

SENATE BILL No. 164

By Senator Holland

2-8

1 AN ACT concerning workers compensation; relating to an employer's
2 maximum liability for permanent total disability compensation;
3 removing the statutory monetary cap on such liability; extending
4 liability for the lifetime of the employee; amending K.S.A. 2020 Supp.
5 44-510f and repealing the existing section.

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

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

12 (1) For permanent total disability, including temporary total,
13 temporary partial, permanent partial and temporary partial disability
14 payments paid or due, ~~\$155,000 for an injury~~ *the employee's average*
15 *weekly wage in effect on the date of injury for which compensation is*
16 *being made, starting from the date of maximum medical improvement and*
17 *continuing for the lifetime of the employee for the duration of such*
18 *disability;*

19 (2) for temporary total disability, including any prior permanent total,
20 permanent partial or temporary partial disability payments paid or due,
21 \$130,000 for an injury;

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

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

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

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

36 (2) may be withheld from the employee's wages in weekly amounts

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

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

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