

# HOUSE BILL NO. 5237

July 01, 2021, Introduced by Reps. Haadsma and Rabhi 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 is a ~~wife,~~**spouse**, child, or  
3 other member of the employer's family residing in the home, and no

1 householder shall be ~~deemed~~**considered** a statutory principal within  
2 the meaning of section 171 for the purposes of this section.

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

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

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

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

10 (2) This section shall apply to all persons who are entitled  
11 to receive compensation or are receiving compensation under this  
12 act on July 30, 1985 and who have not attained the age of 18 years  
13 on July 30, 1985.

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

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

19 (b) In all other cases questions of dependency shall be  
20 determined in accordance with the facts at the time of the injury,  
21 except as provided in subsection (3). A person shall not be  
22 considered a dependent unless he or she is a member of the family  
23 of the injured employee, or unless the person bears to the injured  
24 employee the relation of ~~husband or wife~~, **spouse**, or lineal  
25 descendent, or ancestor or brother or sister. Except as to a person  
26 conclusively presumed to be a dependent, a person who receives less  
27 than 1/2 of his or her support from an injured employee shall not  
28 be considered to be a dependent.

29 (2) Weekly payments to an injured employee shall be reduced by

1 the additional amount provided for any dependent child or spouse or  
2 other dependent when the child either reaches the age of 18 years  
3 or after becoming 16 ceases for a period of 6 months to receive  
4 more than 1/2 of his or her support from the injured employee, if  
5 at that time the child is neither physically nor mentally  
6 incapacitated from earning; when the spouse is divorced by final  
7 decree from his or her injured spouse; or when the child, spouse,  
8 or other dependent is deceased.

9 (3) An increase in payments shall be made for increased  
10 numbers of conclusive dependents as defined in this act who were  
11 not dependent at the time of the injury of an employee.

12 Enacting section 1. This amendatory act does not take effect  
13 unless Senate Joint Resolution \_\_\_\_ or House Joint Resolution \_\_\_\_  
14 (request no. 02344'21) of the 101st Legislature becomes a part of  
15 the state constitution of 1963 as provided in section 1 of article  
16 XII of the state constitution of 1963.