
A BILL FOR AN ACT

RELATING TO WORKERS' COMPENSATION.

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

1 SECTION 1. Section 386-34, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§386-34 Payment after death.** (a) Where an employee is
4 entitled to weekly income and indemnity benefits for permanent
5 total or permanent partial disability and dies from any cause
6 other than the compensable work injury, payment of any unpaid
7 balance of the benefits to the extent that the employer is
8 liable therefor, but not to exceed the amount prescribed under
9 section 386-32(a) for other cases, shall be made to the
10 employee's dependents as provided herein. If, at the time of
11 the death, the employee is entitled to any benefits from the
12 special compensation fund, the benefits shall also be paid to
13 the employee's dependents as provided herein:

14 (1) To a dependent widow, widower, or reciprocal
15 beneficiary, for the use of the widow, widower, or
16 reciprocal beneficiary, and the dependent children, if
17 any. The director of labor and industrial relations



1 may from time to time apportion such compensation
2 among the widow, widower, or reciprocal beneficiary,
3 and any dependent children.

4 (2) If there be no dependent widow, widower, or reciprocal
5 beneficiary, but one or more dependent children, then
6 to such child or children to be divided equally among
7 them if more than one.

8 (3) If there be no dependent widow, widower, reciprocal
9 beneficiary, or child, but there be a dependent
10 parent, then to such parent, or if both parents be
11 dependent, to both of them, to be divided equally
12 between them; or if there be no such parents, but a
13 dependent grandparent, then to such grandparent, or if
14 more than one, then to all of them to be divided
15 equally among them.

16 (4) If there be no dependent widow, widower, reciprocal
17 beneficiary, child, parent, or grandparent, but there
18 be a dependent grandchild, brother, or sister, then to
19 such dependent, or if more than one, then to all of
20 them to be divided equally among them.



1 (5) If there be no such dependents, the unpaid balance of
2 the compensation shall be paid in a lump sum into the
3 special compensation fund.

4 (b) The director shall notify an injured employee or the
5 dependent widow, widower, reciprocal beneficiary, or children of
6 the injured employee of benefits to which such persons may be
7 entitled in addition to those provided pursuant to this chapter;
8 provided that the notification shall be solely for the purpose
9 of informing the recipient of benefits that may be available to
10 the recipient; provided further that the content of the
11 notification shall be limited to information concerning services
12 that are offered by nonprofit entities.

13 (c) The department may provide information to injured
14 employees and their families regarding nonstatutory programs or
15 benefits offered to injured employees or the families of injured
16 employees by a nonprofit organization; provided that the
17 department shall not provide the contact information of an
18 injured employee to the nonprofit organization without the
19 express consent of the injured employee.

20 (d) As used in this section, "family" means the injured
21 employee's spouse, reciprocal beneficiary, or child."



1 SECTION 2. Section 386-151, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Every employer pursuant to an order made by the
4 director, shall pay into the fund the amounts specified in
5 sections [~~386-34(5)~~] 386-34(a)(5) and 386-41(d) under the
6 conditions prescribed for such payment. Whenever such amount is
7 paid into the fund and it is subsequently determined by the
8 director, the appellate board, or a court having jurisdiction
9 that a dependent is entitled to benefits excluding or
10 diminishing the entitlement of the fund, the director, appellate
11 board, or court shall order the refund of the sum to which the
12 fund is not entitled and the director of finance as custodian
13 shall immediately make such refund upon receipt by the director
14 of finance of a certified copy of this order. In cases where an
15 order of the director ordering payment into the fund is reversed
16 on appeal the employer is relieved of any duty to make payments
17 into the fund."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

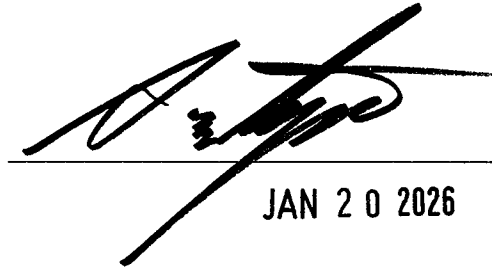
20 SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 1649

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INTRODUCED BY:

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JAN 20 2026



H.B. NO. 1649

Report Title:

Workers' Compensation; Injured Employee; Dependents; Benefits; Notification

Description:

Requires the Director of Labor and Industrial Relations to notify an injured employee or their dependents of benefits to which they may be entitled. Specifies notification requirements. Authorizes the Department of Labor and Industrial Relations to provide information regarding nonstatutory programs and benefits offered to injured employees and their families by nonprofit organizations.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

