

JAN 20 2023

A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 386-41, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Weekly benefits for dependents. In addition, the
4 employer shall pay weekly benefits to the deceased's dependents
5 at the percentages of the deceased's average weekly wages
6 specified below, taking into account not more than the maximum
7 weekly benefit rate prescribed in section 386-31 divided by
8 .6667 and not less than the minimum prescribed in the section
9 divided by .6667.

10 To the dependent widow, widower, or reciprocal beneficiary,
11 if there are no dependent children, fifty per cent.

12 To the dependent widow, widower, or reciprocal beneficiary,
13 if there are one or more dependent children of the deceased,
14 sixty-six and two-thirds per cent. The compensation to the
15 widow, widower, or reciprocal beneficiary shall be for the use
16 and benefit of the widow, widower, or reciprocal beneficiary and
17 of the dependent children, and the director of labor and



1 industrial relations from time to time may apportion the
2 compensation between them in such way as the director deems
3 best.

4 If there is no dependent widow, widower, or reciprocal
5 beneficiary, but a dependent child, then to the child forty per
6 cent, and if there is more than one dependent child, then to the
7 children in equal parts sixty-six and two-thirds per cent.

8 If there is no dependent widow, widower, or reciprocal
9 beneficiary, or child, but there is a dependent or partially
10 dependent parent, then to the parent [~~, if wholly dependent~~
11 ~~fifty per cent~~ [~~, or if partially dependent twenty five per~~
12 ~~cent~~]; if both parents are dependent, then one-half of the
13 foregoing compensation to each of them; if there is no dependent
14 parent, but one or more dependent grandparents, then to each of
15 them the same compensation as to a parent.

16 If there is no dependent widow, widower, [~~or~~] reciprocal
17 beneficiary, child, parent, or grandparent, but there is a
18 dependent grandchild, brother, or sister, or two or more of
19 them, then to those dependents thirty-five per cent for one
20 dependent, increased by fifteen per cent for each additional



1 dependent, to be divided equally among the dependents if more
2 than one."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

9

INTRODUCED BY: ~~ANDAC~~ C. Rich-Long



S.B. NO. 1115

Report Title:

Workers' Compensation; Entitlement; Rate of Compensation; Weekly Benefits; Partially Dependent Parents

Description:

Increases the percentage rate of weekly workers' compensation benefits for partially dependent parents of a deceased child from twenty-five per cent to fifty per cent.

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