

2021 Regular Session

HOUSE BILL NO. 608

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

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.

19 B.(1) In any case in which a department employee suffers death as a result  
20 of an injury arising out of a hazardous situation in the course and scope of  
21 performing his official duties as a department employee, and the death is not the  
22 result of an intentional act, the sum of one hundred thousand dollars shall be paid to  
23 the surviving spouse of the department employee, provided neither spouse has  
24 instituted a divorce proceeding. In the event the deceased employee leaves no

1 surviving spouse, or if either spouse has instituted a divorce proceeding, the  
 2 department shall pay the sum of one hundred thousand dollars to the child or children  
 3 of the deceased employee. In the event the deceased employee leaves no children,  
 4 the department shall pay the sum of one hundred thousand dollars to the named  
 5 beneficiary listed on the department employee's beneficiary form. In the event there  
 6 is no named beneficiary, the department shall pay the sum of one hundred thousand  
 7 dollars to the estate of the deceased employee.

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

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

15 D. The department shall promulgate rules under the Louisiana  
 16 Administrative Procedure Act as necessary to implement the provisions of this  
 17 Chapter.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_