

By: Representative Scott

To: Insurance

HOUSE BILL NO. 437

1 AN ACT TO AMEND SECTION 71-3-25, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE FOR WORKERS' COMPENSATION DEATH BENEFITS TO BE PAID TO  
3 NEXT-OF-KIN IF NO DEPENDENTS EXIST; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** Section 71-3-25, Mississippi Code of 1972, is  
6 amended as follows:

7 71-3-25. If the injury causes death, the compensation shall  
8 be known as a death benefit and shall be payable in the amount and  
9 to or for the benefit of the persons following:

10 (a) An immediate lump-sum payment of One Thousand  
11 Dollars (\$1,000.00) to the surviving spouse, in addition to other  
12 compensation benefits.

13 (b) Reasonable funeral expenses not exceeding Five  
14 Thousand Dollars (\$5,000.00) exclusive of other burial insurance  
15 or benefits.

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



19 widowhood and, if there be a surviving child or children of the  
20 deceased, the additional amount of ten percent (10%) of such wages  
21 for each such child. In case of the death or remarriage of such  
22 surviving spouse, any surviving child of the deceased employee  
23 shall have his compensation increased to fifteen percent (15%) of  
24 such wages, provided that the total amount payable shall in no  
25 case exceed sixty-six and two-thirds percent (66-2/3%) of such  
26 wages, subject to the maximum limitations as to weekly benefits as  
27 set up in this chapter. The commission may, in its discretion,  
28 require the appointment of a guardian for the purpose of receiving  
29 the compensation of a minor dependent. In the absence of such a  
30 requirement, the appointment of a guardian for such purposes shall  
31 not be necessary, provided that if no legal guardian be appointed,  
32 payment to the natural guardian shall be sufficient.

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

39 (e) If there be no surviving spouse or child, or if the  
40 amount payable to a surviving spouse and to children shall be less  
41 in the aggregate than sixty-six and two-thirds percent (66-2/3%)  
42 of the average wages of the deceased, subject to the maximum  
43 limitations as to weekly benefits as set up in this chapter, then



44 for the support of grandchildren or brothers and sisters, if  
45 dependent upon the deceased at the time of the injury, fifteen  
46 percent (15%) of such wages for the support of each such person;  
47 and for the support of each parent or grandparent of the deceased,  
48 if dependent upon him at the time of injury, fifteen percent (15%)  
49 of such wages during such dependency. But in no case shall the  
50 aggregate amount payable under this subsection exceed the  
51 difference between sixty-six and two-thirds percent (66-2/3%) of  
52 such wages and the amount payable as hereinbefore provided to  
53 surviving spouse and for the support of surviving child or  
54 children, subject to the maximum limitations as to weekly benefits  
55 as set up in this chapter.

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

63 (g) All questions of dependency shall be determined as  
64 of the time of the injury. A surviving spouse, child or children  
65 shall be presumed to be wholly dependent. All other dependents  
66 shall be considered on the basis of total or partial dependence as  
67 the facts may warrant.



68           (h) If there be no dependents, then for the  
69 next-of-kin, fifteen percent (15%) of such wages for the support  
70 of each such person. But in no case shall the aggregate amount  
71 payable under this subsection exceed sixty-six and two-thirds  
72 percent (66-2/3%) of the average wages of the deceased, subject to  
73 the maximum limitations as to weekly benefits as set up in this  
74 chapter.

75           **SECTION 2.** This act shall take effect and be in force from  
76 and after July 1, 2018.

