

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 353

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HENDERSON.

0820H.01P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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Section A. Sections 287.170 and 287.180, RSMo, are repealed and two new sections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

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

5 (1) For all injuries occurring on or after September 28, 1983, but before September 28,
6 1986, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of
7 the injured employee's average weekly earnings as of the date of the injury; provided that the
8 weekly compensation paid under this subdivision shall not exceed an amount equal to seventy
9 percent of the state average weekly wage, as such wage is determined by the division of
10 employment security, as of the July first immediately preceding the date of injury;

11 (2) For all injuries occurring on or after September 28, 1986, but before August 28,
12 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of
13 the injured employee's average weekly earnings as of the date of the injury; provided that the
14 weekly compensation paid under this subdivision shall not exceed an amount equal to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 seventy-five percent of the state average weekly wage, as such wage is determined by the
16 division of employment security, as of the July first immediately preceding the date of injury;

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

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

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

29 2. Temporary total disability payments shall be made to the claimant by check or other
30 negotiable instruments [~~approved by the director which will not result in delay in payment~~], **or**
31 **by electronic transfer or other manner authorized by the claimant**, and shall be forwarded
32 directly to the claimant without intervention, or, when requested, to claimant's attorney if
33 represented, except as provided in section 454.517, by any other party except by order of the
34 division of workers' compensation.

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

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

42 5. If an employee voluntarily separates from employment with an employer at a time
43 when the employer had work available for the employee that was in compliance with any
44 medical restriction imposed upon the employee within a reasonable degree of medical certainty
45 as a result of the injury that is the subject of a claim for benefits under this chapter, neither
46 temporary total disability nor temporary partial disability benefits available under this section
47 or section 287.180 shall be payable.

287.180. 1. For temporary partial disability, compensation shall be paid during such
2 disability but not for more than one hundred weeks, and shall be sixty-six and two-thirds percent
3 of the difference between the average earnings prior to the accident and the amount which the

4 employee, in the exercise of reasonable diligence, will be able to earn during the disability, to
5 be determined in view of the nature and extent of the injury and the ability of the employee to
6 compete in an open labor market. The amount of such compensation shall be computed as
7 follows:

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

14 (2) For all injuries occurring on or after September 28, 1986, but before August 28,
15 1990, the weekly compensation shall be an amount equal to sixty-six and two-thirds percent of
16 the injured employee's average weekly earnings as of the date of the injury; provided that the
17 weekly compensation paid under this subdivision shall not exceed an amount equal to
18 seventy-five percent of the state average weekly wage, as such wage is determined by the
19 division of employment security, as of the July first immediately preceding the date of injury;

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

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

30 2. Temporary partial disability payments shall be made to the claimant by check, or other
31 negotiable instrument ~~[approved by the director which will not result in delay in payment]~~, or
32 **by electronic transfer or other manner authorized by the claimant.**

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