

## ACT 151

H.B. NO. 144

A Bill for an Act Relating to Workmen's Compensation.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 386-42, Hawaii Revised Statutes, is amended to read:

**“Section 386-42 Dependents.** (a) The following persons, and no others, shall be deemed dependents and entitled to income, and indemnity benefits under this chapter:

A child who is (1) unmarried and under eighteen years, or (2) unmarried and under twenty years if he is a full-time student at a high school, business school, or technical school, or unmarried and under twenty-two years if he is a full-time undergraduate student at a college, or (3) unmarried and incapable of self-support, or (4) married and under eighteen years, if actually dependent upon deceased.

The surviving spouse, if either living with the deceased at the time of the injury or actually dependent upon the deceased;

A parent or grandparent, if actually dependent upon the deceased;

A grandchild, brother, or sister, if (1) under eighteen years or incapable of self-support, and (2) actually and wholly dependent upon the deceased.

(b) A person shall be deemed to be actually dependent upon the deceased, if he or she contributed all or a substantial portion of the living expenses of such person at the time of the injury.

(c) Alien dependents not residing in the United States at the time of the injury or leaving the United States subsequently shall maintain annual proof of such dependency as required by the director of labor and industrial relations.”

SECTION 2. Section 386-43, Hawaii Revised Statutes, is amended to read:

**“Section 386-43 Duration of dependents' weekly benefits.** (a) The weekly benefits to dependents shall continue:

To a surviving spouse, until death or remarriage, with two years' compensation in one sum upon remarriage.

## ACT 151

To or for a child, (1) so long as unmarried, until attainment of the age of eighteen, or (2) so long as unmarried, until attainment of the age of twenty if he is a full-time student at a high school, business school, technical school, or unmarried and under twenty-two years if he is a full-time undergraduate student at a college, or (3) so long as unmarried, until termination of his incapability of self-support, or (4) until marriage, except that in the case of a married child under eighteen, weekly benefits shall continue during the period of actual dependency until attainment of the age of eighteen.

To a parent or grandparent, for the duration, whether continuous or not, of such actual dependency, provided that the amount of the weekly benefits shall at no time exceed the amount payable at the time of death.

To or for a grandchild, brother, or sister, for the period in which he or she remains actually and wholly dependent until attainment of the age of eighteen or termination of the incapability of self-support.

(b) The aggregate weekly benefits payable on account of any one death shall not exceed \$35,100, but this limitation shall not apply with respect to benefits to a surviving spouse who is physically or mentally incapable of self-support and unmarried as long as he or she remains in that condition and to benefits to a child except in the case of an unmarried child over eighteen incapable of self-support as long as he or she is otherwise entitled to such compensation.

(c) Upon the cessation under this section of compensation to or for any person, the benefits of the remaining dependents in the same class for any further period during which they are entitled to weekly payments shall be in the amounts which they would have received, had they been the only dependents entitled to benefits at the time of the employee's death."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.\*

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

(Approved June 4, 1974.)

---

\*Edited accordingly.