

By: Representative Moak

To: Insurance

HOUSE BILL NO. 69

1 AN ACT TO PROVIDE THAT DEATH CLAIMS ARISING UNDER POLICIES OF
2 LIFE INSURANCE FOR ACCIDENTAL DEATH THAT ARE DETERMINED TO BE
3 PAYABLE SHALL BEAR A CERTAIN INTEREST RATE WHICH IS PAYABLE FROM
4 THE DATE OF DEATH UNTIL THE CLAIM IS PAID; TO AMEND SECTION
5 71-3-25, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WORKERS'
6 COMPENSATION DEATH BENEFITS SHALL BEAR A CERTAIN INTEREST RATE
7 WHICH IS PAYABLE FROM THE DATE OF DEATH UNTIL THE CLAIM IS PAID;
8 AND FOR RELATED PURPOSES.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

10 **SECTION 1.** All death claims arising under life insurance
11 policies for accidental death issued or delivered within this
12 state that are determined as payable shall bear interest at a
13 percentage rate of not less than an amount equal to the New York
14 prime interest rate posted on the date that death occurred. The
15 interest is payable from the date of death until the claim is
16 paid.

17 **SECTION 2.** Section 71-3-25, Mississippi Code of 1972, is
18 amended as follows:

19 71-3-25. If the injury causes death, the compensation shall
20 be known as a death benefit and shall be payable in the amount and
21 to or for the benefit of the persons following:

22 (a) An immediate lump sum payment of Two Hundred Fifty
23 Dollars (\$250.00) to the surviving spouse, in addition to other
24 compensation benefits.

25 (b) Reasonable funeral expenses not exceeding Two
26 Thousand Dollars (\$2,000.00) exclusive of other burial insurance
27 or benefits.

28 (c) If there be a surviving spouse and no child of the
29 deceased, to such surviving spouse thirty-five percent (35%) of
30 the average wages of the deceased during widowhood or dependent

31 widowhood and, if there be a surviving child or children of the
32 deceased, the additional amount of ten percent (10%) of such wages
33 for each such child. In case of the death or remarriage of such
34 surviving spouse, any surviving child of the deceased employee
35 shall have his compensation increased to fifteen percent (15%) of
36 such wages, provided that the total amount payable shall in no
37 case exceed sixty-six and two-thirds percent (66-2/3%) of such
38 wages, subject to the maximum limitations as to weekly benefits as
39 set up in this chapter. The commission may, in its discretion,
40 require the appointment of a guardian for the purpose of receiving
41 the compensation of a minor dependent. In the absence of such a
42 requirement, the appointment of a guardian for such purposes shall
43 not be necessary, provided that if no legal guardian be appointed,
44 payment to the natural guardian shall be sufficient.

45 (d) If there be a surviving child or children of the
46 deceased but no surviving spouse, then for the support of each
47 such child twenty-five percent (25%) of the wages of the deceased,
48 provided that the aggregate shall in no case exceed sixty-six and
49 two-thirds percent (66-2/3%) of such wages, subject to the maximum
50 limitations as to weekly benefits as set up in this chapter.

51 (e) If there be no surviving spouse or child, or if the
52 amount payable to a surviving spouse and to children shall be less
53 in the aggregate than sixty-six and two-thirds percent (66-2/3%)
54 of the average wages of the deceased, subject to the maximum
55 limitations as to weekly benefits as set up in this chapter, then
56 for the support of grandchildren or brothers and sisters, if
57 dependent upon the deceased at the time of the injury, fifteen
58 percent (15%) of such wages for the support of each such person;
59 and for the support of each parent or grandparent of the deceased,
60 if dependent upon him at the time of injury, fifteen percent (15%)
61 of such wages during such dependency. But in no case shall the
62 aggregate amount payable under this subsection exceed the
63 difference between sixty-six and two-thirds percent (66-2/3%) of

64 such wages and the amount payable as hereinbefore provided to
65 surviving spouse and for the support of surviving child or
66 children, subject to the maximum limitations as to weekly benefits
67 as set up in this chapter.

68 (f) The total weekly compensation payments to any or
69 all beneficiaries in death cases shall not exceed the weekly
70 benefits as set up in this chapter and shall in no case be paid
71 for a longer period than four hundred fifty (450) weeks or for a
72 greater amount than the multiple of four hundred fifty (450) weeks
73 times sixty-six and two-thirds percent (66-2/3%) of the average
74 weekly wage for the state.

75 (g) All questions of dependency shall be determined as
76 of the time of the injury. A surviving spouse, child or children
77 shall be presumed to be wholly dependent. All other dependents
78 shall be considered on the basis of total or partial dependence as
79 the facts may warrant.

80 (h) Death benefits received under this section shall
81 bear interest at a percentage rate of not less than an amount
82 equal to the New York prime interest rate posted on the date that
83 death occurred. The interest is payable from the date of death
84 until the death benefits are paid in full.

85 **SECTION 3.** This act shall take effect and be in force from
86 and after July 1, 2004.