

HOUSE BILL NO. 4802

June 15, 2023, Introduced by Reps. Haadsma and Morgan and referred to the Committee on Government Operations.

A bill to amend 1969 PA 317, entitled "Worker's disability compensation act of 1969," by amending sections 118, 335, and 353 (MCL 418.118, 418.335, and 418.353), section 335 as amended by 1994 PA 271 and section 353 as amended by 2011 PA 266.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 118. (1) No household domestic servant shall be
2 considered an employee if the ~~person~~**individual** is a ~~wife~~**spouse**,
3 child, or other member of the employer's family residing in the

1 home, and no householder shall be ~~deemed~~**considered** a statutory
 2 principal within the meaning of section 171 for the purposes of
 3 this section.

4 (2) No private employer ~~shall be~~**is** liable under this act to
 5 any ~~person~~**individual** who is employed by ~~him~~**the private employer**
 6 as a household domestic servant for less than 35 hours per week for
 7 13 weeks or longer during the preceding 52 weeks, notwithstanding
 8 the provisions of section 611 or any other provision of this act,
 9 unless ~~such person assume~~**the private employer assumes** liability
 10 under section 121.

11 (3) ~~A~~**As used in this act**, "household domestic servant" or
 12 "domestic" ~~as used in this act means a person~~**an individual** who
 13 engages in work or activity relating to the operation of a
 14 household and its surroundings whether or not ~~he~~**the individual**
 15 resides therein.

16 Sec. 335. (1) Upon the remarriage of a dependent ~~wife~~**spouse**
 17 receiving compensation, ~~such compensation~~ payments ~~shall~~ cease upon
 18 the payment to ~~her~~**the spouse** of the balance of the compensation to
 19 which ~~she~~**the spouse** would otherwise have been entitled but not to
 20 exceed the sum of \$500.00, and further compensation, if any, ~~shall~~
 21 ~~be~~**is** payable to the person either wholly or partially dependent
 22 upon **the** deceased for support at **the time of his or her** death as
 23 provided in section ~~331(b)~~**331**. A worker's compensation magistrate
 24 shall determine the amount of compensation or portion thereof that
 25 ~~shall be~~**is** payable weekly to ~~such~~**the** wholly or partially
 26 dependent person for the remaining weeks of compensation. ~~Where,~~
 27 **If**, at the expiration of the 500-week period, ~~any such~~**the** wholly
 28 or partially dependent person is less than 18 years of age, a
 29 worker's compensation magistrate may order the employer to continue

1 to pay the weekly compensation, or some portion thereof, until ~~such~~
 2 **the** wholly or partially dependent person reaches the age of 18. The
 3 payment of compensation to any dependent child ~~shall cease~~ **ceases**
 4 when the child reaches the age of 18 years, if at the age of 18
 5 years ~~he or she~~ **the child** is neither physically nor mentally
 6 incapacitated from earning, or when the child reaches the age of 16
 7 years and thereafter is self-supporting for 6 months. If the child
 8 ceases to be self-supporting thereafter, the dependency shall be
 9 reinstated. ~~Such~~ **The** remaining compensation, if any, ~~shall be~~ **is**
 10 payable to the person either wholly or partially dependent upon the
 11 deceased employee for support at the time of the employee's death,
 12 as provided in the case of the remarriage of a dependent
 13 ~~wife~~ **spouse**.

14 (2) This section shall apply to all persons who are entitled
 15 to receive compensation or are receiving compensation under this
 16 act on July 30, 1985 and who have not ~~attained~~ **reached** the age of
 17 18 years on July 30, 1985.

18 Sec. 353. (1) For the purposes of sections 351 to 361,
 19 dependency shall be determined as follows:

20 (a) A child under the age of 16 years, or 16 years or over if
 21 physically or mentally incapacitated from earning, living with his
 22 **or her** parent at the time of the injury of that parent.

23 (b) In all other cases questions of dependency ~~shall be~~ **are**
 24 determined in accordance with the facts at the time of the injury,
 25 except as provided in subsection (3). A person shall not be
 26 considered a dependent unless he or she is a member of the family
 27 of the injured employee, or unless the person bears to the injured
 28 employee the relation of ~~husband or wife~~, **spouse**, or lineal
 29 descendent, or ancestor or brother or sister. Except as to a person

1 conclusively presumed to be a dependent, a person who receives less
2 than 1/2 of his or her support from an injured employee shall not
3 be considered to be a dependent.

4 (2) Weekly payments to an injured employee ~~shall~~**must** be
5 reduced by the additional amount provided for any dependent child
6 or spouse or other dependent when the child either reaches the age
7 of 18 years or after becoming 16 ceases for a period of 6 months to
8 receive more than 1/2 of his or her support from the injured
9 employee, if at that time the child is neither physically nor
10 mentally incapacitated from earning; when the spouse is divorced by
11 final decree from his or her injured spouse; or when the child,
12 spouse, or other dependent is deceased.

13 (3) An increase in payments ~~shall~~**must** be made for increased
14 numbers of conclusive dependents as defined in this act who were
15 not dependent at the time of the injury of an employee.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Joint Resolution ____ or House Joint Resolution F
18 (request no. 00367'23) of the 102nd Legislature becomes a part of
19 the state constitution of 1963 as provided in section 1 of article
20 XII of the state constitution of 1963.