

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 864

Short Title: Workers' Comp/Injury to Extremities. (Public)

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

Referred to: Judiciary II.

March 23, 2005

A BILL TO BE ENTITLED

AN ACT TO ALLOW COMPENSATION UNDER THE WORKERS' COMPENSATION ACT FOR INJURIES OF THE EXTREMITIES OF THE BODY OF THE EMPLOYEE WHERE THE INJURY ARISES OUT OF AND IN THE COURSE OF EMPLOYMENT AND IS THE DIRECT RESULT OF A SPECIFIC TRAUMATIC INCIDENT OF THE WORK ASSIGNED.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 97-2(6) reads as rewritten:

"(6) Injury. – "Injury and personal injury" shall mean only injury by accident arising out of and in the course of the employment, and shall not include a disease in any form, except where it results naturally and unavoidably from the accident. With respect to ~~back injuries,~~ injuries to the back or extremities of the body, however, where ~~the injury to the back~~ arises out of and in the course of the employment and is the direct result of a specific traumatic incident of the work assigned, "injury by accident" shall be construed to include any disabling physical injury to the ~~back~~ back or extremities of the body arising out of and causally related to such incident. Injury shall include breakage or damage to eyeglasses, hearing aids, dentures, or other prosthetic devices ~~which~~ that function as part of the body; provided, however, that eyeglasses and hearing aids will not be replaced, repaired, or otherwise compensated for unless injury to them is incidental to a compensable injury."

SECTION 2. This act is effective when it becomes law and applies to all agreements approved by the North Carolina Industrial Commission under the Workers' Compensation Act, Article 1 of Chapter 97 of the General Statutes, that are approved on or after that date; all orders or decisions of the North Carolina Industrial Commission under the Workers' Compensation Act that are entered on or after that date; and all

- 1 awards of the North Carolina Industrial Commission unappealed from or affirmed upon
- 2 appeal under the Workers' Compensation Act that are awarded on or after that date.