

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 527

Short Title: Adjust Workers' Comp. Award Schedule. (Public)

Sponsors: Representatives Goodwin, Coates, Moore (Primary Sponsors); Adams, B. Allen, Barnhart, Bonner, Church, Cole, Culpepper, Cunningham, Farmer-Butterfield, Glazier, Goforth, Haire, Hall, Insko, Jones, Lucas, Luebke, McAllister, McLawhorn, Michaux, Miller, Miner, Nesbitt, Parmon, Ross, Sherrill, Sutton, Wainwright, Walend, Warren, and Womble.

Referred to: Judiciary II.

March 17, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO ADJUST AND UPDATE THE AWARD SCHEDULE FOR INJURED
3 EMPLOYEES SEEKING COMPENSATION UNDER THE WORKERS'
4 COMPENSATION ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 97-31 reads as rewritten:

7 **"§ 97-31. Schedule of injuries; rate and period of compensation.**

8 In cases included by the following schedule the compensation in each case shall be
9 paid for disability during the healing period and in addition the disability shall be
10 deemed to continue for the period specified, and shall be in lieu of all other
11 compensation, including disfigurement, to wit:

- 12 (1) For the loss of a thumb, sixty-six and two-thirds percent (66 2/3%) of
13 the average weekly wages during 75 weeks.
- 14 (2) For the loss of a first finger, commonly called the index finger,
15 sixty-six and two-thirds percent (66 2/3%) of the average weekly
16 wages during 45 weeks.
- 17 (3) For the loss of a second finger, sixty-six and two-thirds percent (66
18 2/3%) of the average weekly wages during 40 weeks.
- 19 (4) For the loss of a third finger, sixty-six and two-thirds percent (66
20 2/3%) of the average weekly wages during 25 weeks.
- 21 (5) For the loss of a fourth finger, commonly called the little finger,
22 sixty-six and two-thirds percent (66 2/3%) of the average weekly
23 wages during 20 weeks.

- 1 (6) The loss of the first phalange of the thumb or any finger shall be
2 considered to be equal to the loss of one half of such thumb or finger,
3 and the compensation shall be for one half of the periods of time above
4 specified.
- 5 (7) The loss of more than one phalange shall be considered the loss of the
6 entire finger or thumb: Provided, however, that in no case shall the
7 amount received for more than one finger exceed the amount provided
8 in this schedule for the loss of a hand.
- 9 (8) For the loss of a great toe, sixty-six and two-thirds percent (66 2/3%)
10 of the average weekly wages during 35 weeks.
- 11 (9) For the loss of one of the toes other than a great toe, sixty-six and
12 two-thirds percent (66 2/3%) of the average weekly wages during 10
13 weeks.
- 14 (10) The loss of the first phalange of any toe shall be considered to be equal
15 to the loss of one half of such toe, and the compensation shall be for
16 one half of the periods of time above specified.
- 17 (11) The loss of more than one phalange shall be considered as the loss of
18 the entire toe.
- 19 (12) For the loss of a hand, sixty-six and two-thirds percent (66 2/3%) of
20 the average weekly wages during 200 weeks.
- 21 (13) For the loss of an arm, sixty-six and two-thirds percent (66 2/3%) of
22 the average weekly wages during 240 weeks.
- 23 (14) For the loss of a foot, sixty-six and two-thirds percent (66 2/3%) of the
24 average weekly wages during 144 weeks.
- 25 (15) For the loss of a leg, sixty-six and two-thirds percent (66 2/3%) of the
26 average weekly wages during 200 weeks.
- 27 (16) For the loss of an eye, sixty-six and two-thirds percent (66 2/3%) of
28 the average weekly wages during 120 weeks.
- 29 (17) The loss of both hands, or both arms, or both feet, or both legs, or both
30 eyes, or any two thereof, shall constitute total and permanent
31 disability, to be compensated according to the provisions of G.S.
32 97-29. The employee shall have a vested right in a minimum amount
33 of compensation for the total number of weeks of benefits provided
34 under this section for each member involved. When an employee dies
35 from any cause other than the injury for which he is entitled to
36 compensation, payment of the minimum amount of compensation shall
37 be payable as provided in G.S. 97-37.
- 38 (18) For the complete loss of hearing in one ear, sixty-six and two-thirds
39 percent (66 2/3%) of the average weekly wages during 70 weeks; for
40 the complete loss of hearing in both ears, sixty-six and two-thirds
41 percent (66 2/3%) of the average weekly wages during 150 weeks.
- 42 (19) Total loss of use of a member or loss of vision of an eye shall be
43 considered as equivalent to the loss of such member or eye. The
44 compensation for partial loss of or for partial loss of use of a member

1 or for partial loss of vision of an eye or for partial loss of hearing shall
2 be such proportion of the periods of payment above provided for total
3 loss as such partial loss bears to total loss, except that in cases where
4 there is eighty-five per centum (85%), or more, loss of vision in any
5 eye, this shall be deemed "industrial blindness" and compensated as
6 for total loss of vision of such eye.

7 (20) The weekly compensation payments referred to in this section shall all
8 be subject to the same limitations as to maximum and minimum as set
9 out in G.S. 97-29.

10 (21) In case of serious facial or head disfigurement, the Industrial
11 Commission shall award proper and equitable compensation not to
12 exceed ~~twenty thousand dollars (\$20,000)~~. fifty thousand dollars
13 (\$50,000). In case of enucleation where an artificial eye cannot be
14 fitted and used, the Industrial Commission may award compensation
15 as for serious facial disfigurement.

16 (22) In case of serious bodily disfigurement for which no compensation is
17 payable under any other subdivision of this section, but excluding the
18 disfigurement resulting from permanent loss or permanent partial loss
19 of use of any member of the body for which compensation is fixed in
20 the schedule contained in this section, the Industrial Commission may
21 award proper and equitable compensation not to exceed ~~ten thousand~~
22 ~~dollars (\$10,000)~~. twenty-five thousand dollars (\$25,000).

23 (23) For the total loss of use of the back, sixty-six and two-thirds percent
24 (66 2/3%) of the average weekly wages during 300 weeks. The
25 compensation for partial loss of use of the back shall be such
26 proportion of the periods of payment herein provided for total loss as
27 such partial loss bears to total loss, except that in cases where there is
28 seventy-five per centum (75%) or more loss of use of the back, in
29 which event the injured employee shall be deemed to have suffered
30 "total industrial disability" and compensated as for total loss of use of
31 the back.

32 (24) In case of the loss of or permanent injury to any important external or
33 internal organ or part of the body for which no compensation is
34 payable under any other subdivision of this section, the Industrial
35 Commission may award proper and equitable compensation not to
36 exceed ~~twenty thousand dollars (\$20,000)~~. fifty thousand dollars
37 (\$50,000)."

38 **SECTION 2.** This act becomes effective October 1, 2003, and applies to all
39 claims for workers' compensation that are pending or are in litigation on or after that
40 date.