

2020 Regular Session

SENATE BILL NO. 310

BY SENATOR WARD

TRANSPORTATION/DEV DEPT. Provides for a \$100,000 death benefit for a DOTD employee who is killed in a hazardous situation in the course and scope of his employment.
(gov sig)

AN ACT

To enact Chapter 37 of Title 48 of the Louisiana Revised Statutes of 1950, to be
compromised of R.S. 48:2206, relative to survivor benefits for certain employees of
the Department of Transportation and Development; relative to death benefits; and
to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 37 of Title 48 of the Louisiana Revised Statutes of 1950,
comprised of R.S. 48:2206 is hereby enacted to read as follows:

CHAPTER 37. SURVIVOR BENEFITS FOR DEPARTMENT

OF TRANSPORTATION EMPLOYEES

**§2206. Financial security for surviving spouses and children of employees;
death due to hazardous situation**

**A. It is hereby declared to be the public policy of this department, to
provide for the financial security of surviving spouses and children of
department employees when a department employee suffers death as a result
of any injury arising out of a hazardous situation and in the course and scope
of performing their official duties as an employee of the Department of**

1 Transportation and Development.

2 B. In any case in which the department employee suffers death as a
3 result of an injury arising out of a hazardous situation in the course and scope
4 of performing their official duties as a department employee, the sum of one
5 hundred thousand dollars shall be paid to the surviving spouse of the
6 department employee, provided neither spouse has instituted a divorce
7 proceeding. In the event the deceased employee leaves no surviving spouse, or
8 if either spouse has instituted a divorce proceeding, the department shall pay
9 the sum of one hundred thousand dollars to the child or children of the deceased
10 employee. In the event the deceased employee leaves no children, the
11 department shall pay the sum of one hundred thousand dollars to the named
12 beneficiary listed on the department employee's designation form. In the event
13 there is no named beneficiary, the department shall pay the sum of one hundred
14 thousand dollars to the estate of the deceased employee. Each department
15 employee shall complete a beneficiary form.

16 C. Payment shall be made out of the Transportation Trust Fund.
17 However, no payment shall be made pursuant to this Chapter, unless the
18 recipient of the survivor benefits signs all required documents waiving all rights
19 to file suit against the department and releasing the department from any and
20 all liability for the employee's death.

21 D. The department shall promulgate rules under the Louisiana
22 Administrative Code as necessary to implement the provisions of this Chapter.

23 Section 2. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Xavier I. Alexander.

DIGEST

SB 310 Original

2020 Regular Session

Ward

Proposed law provides that it is public policy of the DOTD to provide financial security to the families of deceased DOTD workers who suffer death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment.

Proposed law provides that the surviving spouse of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, shall be paid \$100,000 in death benefits.

Proposed law provides that in absence of a surviving spouse, the child or children of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, shall be paid \$100,000 in death benefits.

Proposed law provides that in absence of a surviving spouse or children, the named beneficiary of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, shall be paid \$100,000 in death benefits.

Proposed law provides that in absence of a surviving spouse, children, or a named beneficiary, the estate of a DOTD worker who suffers death as a result of any injury arising out of a hazardous situation, while in the course and scope of employment, shall be paid \$100,000 in death benefits.

Proposed law provides that the \$100,000 death benefit payment shall be paid out of the Transportation Trust Fund. Further provides that all recipients of the death benefit shall waive all rights to sue the department.

Proposed law the department shall promulgate rules as necessary to implement provisions of this Chapter.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 48:2206)