

**HOUSE BILL No. 2311**

By Representative Clayton

2-10

1 AN ACT concerning workers compensation; relating to permanent total  
2 disability; extending benefits for the lifetime of the injured worker;  
3 amending K.S.A. 2020 Supp. 44-510f and repealing the existing  
4 section.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2020 Supp. 44-510f is hereby amended to read as  
8 follows: 44-510f. (a) Notwithstanding any provision of the workers  
9 compensation act to the contrary, the maximum compensation benefits  
10 payable by an employer shall not exceed the following:

11 (1) For permanent total disability, including temporary total,  
12 temporary partial, permanent partial and temporary partial disability  
13 payments paid or due, ~~\$155,000 for an injury~~ *compensation benefits shall*  
14 *be paid during the continuance of such disability from the date of*  
15 *maximum medical improvement for the lifetime of the employee at the*  
16 *weekly rate of the compensation in effect on the date of the injury for*  
17 *which compensation is being made;*

18 (2) for temporary total disability, including any prior permanent total,  
19 permanent partial or temporary partial disability payments paid or due,  
20 \$130,000 for an injury;

21 (3) subject to the provisions of subsection (a)(4), for permanent or  
22 temporary partial disability, including any prior temporary total, permanent  
23 total, temporary partial, or permanent partial disability payments paid or  
24 due, \$130,000 for an injury; and

25 (4) for permanent partial disability, where functional impairment only  
26 is awarded, \$75,000 for an injury. The \$75,000 cap contained in this  
27 subsection shall apply whether or not temporary total disability or  
28 temporary partial disability benefits were paid.

29 (b) If an employer shall voluntarily pay unearned wages to an  
30 employee in addition to any amount of disability benefits to which the  
31 employee is entitled under the workers compensation act, the excess  
32 amount paid:

33 (1) Shall be allowed as a credit to the employer in any final  
34 settlement, or

35 (2) may be withheld from the employee's wages in weekly amounts  
36 equal to the weekly amount or amounts paid in excess of compensation

1 due. The excess amount paid may only be withheld from the employee's  
2 wages if the employee's average weekly wage for the calendar year  
3 exceeds 125% of the state's average weekly wage, determined as provided  
4 in K.S.A. 44-511, and amendments thereto.

5 Sec. 2. K.S.A. 2020 Supp. 44-510f is hereby repealed.

6 Sec. 3. This act shall take effect and be in force from and after its  
7 publication in the statute book.