

By: Representative Watson

To: Insurance

HOUSE BILL NO. 728

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

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

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

8 71-3-17. Compensation for disability shall be paid to the
9 employee as follows:

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

22 (b) Temporary total disability: In case of disability,
23 total in character but temporary in quality, sixty-six and
24 two-thirds percent (66-2/3%) of the average weekly wages of the
25 injured employee, subject to the maximum limitations as to weekly
26 benefits as set up in this chapter, shall be paid to the employee
27 during the continuance of such disability not to exceed four
28 hundred fifty (450) weeks or an amount greater than the multiple

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

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

46 Member Lost	46 Number Weeks Compensation
47 (1) Arm	200
48 (2) Leg	175
49 (3) Hand	150
50 (4) Foot	125
51 (5) Eye	100
52 (6) Thumb	60
53 (7) First finger	35
54 (8) Great toe	30
55 (9) Second finger	30
56 (10) Third finger	20
57 (11) Toe other than great toe	10
58 (12) Fourth finger	15
59 (13) Testicle, one	50
60 (14) Testicle, both	150
61 (15) Breast, female, one	50

62 (16) Breast, female, both 150

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

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

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

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

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

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

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

87 (24) Disfigurement: The commission, in its discretion, is
88 authorized to award proper and equitable compensation for serious
89 facial or head disfigurements not to exceed Five Thousand Dollars
90 (\$5,000.00). No such award shall be made until a lapse of one (1)
91 year from the date of the injury resulting in such disfigurement.

92 (25) Other cases: In all other cases in this class of
93 disability, the compensation shall be sixty-six and two-thirds
94 percent (66-2/3%) of the difference between his average weekly

95 wages, subject to the maximum limitations as to weekly benefits as
96 set up in this chapter, and his wage-earning capacity thereafter
97 in the same employment or otherwise, payable during the
98 continuance of such partial disability, but subject to
99 reconsideration of the degree of such impairment by the commission
100 on its own motion or upon application of any party in interest.
101 Such payments shall in no case be made for a longer period than
102 four hundred fifty (450) weeks.

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

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2005.