

FIRST REGULAR SESSION

[PERFECTED]

SENATE BILL NO. 303

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR GANNON.

1430S.01P

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 287.170 and 287.180, RSMo, and to enact in lieu thereof two new sections relating to electronic transfer of workers' compensation benefits.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 287.170 and 287.180, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 287.170 and 287.180, to read as follows:

287.170. 1. For temporary total disability the
2 employer shall pay compensation for not more than four
3 hundred weeks during the continuance of such disability at
4 the weekly rate of compensation in effect under this section
5 on the date of the injury for which compensation is being
6 made. The amount of such compensation shall be computed as
7 follows:

8 (1) For all injuries occurring on or after September
9 28, 1983, but before September 28, 1986, the weekly
10 compensation shall be an amount equal to sixty-six and two-
11 thirds percent of the injured employee's average weekly
12 earnings as of the date of the injury; provided that the
13 weekly compensation paid under this subdivision shall not
14 exceed an amount equal to seventy percent of the state
15 average weekly wage, as such wage is determined by the
16 division of employment security, as of the July first
17 immediately preceding the date of injury;

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 (2) For all injuries occurring on or after September
19 28, 1986, but before August 28, 1990, the weekly
20 compensation shall be an amount equal to sixty-six and two-
21 thirds percent of the injured employee's average weekly
22 earnings as of the date of the injury; provided that the
23 weekly compensation paid under this subdivision shall not
24 exceed an amount equal to seventy-five percent of the state
25 average weekly wage, as such wage is determined by the
26 division of employment security, as of the July first
27 immediately preceding the date of injury;

28 (3) For all injuries occurring on or after August 28,
29 1990, but before August 28, 1991, the weekly compensation
30 shall be an amount equal to sixty-six and two-thirds percent
31 of the injured employee's average weekly earnings as of the
32 date of the injury; provided that the weekly compensation
33 paid under this subdivision shall not exceed an amount equal
34 to one hundred percent of the state average weekly wage;

35 (4) For all injuries occurring on or after August 28,
36 1991, the weekly compensation shall be an amount equal to
37 sixty-six and two-thirds percent of the injured employee's
38 average weekly earnings as of the date of the injury;
39 provided that the weekly compensation paid under this
40 subdivision shall not exceed an amount equal to one hundred
41 five percent of the state average weekly wage;

42 (5) For all injuries occurring on or after September
43 28, 1981, the weekly compensation shall in no event be less
44 than forty dollars per week.

45 2. Temporary total disability payments shall be made
46 to the claimant by check or other negotiable [instruments
47 approved by the director which will not result in delay in
48 payment] **instrument, or by electronic transfer or other**
49 **manner authorized by the claimant,** and shall be forwarded

50 directly to the claimant without intervention, or, when
51 requested, to claimant's attorney if represented, except as
52 provided in section 454.517, by any other party except by
53 order of the division of workers' compensation.

54 3. An employee is disqualified from receiving
55 temporary total disability during any period of time in
56 which the claimant applies and receives unemployment
57 compensation.

58 4. If the employee is terminated from post-injury
59 employment based upon the employee's post-injury misconduct,
60 neither temporary total disability nor temporary partial
61 disability benefits under this section or section 287.180
62 are payable. As used in this section, the phrase "post-
63 injury misconduct" shall not include absence from the
64 workplace due to an injury unless the employee is capable of
65 working with restrictions, as certified by a physician.

66 5. If an employee voluntarily separates from
67 employment with an employer at a time when the employer had
68 work available for the employee that was in compliance with
69 any medical restriction imposed upon the employee within a
70 reasonable degree of medical certainty as a result of the
71 injury that is the subject of a claim for benefits under
72 this chapter, neither temporary total disability nor
73 temporary partial disability benefits available under this
74 section or section 287.180 shall be payable.

287.180. 1. For temporary partial disability,
2 compensation shall be paid during such disability but not
3 for more than one hundred weeks, and shall be sixty-six and
4 two-thirds percent of the difference between the average
5 earnings prior to the accident and the amount which the
6 employee, in the exercise of reasonable diligence, will be
7 able to earn during the disability, to be determined in view

8 of the nature and extent of the injury and the ability of
9 the employee to compete in an open labor market. The amount
10 of such compensation shall be computed as follows:

11 (1) For all injuries occurring on or after September
12 28, 1983, but before September 28, 1986, the weekly
13 compensation shall be an amount equal to sixty-six and two-
14 thirds percent of the injured employee's average weekly
15 earnings as of the date of injury; provided that the weekly
16 compensation paid under this subdivision shall not exceed an
17 amount equal to seventy percent of the state average weekly
18 wage, as such wages are determined by the division of
19 employment security, as of the July first immediately
20 preceding the date of injury;

21 (2) For all injuries occurring on or after September
22 28, 1986, but before August 28, 1990, the weekly
23 compensation shall be an amount equal to sixty-six and two-
24 thirds percent of the injured employee's average weekly
25 earnings as of the date of the injury; provided that the
26 weekly compensation paid under this subdivision shall not
27 exceed an amount equal to seventy-five percent of the state
28 average weekly wage, as such wage is determined by the
29 division of employment security, as of the July first
30 immediately preceding the date of injury;

31 (3) For all injuries occurring on or after August 28,
32 1990, but before August 28, 1991, the weekly compensation
33 shall be an amount equal to sixty-six and two-thirds percent
34 of the injured employee's average weekly earnings as of the
35 date of the injury; provided that the weekly compensation
36 paid under this subdivision shall not exceed an amount equal
37 to one hundred percent of the state average weekly wage;

38 (4) For all injuries occurring on or after August 28,
39 1991, the weekly compensation shall be an amount equal to

40 sixty-six and two-thirds percent of the injured employee's
41 average weekly earnings as of the date of the injury;
42 provided that the weekly compensation paid under this
43 subdivision shall not exceed an amount equal to one hundred
44 five percent of the state average weekly wage.

45 2. Temporary partial disability payments shall be made
46 to the claimant by check, or other negotiable instrument
47 [approved by the director which will not result in delay in
48 payment], **or by electronic transfer or other manner**
49 **authorized by the claimant.**

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