

SENATE BILL No. 469

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-3-3-19.

Synopsis: Worker's compensation. Eliminates the limitation on compensation payable to the remarried spouse of a deceased employee who was entitled to worker's compensation.

Effective: July 1, 1998.

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January 14, 1998, read first time and referred to Committee on Pensions and Labor.

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Introduced

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

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SENATE BILL No. 469



A BILL FOR AN ACT to amend the Indiana Code concerning labor and industrial safety.

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

1 SECTION 1. IC 22-3-3-19 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1998]: Sec. 19. (a) The following
3 persons are conclusively presumed to be wholly dependent for support
4 upon a deceased employee and shall constitute the class known as
5 presumptive dependents in section 18 of this chapter:
6 (1) A wife upon a husband with whom she is living at the time of
7 his death, or upon whom the laws of the state impose the
8 obligation of her support at such time. The term "wife", as used in
9 this subdivision, shall exclude a common law wife unless such
10 common law relationship was entered into before January 1,
11 1958, and, in addition, existed openly and notoriously for a period
12 of not less than five (5) years immediately preceding the death.
13 (2) A husband upon his wife with whom he is living at the time of
14 her death. The term "husband", as used in this subdivision, shall
15 exclude a common law husband unless such common law
16 relationship was entered into before January 1, 1958, and, in
17 addition, existed openly and notoriously for a period of not less



1 than five (5) years immediately preceding the death.

2 (3) An unmarried child under the age of twenty-one (21) years
3 upon the parent with whom the child is living at the time of the
4 death of such parent.

5 (4) An unmarried child under twenty-one (21) years upon the
6 parent with whom the child may not be living at the time of the
7 death of such parent, but upon whom, at such time, the laws of the
8 state impose the obligation to support such child.

9 (5) A child over the age of twenty-one (21) years who has never
10 been married and who is either physically or mentally
11 incapacitated from earning the child's own support, upon a parent
12 upon whom the laws of the state impose the obligation of the
13 support of such unmarried child.

14 (6) A child over the age of twenty-one (21) years who has never
15 been married and who at the time of the death of the parent is
16 keeping house for and living with such parent and is not otherwise
17 gainfully employed.

18 (b) As used in this section, the term "child" includes stepchildren,
19 legally adopted children, posthumous children, and acknowledged
20 children born out of wedlock. The term "parent" includes stepparents
21 and parents by adoption.

22 (c) The dependency of a child under ~~subsections~~ **subsection** (a)(3)
23 and (a)(4) shall terminate when the child attains the age of twenty-one
24 (21).

25 (d) The dependency of any person as a presumptive dependent shall
26 terminate upon the marriage of such dependent subsequent to the death
27 of the employee, and such dependency shall not be reinstated by
28 divorce. However, for deaths from injuries occurring on and after July
29 1, 1977, a surviving spouse who is a presumptive dependent and who
30 is the only surviving dependent of the deceased employee is entitled to
31 receive ~~upon remarriage before the expiration of the maximum~~
32 ~~statutory compensation period, a lump sum settlement equal to the~~
33 ~~smaller of one hundred four (104) weeks of compensation or the~~
34 compensation for the remainder of the maximum statutory
35 compensation period.

36 (e) The dependency of any child under subsection (a)(6) shall be
37 terminated at such time as such dependent becomes gainfully employed
38 or marries.

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