

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

345J0681

SENATE BILL NO. 129

Introduced by: Senators Sutton (Dan) and Abdallah and Representatives Konold, Cutler, McCaulley, Michels, and Solum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to worker's
2 compensation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 62-4 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 If an employee is totally disabled under § 62-4-53 and is capable of obtaining other
7 employment at a lower wage, the employer shall take an offset equal to sixty-six and two-thirds
8 percent of the return-to-work wage or the wage the employee is capable of earning and shall pay
9 the employee the difference between this amount and the compensation rate established under
10 § 62-4-3.

