

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 865

Short Title: Workers' Comp/Employee Work Incentive. (Public)

Sponsors: Senators Berger of Franklin; Bingham, Boseman, Cowell, Hartsell,
Holloman, Kinnaird, Nesbitt, Snow, and Soles.

Referred to: Judiciary II.

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO CREATE AN INCENTIVE TO RETURN TO WORK FOR
EMPLOYEES WHO ARE PARTIALLY INCAPACITATED AND RECEIVING
COMPENSATION UNDER THE WORKERS' COMPENSATION ACT BY
REPEALING THE PROVISION THAT LIMITS SUCH EMPLOYEES TO
RECEIVE COMPENSATION FOR NO LONGER THAN THREE HUNDRED
WEEKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 97-30 reads as rewritten:

"§ 97-30. Partial incapacity.

Except as otherwise provided in G.S. 97-31, where the incapacity for work resulting from the injury is partial, the employer shall pay, or cause to be paid, as hereinafter provided, to the injured employee during such disability, a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between his average weekly wages before the injury and the average weekly wages which he is able to earn thereafter, but not more a week than the amount established annually to be effective October 1 as provided in ~~G.S. 97-29 a week, and in no case shall the period covered by such compensation be greater than 300 weeks from the date of injury. In case the partial disability begins after a period of total disability, the latter period shall be deducted from the maximum period herein allowed for partial disability.~~ G.S. 97-29. An officer or member of the State Highway Patrol shall not be awarded any weekly compensation under the provisions of this section for the first two years of any incapacity resulting from an injury by accident arising out of and in the course of the performance by him of his official duties if, during such incapacity, he continues to be an officer or member of the State Highway Patrol, but he shall be awarded any other benefits to which he may be entitled under the provisions of this Article."

SECTION 2. This act becomes effective October 1, 2005, and applies to injuries that occur on or after that date.