

CHAPTER 141

LABOR AND INDUSTRY

HOUSE BILL 99-1107

BY REPRESENTATIVES Swenson, Decker, Larson, May, McKay, and Paschall;
also SENATORS Hillman, Arnold, and Powers.

AN ACT

CONCERNING CAUSATION IN CASES OF PERMANENT DISABILITY UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO".

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 8-42-104, Colorado Revised Statutes, is amended to read:

8-42-104. Effect of previous injury or compensation. (1) The fact that an employee has suffered a previous disability OR IMPAIRMENT or received compensation therefor shall not preclude compensation for a later injury or for death, but, in determining compensation benefits payable for the later injury ~~permanent total disability~~, or death, the employee's average weekly earnings at the time of the later injury shall be used in determining the compensation payable to the employee or such employee's dependents. Notwithstanding any other provision of articles 40 to 47 of this title, no claimant may receive concurrent permanent total disability awards from injuries occurring in this state or any other state.

(2) (a) ~~In case~~ CASES OF PERMANENT TOTAL DISABILITY, WHEN there is a previous disability, the percentage of disability for a subsequent injury shall be determined by computing the percentage of the entire disability and deducting therefrom the percentage of the previous disability as it existed at the time of the subsequent injury. In such cases awards shall be based on said computed percentage. ~~Such computation, when applicable, shall be made in the following types of awards under articles 40 to 47 of this title:~~

(b) WHEN BENEFITS ARE AWARDED PURSUANT TO SECTION 8-42-107, AN AWARD OF BENEFITS FOR AN INJURY SHALL EXCLUDE ANY PREVIOUS IMPAIRMENT TO THE SAME BODY PART.

(c) THIS SUBSECTION (2) SHALL APPLY TO permanent total AND permanent partial

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~including scheduled, working unit, and lump sum~~ DISABILITY AWARDS; except that ~~in the event~~ THIS SUBSECTION (2) SHALL NOT APPLY TO CASES IN WHICH the provisions of section 8-46-101 are applicable. ~~such apportionment shall not be made.~~

SECTION 2. Effective date - applicability. This act shall take effect July 1, 1999, and shall apply to injuries occurring on or after said date.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 22, 1999