

CHAPTER 174

LABOR AND INDUSTRY

HOUSE BILL 07-1297

BY REPRESENTATIVE(S) Marshall, Borodkin, Butcher, Carroll M., Casso, Frangas, Green, Jahn, Kerr A., Labuda, Levy, McFadyen, Merrifield, Primavera, Solano, Soper, and Todd; also SENATOR(S) Romer, Fitz-Gerald, Gordon, Groff, Morse, Shaffer, Tochtrop, Tupa, Veiga, and Windels.

AN ACT

CONCERNING THE AMOUNT OF AN AWARD FOR DISFIGUREMENT UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO" FOR A WORKER WHO SUFFERS A PERMANENT DISFIGUREMENT AS A RESULT OF A WORKPLACE INJURY.

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

SECTION 1. Legislative declaration. The general assembly hereby finds and determines that the limitation on the amount of compensation allowed to an injured worker who has been disfigured due to a workplace injury has not been increased for more than thirty years. Because workers' compensation is the exclusive remedy available to workers injured on the job, the amount allowed for an award for disfigurement suffered due to a workplace injury should be increased on an annual basis to better compensate the injured worker.

SECTION 2. 8-42-108, Colorado Revised Statutes, is amended to read:

8-42-108. Disfigurement - additional compensation. (1) If ~~any~~ AN employee is seriously, permanently disfigured about the head, face, or parts of the body normally exposed to public view, ~~the director~~, in addition to all other compensation benefits provided in this article AND EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, THE DIRECTOR may allow ~~such sum for compensation on account thereof as the director may deem just, not exceeding two thousand dollars~~ NOT TO EXCEED FOUR THOUSAND DOLLARS TO THE EMPLOYEE WHO SUFFERS SUCH DISFIGUREMENT.

(2) IF AN EMPLOYEE SUSTAINS ANY OF THE FOLLOWING DISFIGUREMENTS, THE DIRECTOR MAY ALLOW UP TO EIGHT THOUSAND DOLLARS AS COMPENSATION TO THE EMPLOYEE IN ADDITION TO ALL OTHER COMPENSATION BENEFITS PROVIDED IN THIS ARTICLE OTHER THAN COMPENSATION ALLOWED UNDER SUBSECTION (1) OF THIS

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

SECTION:

- (a) EXTENSIVE FACIAL SCARS OR FACIAL BURN SCARS;
- (b) EXTENSIVE BODY SCARS OR BURN SCARS; OR
- (c) STUMPS DUE TO LOSS OR PARTIAL LOSS OF LIMBS.

(3) THE DIRECTOR SHALL ADJUST THE LIMITS ON THE AMOUNT OF COMPENSATION FOR DISFIGUREMENT SPECIFIED IN THIS SECTION ON JULY 1, 2008, AND EACH JULY 1 THEREAFTER BY THE PERCENTAGE OF ADJUSTMENT MADE BY THE DIRECTOR TO THE STATE AVERAGE WEEKLY WAGE PURSUANT TO SECTION 8-47-106.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2007, and shall apply to injuries occurring on or after the effective date of this act.

SECTION 4. 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 26, 2007