

2021 Regular Session

HOUSE BILL NO. 608

BY REPRESENTATIVES GAINES, CARPENTER, GARY CARTER, COX, DUPLESSIS, GREEN, HUGHES, JEFFERSON, TRAVIS JOHNSON, LARVADAIN, MARCELLE, MOORE, NEWELL, PIERRE, SELDERS, STAGNI, WILLARD, JENKINS, AND WILFORD CARTER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TRANSPORTATION DEPT: Provides for \$100,000 death benefit for an employee of the Department of Transportation and Development who is killed in a hazardous situation in the course and scope of his employment

1 AN ACT

2 To enact Chapter 37 of Title 48 of the Louisiana Revised Statutes of 1950, to be  
3 compromised of R.S. 48:2211, relative to survivor benefits for certain employees of  
4 the Department of Transportation and Development; to provide for death benefits;  
5 to condition payment of death benefits on survivors waiver or liability; to provide for  
6 an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 37 of Title 48 of the Louisiana Revised Statutes of 1950,  
9 comprised of R.S. 48:2211 is hereby enacted to read as follows:

10 CHAPTER 37. SURVIVOR BENEFITS FOR DEPARTMENT

11 OF TRANSPORTATION EMPLOYEES

12 §2211. Financial security for surviving spouses and children of employees; death  
13 due to hazardous situation; liability waiver

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

1           B.(1) In any case in which a department employee suffers death as a result  
2           of an injury arising out of a hazardous situation in the course and scope of  
3           performing their official duties as a department employee, and is not the result of an  
4           intentional act, the sum of one hundred thousand dollars shall be paid to the  
5           surviving spouse of the department employee, provided neither spouse has instituted  
6           a divorce proceeding. In the event the deceased employee leaves no surviving  
7           spouse, or if either spouse has instituted a divorce proceeding, the department shall  
8           pay the sum of one hundred thousand dollars to the child or children of the deceased  
9           employee. In the event the deceased employee leaves no children, the department  
10           shall pay the sum of one hundred thousand dollars to the named beneficiary listed on  
11           the department employee's beneficiary form. In the event there is no named  
12           beneficiary, the department shall pay the sum of one hundred thousand dollars to the  
13           estate of the deceased employee.

14           (2) As a result of the named beneficiary provision in Paragraph (1) of this  
15           Subsection, each department employee shall complete a beneficiary form.

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

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

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

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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)]

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HB 608 Reengrossed

2021 Regular Session

Gaines

**Abstract:** Establishes a \$100,000 survivor benefit for the death of a Department of Transportation and Development employee that occurred while performing work duties.

Proposed law establishes as public policy of the Dept. of Transportation and Development (DOTD) the provision of 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 specifies death benefits are conditioned on survivors waiver or liability.

Proposed law requires the payment of \$100,000 in death benefits to 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.

Proposed law specifies 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, and that is not the result of an intentional act will be paid \$100,000 in death benefits.

Proposed law specifies 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, will be paid \$100,000 in death benefits.

Proposed law specifies 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, will be paid \$100,000 in death benefits.

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

Proposed law requires the department promulgate rules as necessary to implement provisions of proposed law.

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

(Adds R.S. 48:2211)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make a technical change.
2. Change the department employee's form from designation to beneficiary.