

44-510f. Employer's maximum liability for disability compensation; credit for unearned wages. (a) Notwithstanding any provision of the workers compensation act to the contrary, the maximum compensation benefits payable by an employer shall not exceed the following:

- (1) For permanent total disability, including temporary total, temporary partial, permanent partial and temporary partial disability payments paid or due, \$155,000 for an injury;
- (2) for temporary total disability, including any prior permanent total, permanent partial or temporary partial disability payments paid or due, \$130,000 for an injury;
- (3) subject to the provisions of subsection (a)(4), for permanent or temporary partial disability, including any prior temporary total, permanent total, temporary partial, or permanent partial disability payments paid or due, \$130,000 for an injury; and
- (4) for permanent partial disability, where functional impairment only is awarded, \$75,000 for an injury. The \$75,000 cap contained in this subsection shall apply whether or not temporary total disability or temporary partial disability benefits were paid.

(b) If an employer shall voluntarily pay unearned wages to an employee in addition to any amount of disability benefits to which the employee is entitled under the workers compensation act, the excess amount paid:

- (1) Shall be allowed as a credit to the employer in any final settlement, or
- (2) may be withheld from the employee's wages in weekly amounts equal to the weekly amount or amounts paid in excess of compensation due. The excess amount paid may only be withheld from the employee's wages if the employee's average weekly wage for the calendar year exceeds 125% of the state's average weekly wage, determined as provided in K.S.A. 44-511, and amendments thereto.

History: L. 1974, ch. 203, § 16; L. 1977, ch. 176, § 1; L. 1979, ch. 156, § 8; L. 1987, ch. 187, § 8; L. 1993, ch. 286, § 35; L. 2011, ch. 55, § 10; May 15.