

ACT 47

H. B. NO. 218

A Bill for an Act Relating to Workmen's Compensation.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 386-32(b), Hawaii Revised Statutes, is amended to read:

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“(b) Temporary partial disability. Where a work injury causes partial disability, not determined to be permanent, which diminishes the employee’s capacity for work, the employer, beginning with the first day of the disability and during the continuance thereof, shall pay the injured employee weekly benefits equal to sixty-six and two-thirds per cent of the difference between his average weekly wages before the injury and his weekly earnings thereafter, but not more than \$50 a week.”

SECTION 2. Section 386-34, Hawaii Revised Statutes, is amended to read:

“**Sec. 386-34 Payment after death.** Where an employee is entitled to weekly income and indemnity benefits for permanent total or permanent partial disability and dies from any cause other than the compensable work injury, payment of any unpaid balance of the benefits to the extent that the employer is liable therefor, but not to exceed the amount prescribed under section 386-32(a) for other cases, shall be made to his dependents as provided herein. If, at the time of the death, employee is entitled to any benefits from the special compensation fund, the benefits shall also be paid to his dependents as provided herein.

- (1) To a dependent widow or widower, for the use of the widow or widower and the dependent children, if any. The director of labor and industrial relations may from time to time apportion such compensation among the widow or widower and any dependent children.
- (2) If there be no dependent widow or widower, but one or more dependent children, then to such child or children to be divided equally among them if more than one.
- (3) If there be no dependent widow, widower, or child, but there be a dependent parent, then to such parent, or if both parents be dependent, to both of them, to be divided equally between them; or if there be no such parents, but a dependent grandparent, then to such grandparent, or if more than one, then to all of them to be divided equally among them.
- (4) If there be no dependent widow, widower, child, parent, or grandparent, but there be a dependent grandchild, brother, or sister, then to such dependent, or if more than one, then to all of them to be divided equally among them.
- (5) If there be no such dependents, the unpaid balance of the compensation shall be paid in a lump sum into the special compensation fund.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

SECTION 4. This Act shall take effect on July 1, 1973.

(Approved May 7, 1973.)

*Edited accordingly.