

By: Representative Evans

To: Insurance

HOUSE BILL NO. 799

1 AN ACT TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT PROFESSIONAL FIRE FIGHTERS AND LAW ENFORCEMENT
3 OFFICERS WHO ARE INJURED OR BECOME ILL DUE TO THEIR EMPLOYMENT
4 SHALL RECEIVE WORKERS' COMPENSATION FOR A PERIOD OF NOT LESS THAN
5 ONE YEAR FROM THE DATE OF INJURY; AND FOR RELATED PURPOSES.

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

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

9 71-3-17. Compensation for disability shall be paid to the
10 employee as follows:

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

23 (b) Temporary total disability: In case of disability,
24 total in character but temporary in quality, sixty-six and
25 two-thirds percent (66-2/3%) of the average weekly wages of the
26 injured employee, subject to the maximum limitations as to weekly
27 benefits as set up in this chapter, shall be paid to the employee
28 during the continuance of such disability not to exceed four

29 hundred fifty (450) weeks or an amount greater than the multiple
 30 of four hundred fifty (450) weeks times sixty-six and two-thirds
 31 percent (66-2/3%) of the average weekly wage for the state.
 32 Provided, however, if there arises a conflict in medical opinions
 33 of whether or not the claimant has reached maximum medical
 34 recovery and the claimant's benefits have terminated by the
 35 carrier, then the claimant may demand an immediate hearing before
 36 the commissioner upon five (5) days' notice to the carrier for a
 37 determination by the commission of whether or not in fact the
 38 claimant has reached maximum recovery.

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

Member Lost	Number Weeks Compensation
(i) Arm	200
(ii) Leg	175
(iii) Hand	150
(iv) Foot	125
(v) Eye	100
(vi) Thumb	60
(vii) First finger	35
(viii) Great toe	30
(ix) Second finger	30
(x) Third finger	20
(xi) Toe other than great toe	10
(xii) Fourth finger	15
(xiii) Testicle, one	50
(xiv) Testicle, both	150

62 (xv) Breast, female, one 50
63 (xvi) Breast, female, both 150
64 (xvii) Loss of hearing: Compensation for loss of
65 hearing of one (1) ear, forty (40) weeks. Compensation for loss
66 of hearing of both ears, one hundred fifty (150) weeks.
67 (xviii) Phalanges: Compensation for loss of more
68 than one (1) phalange of a digit shall be the same as for loss of
69 the entire digit. Compensation for loss of the first phalange
70 shall be one-half (1/2) of the compensation for loss of the entire
71 digit.
72 (xix) Amputated arm or leg: Compensation for an
73 arm or leg, if amputated at or above wrist or ankle, shall be for
74 the loss of the arm or leg.
75 (xx) Binocular vision or percent of vision:
76 Compensation for loss of binocular vision or for eighty percent
77 (80%) or more of the vision of an eye shall be the same as for
78 loss of the eye.
79 (xxi) Two (2) or more digits: Compensation for
80 loss of two (2) or more digits, or one (1) or more phalanges of
81 two (2) or more digits, of a hand or foot may be proportioned to
82 the loss of the use of the hand or foot occasioned thereby, but
83 shall not exceed the compensation for loss of a hand or foot.
84 (xxii) Total loss of use: Compensation for
85 permanent total loss of use of a member shall be the same as for
86 loss of the member.
87 (xxiii) Partial loss or partial loss of use:
88 Compensation for permanent partial loss or loss of use of a member
89 may be for proportionate loss or loss of use of the member.
90 (xiv) Disfigurement: The commission, in its
91 discretion, is authorized to award proper and equitable
92 compensation for serious facial or head disfigurements not to
93 exceed Two Thousand Dollars (\$2,000.00). No such award shall be

94 made until a lapse of one (1) year from the date of the injury
95 resulting in such disfigurement.

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

107 (xxvi) In any case in which there shall be a loss
108 of, or loss of use of, more than one (1) member or parts of more
109 than one (1) member set forth in subparagraph (i) to (xxiii) of
110 this paragraph (c), not amounting to permanent total disability,
111 the award of compensation shall be for the loss of, or loss of use
112 of, each such member or parts thereof, which awards shall run
113 consecutively, except that where the injury affects only two (2)
114 or more digits of the same hand or foot, subparagraph (xxi) of
115 this paragraph (c) shall apply.

116 (d) Professional fire fighters and law enforcement
117 officers who are injured or who become ill due to their employment
118 shall receive full compensation for a period of not less than one
119 (1) year from the date of the work-related injury or the diagnosis
120 of a work-related illness.

121 **SECTION 2.** This act shall take effect and be in force from
122 and after July 1, 2004.