

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 497, Page 10, Section 287.140, Line 149,  
2 by inserting after all of said section and line the following:

3  
4 "287.230. 1. (1) The death of the injured employee shall not affect the liability of the  
5 employer to furnish compensation as in this chapter provided, so far as the liability has accrued and  
6 become payable at the time of the death, and any accrued and unpaid compensation due the  
7 employee shall be paid to his or her dependents without administration, or if there are no  
8 dependents, to his or her personal representative, a family member as defined under this subsection,  
9 or other persons entitled thereto, but the death shall be deemed to be the termination of the  
10 disability.

11 (2) For the purposes of this subsection, the term "family member" shall include the adult  
12 child or children, natural, illegitimate, adopted, or posthumous, who did not qualify as a dependent  
13 under section 287.240 due to age or dependency; a parent of the deceased, natural or adoptive; a  
14 grandparent of the deceased, natural or adoptive; a sibling of the deceased; an adult next of kin; or  
15 the conservator of a dependent child if such child has no representative to bring a claim on his or her  
16 own behalf.

17 2. Where an employee is entitled to compensation under this chapter, exclusive of  
18 compensation as provided for in section 287.200, for an injury received and death ensues for any  
19 cause not resulting from the injury for which the employee was entitled to compensation, payments  
20 of the unpaid unaccrued compensation under section 287.190 and no other compensation for the  
21 injury shall be paid to the surviving dependents at the time of death.

22 3. In applying the provisions of this chapter, it is the intent of the legislature to reject and  
23 abrogate the holding in Schoemehl v. Treasurer of the State of Missouri, 217 S.W.3d 900 (Mo.  
24 2007), and all cases citing, interpreting, applying, or following this case."; and

25  
26 Further amend said bill by amending the title, enacting clause, and intersectional references  
27 accordingly.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_