

HB 2310 -- Second Injury Fund

Sponsor: Hunter

This bill specifies that in applying the provisions of the Workers' Compensation Law it is the intent of the legislature to reject and abrogate *Schoemehl v. Treasurer of the State of Missouri*, 217 S.W.3d 900 (Mo. banc 2007) and all cases interpreting, applying, or following this case. The bill reaffirms that the right for compensation for permanent total disability of an injured employee terminates on the date of the injured employee's death.

No person will be eligible to receive benefits from the Second Injury Fund for injuries occurring on or after January 1, 2009. The Division of Workers' Compensation within the Department of Labor and Industrial Relations will compute the amount of money needed to award benefits to persons injured prior to January 1, 2009, and assess employers as specified by law.

The bill contains an emergency clause.