

**Lost
AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2621

**BY: Senator(s) Jackson (11th), Harden, Jordan,
Williamson, Walls, Simmons, Butler, Frazier,
Dawkins, Thomas**

1 **AMEND by inserting the following new section after line 125**
2 **and renumbering subsequent section(s) accordingly:**

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

5 71-3-17. Compensation for disability shall be paid to the
6 employee as follows:

7 (a) Permanent total disability: In case of total
8 disability adjudged to be permanent, sixty-six and two-thirds
9 percent (66-2/3%) of the average weekly wages of the injured
10 employee, subject to the maximum limitations as to weekly benefits
11 as set up in this chapter, shall be paid to the employee not to
12 exceed five hundred (500) weeks or an amount greater than the
13 multiple of five hundred (500) weeks times sixty-six and
14 two-thirds percent (66-2/3%) of the average weekly wage for the
15 state. Loss of both hands, or both arms, or both feet, or both
16 legs, or both eyes, or of any two (2) thereof shall constitute
17 permanent total disability. In all other cases permanent total
18 disability shall be determined in accordance with the facts.

19 (b) Temporary total disability: In case of disability,
20 total in character but temporary in quality, sixty-six and
21 two-thirds percent (66-2/3%) of the average weekly wages of the

22 injured employee, subject to the maximum limitations as to weekly
 23 benefits as set up in this chapter, shall be paid to the employee
 24 during the continuance of such disability not to exceed five
 25 hundred (500) weeks or an amount greater than the multiple of five
 26 hundred (500) weeks times sixty-six and two-thirds percent
 27 (66-2/3%) of the average weekly wage for the state. Provided,
 28 however, if there arises a conflict in medical opinions of whether
 29 or not the claimant has reached maximum medical recovery and the
 30 claimant's benefits have terminated by the carrier, then the
 31 claimant may demand an immediate hearing before the commissioner
 32 upon five (5) days' notice to the carrier for a determination by
 33 the commission of whether or not in fact the claimant has reached
 34 maximum recovery.

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

Member Lost	Number Weeks Compensation
(1) Arm	200
(2) Leg	175
(3) Hand	150
(4) Foot	125
(5) Eye	100
(6) Thumb	60
(7) First finger	35
(8) Great toe	30
(9) Second finger	30
(10) Third finger	20

54	(11) Toe other than great toe	10
55	(12) Fourth finger	15
56	(13) Testicle, one	50
57	(14) Testicle, both	150
58	(15) Breast, female, one	50
59	(16) Breast, female, both	150
60	(17) Loss of hearing: Compensation for loss of hearing of	
61	one (1) ear, forty (40) weeks. Compensation for loss of hearing	
62	of both ears, one hundred fifty (150) weeks.	
63	(18) Phalanges: Compensation for loss of more than one (1)	
64	phalange of a digit shall be the same as for loss of the entire	
65	digit. Compensation for loss of the first phalange shall be	
66	one-half (1/2) of the compensation for loss of the entire digit.	
67	(19) Amputated arm or leg: Compensation for an arm or leg,	
68	if amputated at or above wrist or ankle, shall be for the loss of	
69	the arm or leg.	
70	(20) Binocular vision or percent of vision: Compensation	
71	for loss of binocular vision or for eighty percent (80%) or more	
72	of the vision of an eye shall be the same as for loss of the eye.	
73	(21) Two (2) or more digits: Compensation for loss of two	
74	(2) or more digits, or one (1) or more phalanges of two (2) or	
75	more digits, of a hand or foot may be proportioned to the loss of	
76	the use of the hand or foot occasioned thereby, but shall not	
77	exceed the compensation for loss of a hand or foot.	
78	(22) Total loss of use: Compensation for permanent total	
79	loss of use of a member shall be the same as for loss of the	
80	member.	
81	(23) Partial loss or partial loss of use: Compensation for	
82	permanent partial loss or loss of use of a member may be for	
83	proportionate loss or loss of use of the member.	
84	(24) Disfigurement: The commission, in its discretion, is	
85	authorized to award proper and equitable compensation for serious	

86 facial or head disfigurements not to exceed Two Thousand Dollars
87 (\$2,000.00). No such award shall be made until a lapse of one (1)
88 year from the date of the injury resulting in such disfigurement.

89 (25) Other cases: In all other cases in this class of
90 disability, the compensation shall be sixty-six and two-thirds
91 percent (66-2/3%) of the difference between his average weekly
92 wages, subject to the maximum limitations as to weekly benefits as
93 set up in this chapter, and his wage-earning capacity thereafter
94 in the same employment or otherwise, payable during the
95 continuance of such partial disability, but subject to
96 reconsideration of the degree of such impairment by the commission
97 on its own motion or upon application of any party in interest.
98 Such payments shall in no case be made for a longer period than
99 five hundred (500) weeks.

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

108 **FURTHER, AMEND the title by inserting the following after the**
109 **semicolon on line 4:**

110 TO AMEND SECTION 71-3-17, MISSISSIPPI CODE OF 1972, TO INCREASE
111 THE MAXIMUM PERIOD OF TIME ALLOWED FOR THE RECEIPT OF WORKERS
112 COMPENSATION DISABILITY PAYMENTS;