

2022 Regular Session

HOUSE BILL NO. 467

BY REPRESENTATIVE FRIEMAN

WORKERS COMPENSATION: Provides relative to allocation to dependents

1 AN ACT

2 To amend and reenact R.S. 23:1232(8), relative to workers' compensation; to provide for
3 allocation of payments to dependents of a decedent; and to provide for related
4 matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 23:1232(8) is hereby amended and reenacted to read as follows:

7 §1232. Allocation to dependents; schedule of payments

8 Payment to dependents shall be computed and divided equally among them
9 on the following basis:

10 * * *

11 (8) If there are neither widow, widower, nor child, nor dependent parent
12 entitled to compensation, then to one brother or sister, thirty-two and one-half per
13 centum of wages with eleven per centum additional for each brother or sister in
14 excess of one. ~~If other dependents than those enumerated, thirty-two and one-half~~
15 ~~per centum of wages for one, and eleven per centum additional for each such~~
16 ~~dependent in excess of one, subject to a maximum of sixty-five per centum of wages~~
17 ~~for all, regardless of the number of dependents.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 467 Original

2022 Regular Session

Frieman

Abstract: Provides relative to the allocation of payments to dependents of a decedent for workers' compensation claims.

Present law provides that the payment to dependents shall be computed and divided equally among them on the following basis.

- (1) If the decedent is survived by a spouse, the dependent is entitled to 32.5% of wages.
- (2) If the decedent is survived by a spouse and one child, the dependents are entitled to 46.25% of wages.
- (3) If the decedent is survived by a spouse and two or more children, the dependents are entitled to 65% of wages.
- (4) If the decedent is survived by one child, the dependent is entitled to 32.5% of wages.
- (5) If the decedent is survived by two children, the dependents are entitled to 46.25% of wages.
- (6) If the decedent is survived by three or more children, the dependents are entitled to 65% of wages.
- (7) If the decedent does not have a living spouse or child, then the decedent's mother or father is entitled to 32.5% of the decedent's wages. If both of the decedent's parents are alive, then they are entitled to 65% of the decedent's wages.
- (8) If the decedent does not have a living spouse, child, or parent, then the decedent's brother or sister is entitled to 32.5% of the decedent's wages, plus an additional 11% of wages for each additional brother or sister. If the decedent leaves behind other dependents, one dependent is entitled to 32.5% of the decedent wages, plus an additional 11% of wages for each additional dependent, subject to a maximum of 65% of wages for all, regardless of the number of dependents.

Proposed law eliminates the payment for other dependents of the decedent that are not the decedent's spouse, child, parents, or siblings. Proposed law otherwise retains present law.

(Amends R.S. 23:1232(8))