

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE DRS75116-RK-8 (3/13)**

Short Title: Adjust Workers' Comp. Award Schedule. (Public)

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Sponsors: Senators Berger; and Hartsell.

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Referred to:

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1 A BILL TO BE ENTITLED  
2 AN ACT TO ADJUST AND UPDATE THE AWARDS UNDER THE SCHEDULE  
3 OF INJURIES FOR EMPLOYEES ELIGIBLE FOR COMPENSATION UNDER  
4 THE WORKERS' COMPENSATION ACT.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 97-31 reads as rewritten:  
7 **"§ 97-31. Schedule of injuries; rate and period of compensation.**

8 In cases included by the following schedule the compensation in each case shall be  
9 paid for disability during the healing period and in addition the disability shall be  
10 deemed to continue for the period specified, and shall be in lieu of all other  
11 compensation, including disfigurement, to wit:

- 12 (1) For the loss of a thumb, sixty-six and two-thirds percent (66 2/3%) of  
13 the average weekly wages during 75 weeks.
- 14 (2) For the loss of a first finger, commonly called the index finger,  
15 sixty-six and two-thirds percent (66 2/3%) of the average weekly  
16 wages during 45 weeks.
- 17 (3) For the loss of a second finger, sixty-six and two-thirds percent (66  
18 2/3%) of the average weekly wages during 40 weeks.
- 19 (4) For the loss of a third finger, sixty-six and two-thirds percent (66  
20 2/3%) of the average weekly wages during 25 weeks.
- 21 (5) For the loss of a fourth finger, commonly called the little finger,  
22 sixty-six and two-thirds percent (66 2/3%) of the average weekly  
23 wages during 20 weeks.
- 24 (6) The loss of the first phalange of the thumb or any finger shall be  
25 considered to be equal to the loss of one half of such thumb or finger,  
26 and the compensation shall be for one half of the periods of time above  
27 specified.

- 1 (7) The loss of more than one phalange shall be considered the loss of the  
2 entire finger or thumb: Provided, however, that in no case shall the  
3 amount received for more than one finger exceed the amount provided  
4 in this schedule for the loss of a hand.
- 5 (8) For the loss of a great toe, sixty-six and two-thirds percent (66 2/3%)  
6 of the average weekly wages during 35 weeks.
- 7 (9) For the loss of one of the toes other than a great toe, sixty-six and  
8 two-thirds percent (66 2/3%) of the average weekly wages during 10  
9 weeks.
- 10 (10) The loss of the first phalange of any toe shall be considered to be equal  
11 to the loss of one half of such toe, and the compensation shall be for  
12 one half of the periods of time above specified.
- 13 (11) The loss of more than one phalange shall be considered as the loss of  
14 the entire toe.
- 15 (12) For the loss of a hand, sixty-six and two-thirds percent (66 2/3%) of  
16 the average weekly wages during 200 weeks.
- 17 (13) For the loss of an arm, sixty-six and two-thirds percent (66 2/3%) of  
18 the average weekly wages during 240 weeks.
- 19 (14) For the loss of a foot, sixty-six and two-thirds percent (66 2/3%) of the  
20 average weekly wages during 144 weeks.
- 21 (15) For the loss of a leg, sixty-six and two-thirds percent (66 2/3%) of the  
22 average weekly wages during 200 weeks.
- 23 (16) For the loss of an eye, sixty-six and two-thirds percent (66 2/3%) of  
24 the average weekly wages during 120 weeks.
- 25 (17) The loss of both hands, or both arms, or both feet, or both legs, or both  
26 eyes, or any two thereof, shall constitute total and permanent  
27 disability, to be compensated according to the provisions of G.S.  
28 97-29. The employee shall have a vested right in a minimum amount  
29 of compensation for the total number of weeks of benefits provided  
30 under this section for each member involved. When an employee dies  
31 from any cause other than the injury for which he is entitled to  
32 compensation, payment of the minimum amount of compensation shall  
33 be payable as provided in G.S. 97-37.
- 34 (18) For the complete loss of hearing in one ear, sixty-six and two-thirds  
35 percent (66 2/3%) of the average weekly wages during 70 weeks; for  
36 the complete loss of hearing in both ears, sixty-six and two-thirds  
37 percent (66 2/3%) of the average weekly wages during 150 weeks.
- 38 (19) Total loss of use of a member or loss of vision of an eye shall be  
39 considered as equivalent to the loss of such member or eye. The  
40 compensation for partial loss of or for partial loss of use of a member  
41 or for partial loss of vision of an eye or for partial loss of hearing shall  
42 be such proportion of the periods of payment above provided for total  
43 loss as such partial loss bears to total loss, except that in cases where  
44 there is eighty-five per centum (85%), or more, loss of vision in any

1 eye, this shall be deemed 'industrial blindness' and compensated as for  
2 total loss of vision of such eye.

3 (20) The weekly compensation payments referred to in this section shall all  
4 be subject to the same limitations as to maximum and minimum as set  
5 out in G.S. 97-29.

6 (21) ~~In case of serious facial or head disfigurement, the Industrial~~  
7 ~~Commission shall award proper and equitable compensation not to~~  
8 ~~exceed twenty thousand dollars (\$20,000). For serious facial or head~~  
9 ~~disfigurement, the Industrial Commission shall award proper and~~  
10 ~~equitable compensation, not to exceed sixty-six and two-thirds percent~~  
11 ~~(66 2/3%) of the average weekly wages during 95 weeks. In case of~~  
12 ~~enucleation where an artificial eye cannot be fitted and used, the~~  
13 ~~Industrial Commission may award compensation as for serious facial~~  
14 ~~disfigurement.~~

15 (22) ~~In case of For~~ serious bodily disfigurement for which no compensation  
16 is payable under any other subdivision of this section, but excluding  
17 the disfigurement resulting from permanent loss or permanent partial  
18 loss of use of any member of the body for which compensation is fixed  
19 in the schedule contained in this section, ~~the Industrial Commission~~  
20 ~~may award proper and equitable compensation not to exceed ten~~  
21 ~~thousand dollars (\$10,000). the Industrial Commission shall award~~  
22 ~~proper and equitable compensation, not to exceed sixty-six and~~  
23 ~~two-thirds percent (66 2/3%) of the average weekly wages during 48~~  
24 ~~weeks.~~

25 (23) For the total loss of use of the back, sixty-six and two-thirds percent  
26 (66 2/3%) of the average weekly wages during 300 weeks. The  
27 compensation for partial loss of use of the back shall be such  
28 proportion of the periods of payment herein provided for total loss as  
29 such partial loss bears to total loss, except that in cases where there is  
30 seventy-five per centum (75%) or more loss of use of the back, in  
31 which event the injured employee shall be deemed to have suffered  
32 'total industrial disability' and compensated as for total loss of use of  
33 the back.

34 (24) ~~In case of For~~ the loss of or permanent injury to any important external  
35 or internal organ or part of the body for which no compensation is  
36 payable under any other subdivision of this section, ~~the Industrial~~  
37 ~~Commission may award proper and equitable compensation not to~~  
38 ~~exceed twenty thousand dollars (\$20,000). the Industrial Commission~~  
39 ~~shall award proper and equitable compensation, not to exceed sixty-six~~  
40 ~~and two-thirds percent (66 2/3%) of the average weekly wages during~~  
41 ~~95 weeks."~~

42 **SECTION 2.** This act is effective when it becomes law and applies to all  
43 claims for injuries occurring on or after the effective date.