

REFERENCE TITLE: workers' compensation; benefit amount; increase

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1318

Introduced by
Senator Allen

AN ACT

AMENDING SECTION 23-1041, ARIZONA REVISED STATUTES; RELATING TO WORKERS' COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1041, Arizona Revised Statutes, is amended to
3 read:

4 23-1041. Basis for computing compensation; definitions

5 A. Every employee of an employer within the provisions of this chapter
6 who is injured by accident arising out of and in the course of employment, or
7 ~~his~~ THE EMPLOYEE'S dependents in the event of ~~his~~ THE EMPLOYEE'S death, shall
8 receive the compensation fixed in this chapter on the basis of ~~such~~ THE
9 employee's average monthly wage at the time of injury.

10 B. If the injured or killed employee has not been continuously
11 employed for the period of thirty days immediately preceding the injury or
12 death, the average monthly wage shall be such amount as, having regard to the
13 previous wage of the injured employee or of other employees of the same or
14 most similar class working in the same or most similar employment in the same
15 or neighboring locality, reasonably represents the monthly earning capacity
16 of the injured employee in the employment in which ~~he~~ THE INJURED EMPLOYEE is
17 working at the time of the accident.

18 C. If the employee is working under a contract by which ~~he~~ THE
19 EMPLOYEE is guaranteed an amount per diem or per month, notwithstanding the
20 contract price for such labor, the employee or ~~his~~ THE EMPLOYEE'S
21 subordinates or employees working under the terms of such contract or ~~his~~ THE
22 EMPLOYEE'S or their dependents in case of death shall be entitled to receive
23 compensation on the basis only of the guaranteed wage as set out in the
24 contract of employment, whether paid on a per diem or monthly basis, but in
25 no event shall the basis be less than the wages paid to employees for similar
26 work not under contract.

27 D. Notwithstanding any other provision of this chapter, in computing
28 the average monthly wage there shall be excluded from such computation all
29 wages or other compensation for services in excess of:

30 1. One thousand three hundred twenty-five dollars per month for
31 employees injured before January 1, 1988.

32 2. One thousand six hundred fifty dollars per month for employees
33 injured from and after December 31, 1987 but before July 1, 1989.

34 3. One thousand eight hundred dollars per month for employees injured
35 from and after June 30, 1989 but before July 1, 1991.

36 4. Two thousand one hundred dollars per month for employees injured
37 from and after June 30, 1991 but before ~~the effective date of this amendment~~
38 ~~to this section~~ AUGUST 6, 1999.

39 5. Two thousand four hundred dollars per month for employees injured
40 ~~from ON~~ and after ~~the effective date of this amendment to this section~~ AUGUST
41 6, 1999 BUT BEFORE JANUARY 1, 2008.

42 6. TWO THOUSAND NINE HUNDRED DOLLARS PER MONTH FOR EMPLOYEES INJURED
43 FROM AND AFTER DECEMBER 31, 2007 BUT BEFORE JANUARY 1, 2009.

44 7. THREE THOUSAND FOUR HUNDRED DOLLARS PER MONTH FOR EMPLOYEES INJURED
45 FROM AND AFTER DECEMBER 31, 2008 BUT BEFORE JANUARY 1, 2010.

- 1 8. THREE THOUSAND NINE HUNDRED DOLLARS PER MONTH FOR EMPLOYEES INJURED
2 FROM AND AFTER DECEMBER 31, 2009 BUT BEFORE JANUARY 1, 2011.
- 3 9. FOUR THOUSAND FOUR DOLLARS PER MONTH FOR EMPLOYEES INJURED FROM AND
4 AFTER DECEMBER 31, 2010.
- 5 E. BEGINNING JANUARY 1, 2013, THE COMMISSION SHALL ANNUALLY INCREASE
6 THE EXCLUSION AMOUNT UNDER SUBSECTION D, PARAGRAPH 9 BASED ON THE GREATER OF
7 THE FOLLOWING, BUT NOT TO EXCEED FIVE PER CENT:
- 8 1. THE AVERAGE ANNUAL PERCENTAGE INCREASE, IF ANY, OF THE CONSUMER
9 PRICE INDEX IN THE TWO MOST RECENT COMPLETE MONTHS OF AUGUST.
- 10 2. THE AVERAGE ANNUAL PERCENTAGE INCREASE, IF ANY, OF THE AVERAGE
11 WEEKLY WAGE IN THIS STATE IN THE TWO MOST RECENT COMPLETE MONTHS OF AUGUST.
- 12 ~~E.~~ F. Prior to a determination of the average monthly wage,
13 compensation shall be paid on a basis of a minimum monthly wage of two
14 hundred dollars for employees eighteen years of age or over.
- 15 ~~F.~~ G. ~~It~~ FOR THE PURPOSES OF this section:
- 16 1. "CONSUMER PRICE INDEX" MEANS THE INDEX FOR ALL URBAN CONSUMERS FOR
17 ALL ITEMS THAT IS PUBLISHED BY THE BUREAU OF LABOR STATISTICS OF THE UNITED
18 STATES DEPARTMENT OF LABOR OR ITS SUCCESSOR.
- 19 2. "Monthly wage" means the average wage paid during and over the
20 month in which the employee is killed or injured.