HOUSE BILL NO. 745

AN ACT TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $2,000.00 TO $5,000.00 THE AMOUNT OF COMPENSATION THE WORKERS' COMPENSATION COMMISSION IS AUTHORIZED TO AWARD FOR SERIOUS FACIAL OR HEAD DISFIGUREMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 71-3-17, Mississippi Code of 1972, is amended as follows:

Section 71-3-17. Compensation for disability shall be paid to the employee as follows:

(a) Permanent total disability: In case of total disability adjudged to be permanent, sixty-six and two-thirds percent (66-2/3%) of the average weekly wages of the injured employee, subject to the maximum limitations as to weekly benefits as set up in this chapter, shall be paid to the employee not to exceed four hundred fifty (450) weeks or an amount greater than the multiple of four hundred fifty (450) weeks times sixty-six and two-thirds percent (66-2/3%) of the average weekly wage for the state. Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any two (2) thereof shall constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

(b) Temporary total disability: In case of disability, total in character but temporary in quality, sixty-six and two-thirds percent (66-2/3%) of the average weekly wages of the injured employee, subject to the maximum limitations as to weekly benefits as set up in this chapter, shall be paid to the employee during the continuance of such disability not to exceed four hundred fifty (450) weeks or an amount greater than the multiple
of four hundred fifty (450) weeks times sixty-six and two-thirds percent of the average weekly wage for the state. Provided, however, if there arises a conflict in medical opinions of whether or not the claimant has reached maximum medical recovery and the claimant's benefits have terminated by the carrier, then the claimant may demand an immediate hearing before the commissioner upon five (5) days' notice to the carrier for a determination by the commission of whether or not in fact the claimant has reached maximum recovery.

(c) Permanent partial disability: In case of disability partial in character but permanent in quality, the compensation shall be sixty-six and two-thirds percent (66-2/3%) of the average weekly wages of the injured employee, subject to the maximum limitations as to weekly benefits as set up in this chapter, which shall be paid following compensation for temporary total disability paid in accordance with subsection (b) of this section, and shall be paid to the employee as follows:

<table>
<thead>
<tr>
<th>Member Lost</th>
<th>Number Weeks</th>
<th>Compensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arm</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>Leg</td>
<td>175</td>
<td></td>
</tr>
<tr>
<td>Hand</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Foot</td>
<td>125</td>
<td></td>
</tr>
<tr>
<td>Eye</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Thumb</td>
<td>60</td>
<td></td>
</tr>
<tr>
<td>First finger</td>
<td>35</td>
<td></td>
</tr>
<tr>
<td>Great toe</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Second finger</td>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Third finger</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>Toe other than great toe</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Fourth finger</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Testicle, one</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Testicle, both</td>
<td>150</td>
<td></td>
</tr>
<tr>
<td>Breast, female, one</td>
<td>50</td>
<td></td>
</tr>
</tbody>
</table>
(16) Breast, female, both 150

(17) Loss of hearing: Compensation for loss of hearing of
one (1) ear, forty (40) weeks. Compensation for loss of hearing
of both ears, one hundred fifty (150) weeks.

(18) Phalanges: Compensation for loss of more than one (1)
phalange of a digit shall be the same as for loss of the entire
digit. Compensation for loss of the first phalange shall be
one-half (1/2) of the compensation for loss of the entire digit.

(19) Amputated arm or leg: Compensation for an arm or leg,
if amputated at or above wrist or ankle, shall be for the loss of
the arm or leg.

(20) Binocular vision or percent of vision: Compensation
for loss of binocular vision or for eighty percent (80%) or more
of the vision of an eye shall be the same as for loss of the eye.

(21) Two (2) or more digits: Compensation for loss of two
(2) or more digits, or one (1) or more phalanges of two (2) or
more digits, of a hand or foot may be proportioned to the loss of
the use of the hand or foot occasioned thereby, but shall not
exceed the compensation for loss of a hand or foot.

(22) Total loss of use: Compensation for permanent total
loss of use of a member shall be the same as for loss of the
member.

(23) Partial loss or partial loss of use: Compensation for
permanent partial loss or loss of use of a member may be for
proportionate loss or loss of use of the member.

(24) Disfigurement: The commission, in its discretion, is
authorized to award proper and equitable compensation for serious
facial or head disfigurements not to exceed Five Thousand Dollars
($5,000.00). No such award shall be made until a lapse of one (1)
year from the date of the injury resulting in such disfigurement.

(25) Other cases: In all other cases in this class of
disability, the compensation shall be sixty-six and two-thirds
percent (66-2/3%) of the difference between his average weekly
wages, subject to the maximum limitations as to weekly benefits as
set up in this chapter, and his wage-earning capacity thereafter
in the same employment or otherwise, payable during the
continuance of such partial disability, but subject to
reconsideration of the degree of such impairment by the commission
on its own motion or upon application of any party in interest.
Such payments shall in no case be made for a longer period than
four hundred fifty (450) weeks.

(26) In any case in which there shall be a loss of, or loss
of use of, more than one (1) member or parts of more than one (1)
member set forth in paragraphs (1) to (23) of this subsection, not
amounting to permanent total disability, the award of compensation
shall be for the loss of, or loss of use of, each such member or
parts thereof, which awards shall run consecutively, except that
where the injury affects only two (2) or more digits of the same
hand or foot, paragraph (21) of this subsection shall apply.

SECTION 2. This act shall take effect and be in force from
and after July 1, 2002.