

CHAPTER 197

TRANSPORTATION

SENATE BILL 00-069

BY SENATORS Chlouber, Hernandez, Lamborn, Nichol, Pascoe, Phillips, Rupert, Wattenberg, and Weddig;
also REPRESENTATIVE Tool.

AN ACT

CONCERNING PAYMENT OF EMPLOYEE BENEFITS UNDER THE "WORKERS' COMPENSATION ACT OF COLORADO" TO A MINOR EMPLOYEE'S FAMILY UPON THE DEATH OF THE EMPLOYEE.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 8-42-115 (1) (a), Colorado Revised Statutes, is amended to read:

8-42-115. Death from injury - benefits. (1) In case death proximately results from the injury, the benefits shall be in the amount and to the persons following:

(a) If there are no dependents, compensation shall be limited to the expenses provided for medical, hospital, and funeral expense of the deceased, together with such sums as may have accrued or been paid to the deceased during the deceased's lifetime for disability, and any amount or payment which is due ~~the subsequent injury fund~~ under section 8-46-101.

SECTION 2. 8-46-102 (1), Colorado Revised Statutes, is amended to read:

8-46-102. Funding for subsequent injury fund and major medical insurance fund. (1) (a) For every compensable injury resulting in death wherein there are no persons either wholly or partially dependent upon the deceased, the employer or the employer's insurance carrier, if any, shall pay to the division the sum of fifteen thousand dollars, not to exceed one hundred percent of the death benefit, to be transmitted to the state treasurer, as custodian, and credited by the state treasurer to the subsequent injury fund. In the event that there are only partially dependent persons dependent upon the deceased, the employer or the employer's insurance carrier, if any, shall first pay such benefits to such partial dependents and shall transmit the balance of the sum of fifteen thousand dollars to the state treasurer, as custodian, who shall credit the same to the subsequent injury fund.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(b) IN THE EVENT THAT THE DECEASED IS A MINOR WITH NO PERSONS EITHER WHOLLY OR PARTIALLY DEPENDENT UPON THE DECEASED, THE EMPLOYER OR THE EMPLOYER'S INSURANCE CARRIER, IF ANY, SHALL PAY TO THE PARENTS OF THE DECEASED THE SUM OF FIFTEEN THOUSAND DOLLARS, NOT TO EXCEED ONE HUNDRED PERCENT OF THE DEATH BENEFIT. IN THE EVENT THAT THERE ARE NO SURVIVING PARENTS, THE EMPLOYER OR THE EMPLOYER'S INSURANCE CARRIER, IF ANY, SHALL PAY SUCH BENEFITS TO THE DIVISION, TO BE TRANSMITTED TO THE STATE TREASURER, AS CUSTODIAN, AND CREDITED BY THE STATE TREASURER TO THE SUBSEQUENT INJURY FUND. IN THE EVENT THAT THERE ARE PERSONS ONLY PARTIALLY DEPENDENT UPON THE DECEASED, THE EMPLOYER OR THE EMPLOYER'S INSURANCE CARRIER, IF ANY, SHALL FIRST PAY SUCH BENEFITS TO SUCH PARTIALLY DEPENDENT PERSONS AND SHALL PAY THE BALANCE TO THE SURVIVING PARENTS OF THE DECEASED, OR IN THE EVENT THAT THERE ARE NO SURVIVING PARENTS, THE REMAINING BALANCE SHALL BE PAID TO THE DIVISION, TO BE TRANSMITTED TO THE STATE TREASURER, AS CUSTODIAN, WHO SHALL CREDIT THE SAME TO THE SUBSEQUENT INJURY FUND.

SECTION 3. Effective date - applicability. This act shall take effect upon passage and shall apply to deaths occurring on or after February 1, 2000.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 24, 2000