
3 1993, and before July 1, 1994, five hundred ninety-one dollars
4 (\$591).
5 (4) With respect to disablements occurring on or after July 1,
6 1994, and before July 1, 1997, six hundred forty-two dollars
7 (\$642).
8 (5) With respect to disablements occurring on or after July 1,
9 1997, and before July 1, 1998, six hundred seventy-two dollars
10 (\$672).
11 (6) With respect to disablements occurring on or after July 1,
12 1998, and before July 1, 1999, seven hundred two dollars (\$702).
13 (7) With respect to disablements occurring on or after July 1,
14 1999, and before July 1, 2000, seven hundred thirty-two dollars
15 (\$732).
16 (8) With respect to disablements occurring on or after July 1,
17 2000, and before July 1, 2001, seven hundred sixty-two dollars
18 (\$762).
19 (9) With respect to injuries occurring on or after July 1, 2001, and
20 before July 1, 2002, eight hundred twenty-two dollars (\$822).
21 (10) With respect to injuries occurring on or after July 1, 2002,
22 and before July 1, 2006, eight hundred eighty-two dollars (\$882).
23 (11) With respect to injuries occurring on or after July 1, 2006,
24 and before July 1, 2007, nine hundred dollars (\$900).
25 (12) With respect to injuries occurring on or after July 1, 2007,
26 and before July 1, 2008, nine hundred thirty dollars (\$930).
27 (13) With respect to injuries occurring on or after July 1, 2008,
28 and before July 1, 2009, nine hundred fifty-four dollars (\$954).
29 (14) With respect to injuries occurring on or after July 1, 2009,
30 nine hundred seventy-five dollars (\$975).
31 (n) If any employee, only partially disabled, refuses employment
32 suitable to the employee's capacity procured for the employee, the
33 employee shall not be entitled to any compensation at any time during
34 the continuance of such refusal unless, in the opinion of the worker's
35 compensation board, such refusal was justifiable. The employee must
36 be served with a notice setting forth the consequences of the refusal
37 under this subsection. The notice must be in a form prescribed by the
38 worker's compensation board.
39 (o) If an employee has sustained a permanent impairment or
40 disability from an accidental injury other than an occupational disease
41 in another employment than that in which the employee suffered a
42 subsequent disability from an occupational disease, such as herein

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1 specified, the employee shall be entitled to compensation for the
 2 subsequent disability in the same amount as if the previous impairment
 3 or disability had not occurred. However, if the permanent impairment
 4 or disability resulting from an occupational disease for which
 5 compensation is claimed results only in the aggravation or increase of
 6 a previously sustained permanent impairment from an occupational
 7 disease or physical condition regardless of the source or cause of such
 8 previously sustained impairment from an occupational disease or
 9 physical condition, the board shall determine the extent of the
 10 previously sustained permanent impairment from an occupational
 11 disease or physical condition as well as the extent of the aggravation or
 12 increase resulting from the subsequent permanent impairment or
 13 disability, and shall award compensation only for that part of said
 14 occupational disease or physical condition resulting from the
 15 subsequent permanent impairment. An amputation of any part of the
 16 body or loss of any or all of the vision of one (1) or both eyes caused by
 17 an occupational disease shall be considered as a permanent impairment
 18 or physical condition.

19 (p) If an employee suffers a disablement from an occupational
 20 disease for which compensation is payable while the employee is still
 21 receiving or entitled to compensation for a previous injury by accident
 22 or disability by occupational disease in the same employment, the
 23 employee shall not at the same time be entitled to compensation for
 24 both, unless it be for a permanent injury, such as specified in
 25 subsection (k)(1), (k)(4), (k)(5), (k)(8), or (k)(9), but the employee shall
 26 be entitled to compensation for that disability and from the time of that
 27 disability which will cover the longest period and the largest amount
 28 payable under this chapter.

29 (q) If an employee receives a permanent disability from **an**
 30 occupational disease such as specified in subsection (k)(1), (k)(4),
 31 (k)(5), (k)(8), or (k)(9) after having sustained another such permanent
 32 disability in the same employment the employee shall be entitled to
 33 compensation for both such disabilities, but the total compensation
 34 shall be paid by extending the period and not by increasing the amount
 35 of weekly compensation and, when such previous and subsequent
 36 permanent disabilities, in combination result in total permanent
 37 disability or permanent total impairment, compensation shall be
 38 payable for such permanent total disability or impairment, but
 39 payments made for the previous disability or impairment shall be
 40 deducted from the total payment of compensation due.

41 (r) When an employee has been awarded or is entitled to an award
 42 of compensation for a definite period from an occupational disease

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1 wherein disablement occurs on and after April 1, 1963, and such
 2 employee dies from other causes than such occupational disease,
 3 payment of the unpaid balance of such compensation not exceeding
 4 three hundred fifty (350) weeks shall be paid to the employee's
 5 dependents of the second and third class as defined in sections 11
 6 through 14 of this chapter, and, **except as provided by section 11.5 of**
 7 **this chapter**, compensation, not exceeding five hundred (500) weeks,
 8 shall be made to the employee's dependents of the first class as defined
 9 in sections 11 through 14 of this chapter.

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

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

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

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

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

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

42 SECTION 9. IC 22-3-7-19, AS AMENDED BY P.L.134-2006,

SB 33—LS 6150/DI 102+



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1 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JANUARY 1, 2011 (RETROACTIVE)]: Sec. 19. (a) In computing
3 compensation for temporary total disability, temporary partial
4 disability, and total permanent disability, with respect to occupational
5 diseases occurring on and after July 1, 1985, and before July 1, 1986,
6 the average weekly wages are considered to be:

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

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

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

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

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

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

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

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

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

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

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

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

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- 1 (1) not more than five hundred forty dollars (\$540); and
 2 (2) not less than seventy-five dollars (\$75).
- 3 (h) In computing compensation for temporary total disability,
 4 temporary partial disability, and total permanent disability, with respect
 5 to occupational diseases occurring on and after July 1, 1993, and before
 6 July 1, 1994, the average weekly wages are considered to be:
 7 (1) not more than five hundred ninety-one dollars (\$591); and
 8 (2) not less than seventy-five dollars (\$75).
- 9 (i) In computing compensation for temporary total disability,
 10 temporary partial disability and total permanent disability, with respect
 11 to occupational diseases occurring on and after July 1, 1994, and before
 12 July 1, 1997, the average weekly wages are considered to be:
 13 (1) not more than six hundred forty-two dollars (\$642); and
 14 (2) not less than seventy-five dollars (\$75).
- 15 (j) In computing compensation for temporary total disability,
 16 temporary partial disability, and total permanent disability, the average
 17 weekly wages are considered to be:
 18 (1) with respect to occupational diseases occurring on and after
 19 July 1, 1997, and before July 1, 1998:
 20 (A) not more than six hundred seventy-two dollars (\$672); and
 21 (B) not less than seventy-five dollars (\$75);
 22 (2) with respect to occupational diseases occurring on and after
 23 July 1, 1998, and before July 1, 1999:
 24 (A) not more than seven hundred two dollars (\$702); and
 25 (B) not less than seventy-five dollars (\$75);
 26 (3) with respect to occupational diseases occurring on and after
 27 July 1, 1999, and before July 1, 2000:
 28 (A) not more than seven hundred thirty-two dollars (\$732);
 29 and
 30 (B) not less than seventy-five dollars (\$75);
 31 (4) with respect to occupational diseases occurring on and after
 32 July 1, 2000, and before July 1, 2001:
 33 (A) not more than seven hundred sixty-two dollars (\$762); and
 34 (B) not less than seventy-five dollars (\$75);
 35 (5) with respect to disablements occurring on and after July 1,
 36 2001, and before July 1, 2002:
 37 (A) not more than eight hundred twenty-two dollars (\$822);
 38 and
 39 (B) not less than seventy-five dollars (\$75);
 40 (6) with respect to disablements occurring on and after July 1,
 41 2002, and before July 1, 2006:
 42 (A) not more than eight hundred eighty-two dollars (\$882);

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1 and
2 (B) not less than seventy-five dollars (\$75);
3 (7) with respect to disablements occurring on and after July 1,
4 2006, and before July 1, 2007:
5 (A) not more than nine hundred dollars (\$900); and
6 (B) not less than seventy-five dollars (\$75);
7 (8) with respect to disablements occurring on and after July 1,
8 2007, and before July 1, 2008:
9 (A) not more than nine hundred thirty dollars (\$930); and
10 (B) not less than seventy-five dollars. (\$75);
11 (9) with respect to disablements occurring on and after July 1,
12 2008, and before July 1, 2009:
13 (A) not more than nine hundred fifty-four dollars (\$954); and
14 (B) not less than seventy-five dollars. (\$75);
15 (10) with respect to disablements occurring on and after July 1,
16 2009:
17 (A) not more than nine hundred seventy-five dollars (\$975);
18 and
19 (B) not less than seventy-five dollars. (\$75).
20 (k) The maximum compensation with respect to disability or death
21 occurring on and after July 1, 1985, and before July 1, 1986, which
22 shall be paid for occupational disease and the results thereof under the
23 provisions of this chapter or under any combination of its provisions
24 may not exceed eighty-nine thousand dollars (\$89,000) in any case.
25 (l) The maximum compensation with respect to disability or death
26 occurring on and after July 1, 1986, and before July 1, 1988, which
27 shall be paid for occupational disease and the results thereof under the
28 provisions of this chapter or under any combination of its provisions
29 may not exceed ninety-five thousand dollars (\$95,000) in any case.
30 (m) The maximum compensation with respect to disability or death
31 occurring on and after July 1, 1988, and before July 1, 1989, that shall
32 be paid for occupational disease and the results thereof under this
33 chapter or under any combination of its provisions may not exceed one
34 hundred twenty-eight thousand dollars (\$128,000) in any case.
35 (n) The maximum compensation with respect to disability or death
36 occurring on and after July 1, 1989, and before July 1, 1990, that shall
37 be paid for occupational disease and the results thereof under this
38 chapter or under any combination of its provisions may not exceed one
39 hundred thirty-seven thousand dollars (\$137,000) in any case.
40 (o) The maximum compensation with respect to disability or death
41 occurring on and after July 1, 1990, and before July 1, 1991, that shall
42 be paid for occupational disease and the results thereof under this

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1 chapter or under any combination of its provisions may not exceed one
2 hundred forty-seven thousand dollars (\$147,000) in any case.

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

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

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

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

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

30 (1) With respect to disability or death occurring on and after July
31 1, 1997, and before July 1, 1998, two hundred twenty-four
32 thousand dollars (\$224,000).

33 (2) With respect to disability or death occurring on and after July
34 1, 1998, and before July 1, 1999, two hundred thirty-four
35 thousand dollars (\$234,000).

36 (3) With respect to disability or death occurring on and after July
37 1, 1999, and before July 1, 2000, two hundred forty-four thousand
38 dollars (\$244,000).

39 (4) With respect to disability or death occurring on and after July
40 1, 2000, and before July 1, 2001, two hundred fifty-four thousand
41 dollars (\$254,000).

42 (5) With respect to disability or death occurring on and after July

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1 1, 2001, and before July 1, 2002, two hundred seventy-four
2 thousand dollars (\$274,000).
3 (6) With respect to disability or death occurring on and after July
4 1, 2002, and before July 1, 2006, two hundred ninety-four
5 thousand dollars (\$294,000).
6 (7) With respect to disability or death occurring on and after July
7 1, 2006, and before July 1, 2007, three hundred thousand dollars
8 (\$300,000).
9 (8) With respect to disability or death occurring on and after July
10 1, 2007, and before July 1, 2008, three hundred ten thousand
11 dollars (\$310,000).
12 (9) With respect to disability or death occurring on and after July
13 1, 2008, and before July 1, 2009, three hundred eighteen thousand
14 dollars (\$318,000).
15 (10) With respect to disability or death occurring on or after July
16 1, 2009, three hundred twenty-five thousand dollars (\$325,000).
17 (u) For all disabilities occurring on and after July 1, 1985, "average
18 weekly wages" means the earnings of the injured employee during the
19 period of fifty-two (52) weeks immediately preceding the disability
20 divided by fifty-two (52). If the employee lost seven (7) or more
21 calendar days during the period, although not in the same week, then
22 the earnings for the remainder of the fifty-two (52) weeks shall be
23 divided by the number of weeks and parts of weeks remaining after the
24 time lost has been deducted. If employment before the date of disability
25 extended over a period of less than fifty-two (52) weeks, the method of
26 dividing the earnings during that period by the number of weeks and
27 parts of weeks during which the employee earned wages shall be
28 followed if results just and fair to both parties will be obtained. If by
29 reason of the shortness of the time during which the employee has been
30 in the employment of the employer or of the casual nature or terms of
31 the employment it is impracticable to compute the average weekly
32 wages for the employee, the employee's average weekly wages shall be
33 considered to be the average weekly amount that, during the fifty-two
34 (52) weeks before the date of disability, was being earned by a person
35 in the same grade employed at the same work by the same employer or,
36 if there is no person so employed, by a person in the same grade
37 employed in that same class of employment in the same district.
38 Whenever allowances of any character are made to an employee
39 instead of wages or a specified part of the wage contract, they shall be
40 considered a part of the employee's earnings.
41 (v) **Except as provided by section 11.5 of this chapter**, the
42 provisions of this article may not be construed to result in an award of

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1 benefits in which the number of weeks paid or to be paid for temporary
2 total disability, temporary partial disability, or permanent total
3 disability benefits combined exceeds five hundred (500) weeks. This
4 section shall not be construed to prevent a person from applying for an
5 award under IC 22-3-3-13. However, in case of permanent total
6 disability resulting from a disablement occurring on or after January 1,
7 1998, the minimum total benefit shall not be less than seventy-five
8 thousand dollars (\$75,000).

9 SECTION 10. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill No. 33, 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:

Replace the effective dates in SECTIONS 1 through 9 with "[EFFECTIVE JANUARY 1, 2011 (RETROACTIVE)]".

Page 12, line 16, delete "June 30, 2011," and insert "**December 31, 2010,**".

Page 12, line 20, delete "earlier" and insert "**earliest**".

Page 12, line 21, delete "or", begin a new line block indented and insert:

"(2) the date the surviving spouse becomes eligible for a benefit other than a disability benefit:

(A) under the Social Security Act (as defined in IC 5-10.2-1-7); or

(B) from another tax supported public employee retirement plan; or".

Page 12, line 22, delete "(2)" and insert "(3)".

Page 14, line 9, delete "June 30, 2011," and insert "**December 31, 2010,**".

Page 14, line 13, delete "earlier" and insert "**earliest**".

Page 14, line 14, delete "or", begin a new line block indented and insert:

"(2) the date the surviving spouse becomes eligible for a benefit other than a disability benefit:

(A) under the Social Security Act (as defined in IC 5-10.2-1-7); or

(B) from another tax supported public employee retirement plan; or".

Page 14, line 15, delete "(2)" and insert "(3)".

Page 32, after line 33, begin a new paragraph and insert:

"SECTION 10. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 33 as introduced.)

BOOTS, Chairperson

Committee Vote: Yeas 8, Nays 2.

SB 33—LS 6150/DI 102+



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Report of the President
Pro Tempore

Madam President: Pursuant to Senate Rule 68(b), I hereby report that, subsequent to the adoption of the Pensions and Labor Committee Report on January 27, 2011, Senate Bill 33 was reassigned to the Committee on Appropriations.

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