

By: Representatives Holland, Akins, Robinson To: Insurance
(84th)

HOUSE BILL NO. 696

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 DUE TO THEIR EMPLOYMENT SHALL RECEIVE A
4 CERTAIN INCREASED AMOUNT OF WORKERS' COMPENSATION BENEFITS FOR A
5 PERIOD OF UP TO ONE YEAR FROM THE DATE THESE BENEFITS FOR SUCH
6 INJURY BEGIN; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

Member Lost	Number Weeks Compensation
49 <u>(i)</u> Arm	200
50 <u>(ii)</u> Leg	175
51 <u>(iii)</u> Hand	150
52 <u>(iv)</u> Foot	125
53 <u>(v)</u> Eye	100
54 <u>(vi)</u> Thumb	60
55 <u>(vii)</u> First finger	35
56 <u>(viii)</u> Great toe	30
57 <u>(ix)</u> Second finger	30
58 <u>(x)</u> Third finger	20
59 <u>(xi)</u> Toe other than great toe	10
60 <u>(xii)</u> Fourth finger	15
61 <u>(xiii)</u> Testicle, one	50
62 <u>(xiv)</u> Testicle, both	150

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

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

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

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

117 (d) In consideration of the extremely hazardous duties
118 of law enforcement officers and fire fighters while engaged in
119 protecting the lives and property of the citizens of this state:

120 A sworn law enforcement officer employed by this state or any
121 county or municipality therein who becomes physically disabled,
122 but not permanently disabled, as a result of physical injury
123 incurred in the line of official duty caused by a willful act of
124 violence or unlawful act of another or which injury occurs while
125 in the conduct of a law enforcement or public safety action, or a
126 fire fighter so employed who becomes physically disabled, but not
127 permanently disabled, as a result of a physical injury incurred in

128 the line of duty caused by a willful act of violence or unlawful
129 act of another or while engaged in fighting a fire or other public
130 safety action shall be entitled to receive monthly compensation
131 equal to one hundred percent (100%) of their regular base salary
132 in effect at the time of such injury for the period of time the
133 law enforcement officer or fire fighter is physically unable to
134 perform the duties of his or her employment, not to exceed twelve
135 (12) months from the date such compensation begins. Benefits made
136 available under this section shall be subordinate to workers'
137 compensation benefits and shall be limited to the difference
138 between the amount of workers' compensation benefits and the
139 amount of the law enforcement officer's or fire fighter's regular
140 base salary. Such compensation shall not be awarded where a penal
141 violation committed by the disabled law enforcement officer or
142 fire fighter caused the disability.

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