

HOUSE BILL NO. 5179

October 30, 2025, Introduced by Reps. Xiong, Wilson, Breen, Rheingans, Arbit, Weiss, T. Carter, Pohutsky, Brixie, Conlin, MacDonell, Mentzer, B. Carter, Price, Dievendorf, Paiz, Morgan, McFall, Hope, Longjohn, Byrnes, Andrews, Tsernoglou, Hoskins, Young, Skaggs, Myers-Phillips and McKinney and referred to Committee on Economic Competitiveness.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending sections 321, 331, 335, 345, and 356 (MCL 418.321,
418.331, 418.335, 418.345, and 418.356), sections 321 and 335 as
amended by 1994 PA 271, section 331 as amended by 2011 PA 266,
section 345 as amended by 1996 PA 107, and section 356 as amended
by 2014 PA 231.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 321. If death results from the personal injury of an

1 employee, the employer shall pay, or cause to be paid, subject to
 2 section 375, in 1 of the methods provided in this section, to the
 3 dependents of the employee who were wholly dependent ~~upon~~ **on** the
 4 employee's earnings for support at the time of the injury, a weekly
 5 payment equal to 80% of the employee's after-tax average weekly
 6 wage, subject to the maximum and minimum rates of compensation
 7 under this act, for a period of 500 weeks from the date of death.
 8 If at the expiration of the 500-week period any ~~such~~ wholly or
 9 partially dependent ~~person~~ **individual** is less than 21 years of age,
 10 a worker's compensation magistrate may order the employer to
 11 continue to pay the weekly compensation or some portion ~~thereof~~ **of**
 12 **the weekly compensation** until the wholly or partially dependent
 13 ~~person~~ **individual** reaches the age of 21. If the employee leaves
 14 dependents only partially dependent ~~upon his or her~~ **on the**
 15 **employee's** earnings for support at the time of injury, the weekly
 16 compensation to be paid ~~shall be~~ **must** equal ~~to~~ the same proportion
 17 of the weekly payments for the benefit of ~~persons~~ wholly dependent
 18 **individuals** as ~~80% of the amount contributed by the employee to the~~
 19 ~~partial dependents~~ **the employee's income** bears to the annual
 20 ~~earnings combined income~~ of the ~~deceased~~ **employee and the partially**
 21 **dependent individual** at the time of injury, **except as otherwise**
 22 **provided in section 356.**

23 Sec. 331. (1) **Except as otherwise provided in section 335(1),**
 24 **if death results from the personal injury of an employee, the**
 25 **employee's spouse who is living with the employee at the time of**
 26 **death is conclusively presumed to be wholly dependent on the**
 27 **employee's earnings for support for a period of 208 weeks after the**
 28 **date of death. After the 208-week period, continuing dependency, in**
 29 **whole or in part, is determined in accordance with the facts at the**

1 time of the injury. If the spouse is determined to be partially
 2 dependent on the employee's earnings for support at the time of the
 3 injury, the weekly compensation rate must be calculated in
 4 accordance with section 321. Except as otherwise provided in
 5 section 335(1), if the spouse establishes an entitlement to ongoing
 6 weekly compensation payments, payments must be made for a period of
 7 500 weeks from the date of death.

8 (2) ~~Except~~ If death results from the personal injury of an
 9 employee, **except** as otherwise provided in this section, a child
 10 ~~under the age of 16 of the employee who is less than 18 years of~~
 11 **age, or 16-18 years of age or over more if the child is** physically
 12 or mentally incapacitated from earning, is conclusively presumed to
 13 be wholly dependent for support ~~upon-on~~ the parent with whom he or
 14 she is living at the time of the death of that parent. In the event
 15 of the death of an employee who has at the time of death a living
 16 child by a former spouse or a child who has been deserted by the
 17 deceased employee under the age of 16 years, or over if physically
 18 or mentally incapacitated from earning, that child shall be
 19 conclusively presumed to be wholly dependent for support upon the
 20 deceased employee, even though not living with the deceased
 21 employee at the time of death.**employee.**

22 (3) The death benefit ~~shall-must~~ be divided among all ~~persons~~
 23 **individuals** who are wholly dependent ~~upon-on~~ the deceased employee,
 24 in equal shares. The total sum due a surviving spouse and ~~his-or~~
 25 ~~her-the~~ **deceased employee's** own children ~~shall-must~~ be paid
 26 directly to the surviving spouse for ~~his-or her own-the~~ **surviving**
 27 **spouse's** use, and for the use and benefit of ~~his-or her own-the~~
 28 **deceased employee's own** children. If during the time compensation
 29 payments continue, a worker's compensation magistrate finds that

1 the surviving spouse is not properly caring for ~~those~~ **the deceased**
 2 **employee's own** children, the worker's compensation magistrate shall
 3 order the shares of the children to be ~~thereafter paid to their~~ **the**
 4 **children's** guardian or legal representative for ~~their~~ **the**
 5 **children's** use and benefit, instead of to ~~their father or mother.~~
 6 **the surviving spouse.** In all cases the sums due ~~to~~ the children by
 7 the former spouse of the deceased employee ~~shall~~ **must** be paid to
 8 ~~their~~ **the children's** guardians or legal representatives for the use
 9 and benefit of ~~those~~ **the** children. In all other cases questions of
 10 dependency, in whole or in part, ~~shall~~ **must** be determined in
 11 accordance with the facts at the time of the injury. If a deceased
 12 employee leaves ~~a person~~ **an individual** wholly dependent ~~upon him or~~
 13 ~~her~~ **on the deceased employee** for support, that ~~person shall be~~
 14 **individual is** entitled to the whole death benefit and ~~persons~~
 15 partially dependent **individuals**, if any, ~~shall~~ receive no part
 16 ~~thereof,~~ **of the death benefit**, while the ~~person~~ wholly dependent
 17 **individual** is living. All ~~persons~~ **individuals** wholly dependent ~~upon~~
 18 **on** a deceased employee, whether by conclusive presumption or as a
 19 matter of fact, ~~shall be~~ **are** entitled to share equally in the death
 20 benefit in accordance with ~~the provisions of~~ this section. If there
 21 is no ~~one~~ wholly dependent **individual** or if the death of all
 22 ~~persons~~ wholly dependent **individuals** occurs before all compensation
 23 is paid, and there is only 1 ~~person~~ partially dependent **individual**,
 24 that ~~person~~ **individual** is entitled to compensation according to the
 25 extent of ~~his or her~~ **the individual's** dependency; and if there is
 26 more than 1 ~~person~~ partially dependent **individual**, the death
 27 benefit ~~shall~~ **must** be divided among ~~them~~ **the partially dependent**
 28 **individuals** according to the relative extent of ~~their~~ **the partially**
 29 **dependent individuals'** dependency. ~~A person shall not be~~ **An**

1 **individual is not** considered a dependent unless ~~he or she the~~
 2 **individual** is a member of the family of the deceased employee, or
 3 unless ~~such person the individual~~ bears to the deceased employee
 4 the relation of widower or widow, lineal descendant, ancestor, or
 5 ~~brother or sister sibling~~.

6 Sec. 335. (1) ~~Upon the remarriage of~~ **If** a dependent wife
 7 **spouse who is** receiving compensation **under section 321 remarries,**
 8 ~~such compensation~~ payments shall cease upon the payment to her of
 9 the balance of the compensation to ~~which she the spouse that the~~
 10 **spouse** would otherwise have been entitled, ~~but not to exceed the~~
 11 ~~sum of \$500.00. , and further~~ **Any remaining** compensation ~~, if any,~~
 12 ~~shall be~~ **is** payable to the ~~person individual~~ either wholly or
 13 partially dependent ~~upon on the~~ deceased **employee** for support at
 14 ~~his the time of the~~ death as provided in section ~~331(b).~~ **331.** A
 15 worker's compensation magistrate shall determine the amount of
 16 compensation or portion ~~thereof of the compensation~~ that ~~shall be~~
 17 **is** payable weekly to ~~such the~~ wholly or partially dependent ~~person~~
 18 **individual** for the remaining weeks of compensation. ~~Where, If,~~ at
 19 the expiration of the 500-week period, ~~any such a~~ wholly or
 20 partially dependent ~~person individual~~ is less than 18 years of age,
 21 a worker's compensation magistrate may order the employer to
 22 continue to pay the weekly compensation, or some portion ~~thereof,~~
 23 **of the weekly compensation,** until ~~such the~~ wholly or partially
 24 dependent ~~person individual~~ reaches the age of 18. ~~The payment of~~
 25 ~~compensation to any dependent child shall cease when the child~~
 26 ~~reaches the age of 18 years, if at the age of 18 years he or she is~~
 27 ~~neither physically nor mentally incapacitated from earning, or when~~
 28 ~~the child reaches the age of 16 years and thereafter is self-~~
 29 ~~supporting for 6 months. If the child ceases to be self-supporting~~

1 ~~thereafter, the dependency shall be reinstated. Such~~ **Any** remaining
 2 compensation ~~, if any, shall be~~ **is** payable to the ~~person either~~
 3 **individual who is** wholly or partially dependent ~~upon on~~ the
 4 deceased employee for support at the time of the employee's death,
 5 ~~as provided in the case of the remarriage of a dependent wife.~~ **not**
 6 **to exceed \$500.00.**

7 (2) This section ~~shall apply~~ **applies** to all ~~persons~~
 8 **individuals** who are entitled to receive compensation or are
 9 receiving compensation under this act on July 30, ~~1985~~ **2026** and who
 10 have not attained the age of 18 years on July 30, ~~1985~~ **2026**.

11 Sec. 345. If death results from the **personal injury of an**
 12 **employee**, the employer shall pay, or cause to be paid, the
 13 reasonable expense of the employee's last sickness, funeral, and
 14 burial. The ~~cost~~ **expense** of the funeral and burial ~~shall~~ **must** not
 15 exceed ~~\$6,000.00~~ **\$12,000.00** or the actual ~~cost,~~ **expense**, whichever
 16 is less. Any person ~~who~~ **that** performed ~~such a~~ service or incurred
 17 ~~such liability~~ **under this section** may file an application with the
 18 ~~bureau.~~ **agency**. A worker's compensation magistrate may order the
 19 employer to pay ~~such the~~ sums **for the service or liability, or**
 20 **both.**

21 Sec. 356. (1) An injured employee who, at the time of the
 22 personal injury, is entitled to a rate of compensation less than
 23 50% of the then applicable state average weekly wage as determined
 24 for the year in which the injury occurred ~~pursuant to~~ **under** section
 25 355, may be entitled to an increase in benefits after 2 years of
 26 continuous disability. After 2 years of continuous disability, the
 27 employee may petition for a hearing at which the employee may
 28 present evidence that, by virtue of the employee's age, education,
 29 training, experience, or other documented evidence ~~which~~ **that** would

1 fairly reflect the employee's earning capacity, the employee's
 2 earnings would have been expected to increase. Upon presentation of
 3 this evidence, a worker's compensation magistrate may order an
 4 adjustment of the compensation rate up to 50% of the state average
 5 weekly wage for the year in which the employee's injury occurred.
 6 The adjustment of compensation, if ordered, ~~shall be~~ **is** effective
 7 as of the date of the employee's petition for the hearing. The
 8 **carrier shall pay the** adjustments ~~provided in under~~ this subsection
 9 ~~shall be paid by the carrier on a weekly basis. However, the~~
 10 carrier, the self-insurers' security fund, and the private employer
 11 group self-insurers security fund ~~shall be~~ **are** entitled to
 12 reimbursement for these payments from the second injury fund
 13 created in section 501. ~~There shall be~~ **An employee may receive** only
 14 1 adjustment ~~made for an employee~~ under this subsection.

15 (2) The minimum weekly benefit for death under section 321
 16 ~~shall be~~ **for a wholly dependent individual is** 50% of the state
 17 average weekly wage as determined under section 355.

18 (3) The minimum weekly benefit for 1 or more losses stated in
 19 section 361(2) and (3) ~~shall be~~ **is** 25% of the state average weekly
 20 wage as determined under section 355.

21 (4) There is no minimum weekly benefit for total disability
 22 under section 351 **or for a partially dependent individual under**
 23 **section 321.**

24 (5) This section does not apply to an employee entitled to
 25 benefits under section 361(1).