

FIRST REGULAR SESSION

# HOUSE BILL NO. 1543

## 103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BURTON.

3055H.011

JOSEPH ENGLER, Chief Clerk

### AN ACT

To repeal section 287.230, RSMo, and to enact in lieu thereof one new section relating to the payment of workers' compensation upon the death of an employee.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 287.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 287.230, to read as follows:

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

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

2. Where an employee is entitled to compensation under this chapter, exclusive of compensation as provided for in section 287.200, for an injury received and death ensues for any cause not resulting from the injury for which the employee was entitled to compensation,

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 payments of the unpaid unaccrued compensation under section 287.190 and no other  
18 compensation for the injury shall be paid to the surviving dependents at the time of death.

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

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