

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**SENATE BILL 481\***

Short Title: Adjust Workers' Comp. Award Schedule.

(Public)

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Sponsors: Senator Gulley.

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Referred to: Judiciary I.

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March 20, 2003

A BILL TO BE ENTITLED  
AN ACT TO ADJUST AND UPDATE THE AWARD SCHEDULE FOR INJURED  
EMPLOYEES SEEKING COMPENSATION UNDER THE WORKERS'  
COMPENSATION ACT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 97-31 reads as rewritten:

**"§ 97-31. Schedule of injuries; rate and period of compensation.**

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

- (1) For the loss of a thumb, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 75 weeks.
- (2) For the loss of a first finger, commonly called the index finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 45 weeks.
- (3) For the loss of a second finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 40 weeks.
- (4) For the loss of a third finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 25 weeks.
- (5) For the loss of a fourth finger, commonly called the little finger, sixty-six and two-thirds percent (66 2/3%) of the average weekly wages during 20 weeks.
- (6) The loss of the first phalange of the thumb or any finger shall be considered to be equal to the loss of one half of such thumb or finger, and the compensation shall be for one half of the periods of time above specified.
- (7) The loss of more than one phalange shall be considered the loss of the entire finger or thumb: Provided, however, that in no case shall the

- 1 amount received for more than one finger exceed the amount provided  
2 in this schedule for the loss of a hand.
- 3 (8) For the loss of a great toe, sixty-six and two-thirds percent (66 2/3%)  
4 of the average weekly wages during 35 weeks.
- 5 (9) For the loss of one of the toes other than a great toe, sixty-six and  
6 two-thirds percent (66 2/3%) of the average weekly wages during 10  
7 weeks.
- 8 (10) The loss of the first phalange of any toe shall be considered to be equal  
9 to the loss of one half of such toe, and the compensation shall be for  
10 one half of the periods of time above specified.
- 11 (11) The loss of more than one phalange shall be considered as the loss of  
12 the entire toe.
- 13 (12) For the loss of a hand, sixty-six and two-thirds percent (66 2/3%) of  
14 the average weekly wages during 200 weeks.
- 15 (13) For the loss of an arm, sixty-six and two-thirds percent (66 2/3%) of  
16 the average weekly wages during 240 weeks.
- 17 (14) For the loss of a foot, sixty-six and two-thirds percent (66 2/3%) of the  
18 average weekly wages during 144 weeks.
- 19 (15) For the loss of a leg, sixty-six and two-thirds percent (66 2/3%) of the  
20 average weekly wages during 200 weeks.
- 21 (16) For the loss of an eye, sixty-six and two-thirds percent (66 2/3%) of  
22 the average weekly wages during 120 weeks.
- 23 (17) The loss of both hands, or both arms, or both feet, or both legs, or both  
24 eyes, or any two thereof, shall constitute total and permanent  
25 disability, to be compensated according to the provisions of G.S.  
26 97-29. The employee shall have a vested right in a minimum amount  
27 of compensation for the total number of weeks of benefits provided  
28 under this section for each member involved. When an employee dies  
29 from any cause other than the injury for which he is entitled to  
30 compensation, payment of the minimum amount of compensation shall  
31 be payable as provided in G.S. 97-37.
- 32 (18) For the complete loss of hearing in one ear, sixty-six and two-thirds  
33 percent (66 2/3%) of the average weekly wages during 70 weeks; for  
34 the complete loss of hearing in both ears, sixty-six and two-thirds  
35 percent (66 2/3%) of the average weekly wages during 150 weeks.
- 36 (19) Total loss of use of a member or loss of vision of an eye shall be  
37 considered as equivalent to the loss of such member or eye. The  
38 compensation for partial loss of or for partial loss of use of a member  
39 or for partial loss of vision of an eye or for partial loss of hearing shall  
40 be such proportion of the periods of payment above provided for total  
41 loss as such partial loss bears to total loss, except that in cases where  
42 there is eighty-five per centum (85%), or more, loss of vision in any  
43 eye, this shall be deemed "industrial blindness" and compensated as  
44 for total loss of vision of such eye.

- 1 (20) The weekly compensation payments referred to in this section shall all  
2 be subject to the same limitations as to maximum and minimum as set  
3 out in G.S. 97-29.
- 4 (21) In case of serious facial or head disfigurement, the Industrial  
5 Commission shall award proper and equitable compensation not to  
6 exceed ~~twenty thousand dollars (\$20,000).~~ fifty thousand dollars  
7 (\$50,000). In case of enucleation where an artificial eye cannot be  
8 fitted and used, the Industrial Commission may award compensation  
9 as for serious facial disfigurement.
- 10 (22) In case of serious bodily disfigurement for which no compensation is  
11 payable under any other subdivision of this section, but excluding the  
12 disfigurement resulting from permanent loss or permanent partial loss  
13 of use of any member of the body for which compensation is fixed in  
14 the schedule contained in this section, the Industrial Commission may  
15 award proper and equitable compensation not to exceed ~~ten thousand~~  
16 ~~dollars (\$10,000).~~ twenty-five thousand dollars (\$25,000).
- 17 (23) For the total loss of use of the back, sixty-six and two-thirds percent  
18 (66 2/3%) of the average weekly wages during 300 weeks. The  
19 compensation for partial loss of use of the back shall be such  
20 proportion of the periods of payment herein provided for total loss as  
21 such partial loss bears to total loss, except that in cases where there is  
22 seventy-five per centum (75%) or more loss of use of the back, in  
23 which event the injured employee shall be deemed to have suffered  
24 "total industrial disability" and compensated as for total loss of use of  
25 the back.
- 26 (24) In case of the loss of or permanent injury to any important external or  
27 internal organ or part of the body for which no compensation is  
28 payable under any other subdivision of this section, the Industrial  
29 Commission may award proper and equitable compensation not to  
30 exceed ~~twenty thousand dollars (\$20,000).~~ fifty thousand dollars  
31 (\$50,000)."

32 **SECTION 2.** This act becomes effective October 1, 2003, and applies to all  
33 claims for workers' compensation that are pending or are in litigation on or after that  
34 date.