

REFERENCE TITLE: workers' compensation; death benefits

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2195

Introduced by
Representative Konopnicki

AN ACT

AMENDING SECTION 23-1046, ARIZONA REVISED STATUTES; RELATING TO WORKERS'
COMPENSATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 23-1046, Arizona Revised Statutes, is amended to
3 read:

4 23-1046. Death benefits

5 A. In case of an injury causing death, the compensation therefor shall
6 be known as a death benefit and shall be payable in the amount, for the
7 period, and to and for the benefit of the following:

8 1. Burial expenses, not to exceed five thousand dollars, in addition
9 to the compensation.

10 2. To the surviving spouse, if there are no children, sixty-six and
11 two-thirds per cent of the average monthly wage of the deceased, to be paid
12 until such spouse's death or remarriage, with two years' compensation in one
13 sum upon remarriage. To the surviving spouse if there are surviving
14 children, thirty-five per cent of the average monthly wage of the deceased,
15 to be paid until such spouse's death or remarriage with two years'
16 compensation in one sum upon remarriage, and to the surviving children, an
17 additional thirty-one and two-thirds per cent of the average monthly wage, to
18 be divided equally among them until the age of eighteen years, until the age
19 of twenty-two years if the child is enrolled as a full-time student in any
20 accredited educational institution, or if over eighteen years and incapable
21 of self-support when the child becomes capable of self-support. When all
22 surviving children are no longer eligible for benefits, the surviving
23 spouse's benefits shall be paid as if there were no children. In the event
24 of the subsequent death or remarriage of the surviving spouse, the surviving
25 child's or children's benefits shall be computed pursuant to paragraph 3.

26 3. To a single surviving child, in the case of the subsequent death or
27 remarriage of a surviving husband or wife, or if there is no surviving
28 husband or wife, ~~twenty-five~~ SIXTY-SIX AND TWO-THIRDS per cent of ~~such~~ THE
29 average ~~wages~~ MONTHLY WAGE OF THE DECEASED, or if there is more than one
30 surviving child, ~~twenty-five~~ SIXTY-SIX AND TWO-THIRDS per cent ~~for one child,~~
31 ~~and fifteen per cent for each additional child, to be divided among such~~
32 ~~children share and share alike, but not exceeding a total of sixty six and~~
33 ~~two thirds per cent of the average wage~~ TO BE DIVIDED EQUALLY AMONG THE
34 SURVIVING CHILDREN. Compensation to any such child shall cease upon death,
35 upon marriage or upon reaching the age of eighteen years, except, if over
36 eighteen years and incapable of self-support, when he becomes capable of
37 self-support, or if over eighteen years of age and enrolled as a full-time
38 student in any accredited educational institution, when the child reaches age
39 twenty-two.

40 4. To a parent, if there is no surviving husband, wife or child under
41 the age of eighteen years, if wholly dependent for support upon the deceased
42 employee at the time of his death, twenty-five per cent of the average
43 monthly wage of the deceased during dependency, with an added allowance of
44 fifteen per cent if two dependent parents survive, and, if neither parent is

1 wholly dependent, but one or both partly dependent, fifteen per cent divided
2 between them share and share alike.

3 5. To brothers or sisters under the age of eighteen years, if there is
4 no surviving husband or wife, dependent children under the age of eighteen
5 years or dependent parent, the following shall govern:

6 (a) If one of the brothers or sisters is wholly dependent upon the
7 deceased employee for support at the time of injury causing death,
8 twenty-five per cent of the average monthly wage until the age of eighteen
9 years.

10 (b) If more than one brother or sister is wholly dependent,
11 thirty-five per cent of the average monthly wage at the time of injury
12 causing death, divided among such dependents share and share alike.

13 (c) If none of the brothers or sisters is wholly dependent, but one or
14 more are partly dependent, fifteen per cent divided among such dependents
15 share and share alike.

16 B. If the deceased employee leaves dependents only partially dependent
17 upon his earnings for support at the time of the injury, the monthly
18 compensation shall be equal to such proportion of the monthly payments for
19 the benefit of persons totally dependent as the amount contributed by the
20 employee to such partial dependents bears to the average wage of the deceased
21 at the time of the injury resulting in his death. The duration of
22 compensation to partial dependents shall be fixed by the commission in
23 accordance with the facts shown, and in accordance with the provisions of
24 section 23-1047, but shall in no case exceed compensation for one hundred
25 months.

26 C. In the event of death of a dependent before expiration of the time
27 named in the award, the funeral expenses of such person, not to exceed eight
28 hundred dollars, shall be paid.