

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS65123-RK-9* (3/14)

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

Sponsors: Senator Gulley.

Referred to:

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

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

- (1) For the loss of a thumb, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 75 weeks.
- (2) For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 45 weeks.
- (3) For the loss of a second finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 40 weeks.
- (4) For the loss of a third finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 25 weeks.
- (5) For the loss of a fourth finger, commonly called the little finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 20 weeks.
- (6) The loss of the first phalange of the thumb or any finger shall be considered to be equal to the loss of one half of such thumb or finger, and the compensation shall be for one half of the periods of time above specified.

- 1 (7) The loss of more than one phalange shall be considered the loss of the
2 entire finger or thumb: Provided, however, that in no case shall the
3 amount received for more than one finger exceed the amount provided
4 in this schedule for the loss of a hand.
- 5 (8) For the loss of a great toe, sixty-six and two-thirds percent (66 2/3%)
6 of the average weekly wages during 35 weeks.
- 7 (9) For the loss of one of the toes other than a great toe, sixty-six and
8 two-thirds percent (66 2/3%) of the average weekly wages during 10
9 weeks.
- 10 (10) The loss of the first phalange of any toe shall be considered to be equal
11 to the loss of one half of such toe, and the compensation shall be for
12 one half of the periods of time above specified.
- 13 (11) The loss of more than one phalange shall be considered as the loss of
14 the entire toe.
- 15 (12) For the loss of a hand, sixty-six and two-thirds percent (66 2/3%) of
16 the average weekly wages during 200 weeks.
- 17 (13) For the loss of an arm, sixty-six and two-thirds percent (66 2/3%) of
18 the average weekly wages during 240 weeks.
- 19 (14) For the loss of a foot, sixty-six and two-thirds percent (66 2/3%) of the
20 average weekly wages during 144 weeks.
- 21 (15) For the loss of a leg, sixty-six and two-thirds percent (66 2/3%) of the
22 average weekly wages during 200 weeks.
- 23 (16) For the loss of an eye, sixty-six and two-thirds percent (66 2/3%) of
24 the average weekly wages during 120 weeks.
- 25 (17) The loss of both hands, or both arms, or both feet, or both legs, or both
26 eyes, or any two thereof, shall constitute total and permanent
27 disability, to be compensated according to the provisions of G.S.
28 97-29. The employee shall have a vested right in a minimum amount
29 of compensation for the total number of weeks of benefits provided
30 under this section for each member involved. When an employee dies
31 from any cause other than the injury for which he is entitled to
32 compensation, payment of the minimum amount of compensation shall
33 be payable as provided in G.S. 97-37.
- 34 (18) For the complete loss of hearing in one ear, sixty-six and two-thirds
35 percent (66 2/3%) of the average weekly wages during 70 weeks; for
36 the complete loss of hearing in both ears, sixty-six and two-thirds
37 percent (66 2/3%) of the average weekly wages during 150 weeks.
- 38 (19) Total loss of use of a member or loss of vision of an eye shall be
39 considered as equivalent to the loss of such member or eye. The
40 compensation for partial loss of or for partial loss of use of a member
41 or for partial loss of vision of an eye or for partial loss of hearing shall
42 be such proportion of the periods of payment above provided for total
43 loss as such partial loss bears to total loss, except that in cases where
44 there is eighty-five per centum (85%), or more, loss of vision in any

1 eye, this shall be deemed "industrial blindness" and compensated as
2 for total loss of vision of such eye.

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

6 (21) In case of serious facial or head disfigurement, the Industrial
7 Commission shall award proper and equitable compensation not to
8 exceed ~~twenty thousand dollars (\$20,000)~~. fifty thousand dollars
9 (\$50,000). In case of enucleation where an artificial eye cannot be
10 fitted and used, the Industrial Commission may award compensation
11 as for serious facial disfigurement.

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

19 (23) For the total loss of use of the back, sixty-six and two-thirds percent
20 (66 2/3%) of the average weekly wages during 300 weeks. The
21 compensation for partial loss of use of the back shall be such
22 proportion of the periods of payment herein provided for total loss as
23 such partial loss bears to total loss, except that in cases where there is
24 seventy-five per centum (75%) or more loss of use of the back, in
25 which event the injured employee shall be deemed to have suffered
26 "total industrial disability" and compensated as for total loss of use of
27 the back.

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

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