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SENATE BILL NO. 898

Offered January 10, 2001

Prefiled January 5, 2001

A BILL to amend and reenact § 65.2-503 of the Code of Virginia, relating to workers' compensation; permanent partial disability.

Patron—Reynolds

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:**1. That § 65.2-503 of the Code of Virginia is amended and reenacted as follows:**

§ 65.2-503. Permanent loss.

A. Compensation for permanent partial and permanent total loss and disfigurement shall be awarded as provided in this section.

B. The following losses shall be compensated for the period specified at the rate of 66 2/3 percent of the average weekly wage as defined in § 65.2-101:

Loss	Compensation Period
1. Thumb	60 weeks.
2. First finger (index finger)	35 weeks.
3. Second finger	30 weeks.
4. Third finger	20 weeks.
5. Fourth finger (little finger)	15 weeks.
6. First phalanx of the thumb or any finger	one-half compensation for loss of entire thumb or finger.

The loss of more than one phalanx of a thumb or finger is deemed the loss of the entire thumb or finger. Amounts received for loss of more than one finger shall not exceed compensation provided for the loss of a hand.

7. Great toe	30 weeks.
8. A toe other than a great toe	10 weeks.
9. First phalanx of any toe	one-half compensation for loss of entire toe.

The loss of more than one phalanx of a toe is deemed the loss of the entire toe.

10. Hand	150 weeks.
11. Arm	200 weeks.
12. Foot	125 weeks.
13. Leg	175 weeks.
14. Permanent total loss of the vision of an eye	100 weeks.
15. Permanent total loss of hearing of an ear	50 weeks.
16. Severely marked disfigurement of the body resulting from an injury not otherwise compensated by this section	not exceeding 60 weeks.
17. Pneumoconiosis, including but not limited to silicosis and asbestosis, medically determined to be in the	
a. First stage	50 weeks.
b. Second stage	100 weeks.
c. Third stage	300 weeks.
18. Byssinosis	50 weeks.

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56 C. Compensation shall be awarded pursuant to § 65.2-500 for permanent and total incapacity when
57 there is:

58 1. Loss of both hands, both arms, both feet, both legs, both eyes, or any two thereof in the same
59 accident;

60 2. Injury for all practical purposes resulting in total paralysis, as determined by the Commission
61 based on medical evidence; or

62 3. Injury to the brain which is so severe as to render the employee permanently unemployable in
63 gainful employment.

64 *D. All cases of permanent partial disability not enumerated in subsection B shall be apportioned to*
65 *the body as a whole, which shall have a value of 500 weeks, and the injured employee shall be paid*
66 *compensation for the proportionate loss of use of the body as a whole resulting from the injury. The*
67 *benefits provided by this subsection shall not be awarded in any case where benefits for a specific loss*
68 *are otherwise provided in this chapter;*

69 ~~D~~ E. In construing this section, the permanent loss of the use of a member shall be equivalent to the
70 loss of such member, and for the permanent partial loss or loss of use of a member, compensation may
71 be proportionately awarded. Compensation shall also be awarded proportionately for partial loss of
72 vision or hearing.

73 ~~E~~ F. Except as provided in subsection C, the weekly compensation payments referred to in this
74 section shall be subject to the same limitations as to maximum and minimum as set out in § 65.2-500.

75 1. Compensation awarded pursuant to this section shall be payable after payments for temporary total
76 incapacity pursuant to § 65.2-500.

77 2. Compensation pursuant to this section may be paid simultaneously with payments for partial
78 incapacity pursuant to § 65.2-502. Where compensation pursuant to this section is paid simultaneously
79 with payments for partial incapacity pursuant to § 65.2-502, each combined payment shall count as two
80 weeks against the total maximum allowable period of 500 weeks.