

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE DRS95049-LR-87 (03/21)

Short Title: WC/Adjust Organ Injury Benefit Annually. (Public)

Sponsors: Senators Goolsby, Newton, and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT AMENDING THE WORKERS' COMPENSATION ACT TO PROVIDE FOR THE
3 ANNUAL ADJUSTMENT OF THE BENEFIT FOR PERMANENT INJURY TO AN
4 IMPORTANT BODILY ORGAN.

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 (a) 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 deemed to
10 continue for the period specified, and shall be in lieu of all other compensation, including
11 disfigurement, to wit:

- 12 (1) For the loss of a thumb, sixty-six and two-thirds percent (66 2/3%) of the
13 average weekly wages during 75 weeks.
- 14 (2) For the loss of a first finger, commonly called the index finger, sixty-six and
15 two-thirds percent (66 2/3%) of the average weekly wages during 45 weeks.
- 16 (3) For the loss of a second finger, sixty-six and two-thirds percent (66 2/3%) of
17 the average weekly wages during 40 weeks.
- 18 (4) For the loss of a third finger, sixty-six and two-thirds percent (66 2/3%) of
19 the average weekly wages during 25 weeks.
- 20 (5) For the loss of a fourth finger, commonly called the little finger, sixty-six
21 and two-thirds percent (66 2/3%) of the average weekly wages during 20
22 weeks.
- 23 (6) The loss of the first phalange of the thumb or any finger shall be considered
24 to be equal to the loss of one half of such thumb or finger, and the
25 compensation shall be for one half of the periods of time above specified.
- 26 (7) The loss of more than one phalange shall be considered the loss of the entire
27 finger or thumb: Provided, however, that in no case shall the amount
28 received for more than one finger exceed the amount provided in this
29 schedule for the loss of a hand.
- 30 (8) For the loss of a great toe, sixty-six and two-thirds percent (66 2/3%) of the
31 average weekly wages during 35 weeks.
- 32 (9) For the loss of one of the toes other than a great toe, sixty-six and two-thirds
33 percent (66 2/3%) of the average weekly wages during 10 weeks.



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- 1 (10) The loss of the first phalange of any toe shall be considered to be equal to
2 the loss of one half of such toe, and the compensation shall be for one half of
3 the periods of time above specified.
- 4 (11) The loss of more than one phalange shall be considered as the loss of the
5 entire toe.
- 6 (12) For the loss of a hand, sixty-six and two-thirds percent (66 2/3%) of the
7 average weekly wages during 200 weeks.
- 8 (13) For the loss of an arm, sixty-six and two-thirds percent (66 2/3%) of the
9 average weekly wages during 240 weeks.
- 10 (14) For the loss of a foot, sixty-six and two-thirds percent (66 2/3%) of the
11 average weekly wages during 144 weeks.
- 12 (15) For the loss of a leg, sixty-six and two-thirds percent (66 2/3%) of the
13 average weekly wages during 200 weeks.
- 14 (16) For the loss of an eye, sixty-six and two-thirds percent (66 2/3%) of the
15 average weekly wages during 120 weeks.
- 16 (17) The loss of both hands, or both arms, or both feet, or both legs, or both eyes,
17 or any two thereof, shall constitute total and permanent disability, to be
18 compensated according to the provisions of G.S. 97-29. The employee shall
19 have a vested right in a minimum amount of compensation for the total
20 number of weeks of benefits provided under this section for each member
21 involved. When an employee dies from any cause other than the injury for
22 which he is entitled to compensation, payment of the minimum amount of
23 compensation shall be payable as provided in G.S. 97-37.
- 24 (18) For the complete loss of hearing in one ear, sixty-six and two-thirds percent
25 (66 2/3%) of the average weekly wages during 70 weeks; for the complete
26 loss of hearing in both ears, sixty-six and two-thirds percent (66 2/3%) of the
27 average weekly wages during 150 weeks.
- 28 (19) Total loss of use of a member or loss of vision of an eye shall be considered
29 as equivalent to the loss of such member or eye. The compensation for
30 partial loss of or for partial loss of use of a member or for partial loss of
31 vision of an eye or for partial loss of hearing shall be such proportion of the
32 periods of payment above provided for total loss as such partial loss bears to
33 total loss, except that in cases where there is eighty-five per centum (85%),
34 or more, loss of vision in any eye, this shall be deemed "industrial blindness"
35 and compensated as for total loss of vision of such eye.
- 36 (20) The weekly compensation payments referred to in this section shall all be
37 subject to the same limitations as to maximum and minimum as set out in
38 G.S. 97-29.
- 39 (21) In case of serious facial or head disfigurement, the Industrial Commission
40 shall award proper and equitable compensation not to exceed twenty
41 thousand dollars (\$20,000). In case of enucleation where an artificial eye
42 cannot be fitted and used, the Industrial Commission may award
43 compensation as for serious facial disfigurement.
- 44 (22) In case of serious bodily disfigurement for which no compensation is
45 payable under any other subdivision of this section, but excluding the
46 disfigurement resulting from permanent loss or permanent partial loss of use
47 of any member of the body for which compensation is fixed in the schedule
48 contained in this section, the Industrial Commission may award proper and
49 equitable compensation not to exceed ten thousand dollars (\$10,000).
- 50 (23) For the total loss of use of the back, sixty-six and two-thirds percent (66
51 2/3%) of the average weekly wages during 300 weeks. The compensation for

1 partial loss of use of the back shall be such proportion of the periods of
2 payment herein provided for total loss as such partial loss bears to total loss,
3 except that in cases where there is seventy-five per centum (75%) or more
4 loss of use of the back, in which event the injured employee shall be deemed
5 to have suffered "total industrial disability" and compensated as for total loss
6 of use of the back.

7 (24) In case of the loss of or permanent injury to any important external or
8 internal organ or part of the body for which no compensation is payable
9 under any other subdivision of this section, the Industrial Commission may
10 award proper and equitable compensation not to exceed twenty thousand
11 dollars (\$20,000).

12 (b) Notwithstanding any other provision of this Article, the benefit allowed pursuant to
13 subdivision (24) of subsection (a) of this section shall be adjusted July 1 and effective January
14 1 of each year in the same manner as provided by G.S. 97-29."

15 **SECTION 2.** This act is effective when it becomes law and applies to claims
16 arising on or after that date.