

**SENATE BILL No. 38**

By Committee on Federal and State Affairs

1-17

1 AN ACT concerning workers compensation; relating to an employer's  
2 maximum liability for permanent total disability; increasing the  
3 statutory limit for such liability; amending K.S.A. 44-510f and  
4 repealing the existing section.

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

7 Section 1. K.S.A. 44-510f is hereby amended to read as follows: 44-  
8 510f. (a) Notwithstanding any provision of the workers compensation act  
9 to the contrary, the maximum compensation benefits payable by an  
10 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~~ \$350,000 for an injury;

14 (2) for temporary total disability, including any prior permanent total,  
15 permanent partial or temporary partial disability payments paid or due,  
16 \$130,000 for an injury;

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

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

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

29 (1) Shall be allowed as a credit to the employer in any final  
30 settlement; or

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

1       Sec. 2.   K.S.A. 44-510f is hereby repealed.

2       Sec. 3.   This act shall take effect and be in force from and after its  
3   publication in the Kansas register.