

HB 30

The Abigail Caudle Act

Sponsor: Rep Andy Josephson

Staff: Elise Sorum-Birk

HB 30 is named for Abigail Caudle, a young electrical worker, who lost her life in the workplace with no compensation.



Photo credit: https://ktva.images.worldnow.com/images/17769894_G.jpeg

Reviewing Workers' Compensation Statutes

Four major goals:

- ◆ To extend death benefits to single workers with no dependents and provide parents/estates of these workers a financial remedy
- ◆ To adjust Permanent Partial Impairment (PPI) rates for inflation (last updated 2000)
- ◆ To adjust rate of death benefit paid to non-child dependents for inflation (last updated 1966)
- ◆ To allow dependent children to continue to receive benefits for five years following adulthood

The parent or estate of a single worker with no dependents who dies on the job has no remedy

- ❖ Under current law single workers without dependents are the only class of worker who receives no death benefit
- ❖ Parents **cannot collect worker's compensation**
- ❖ HB 30 amends AS 23.30.055 to allow the parent or estate of the deceased to receive compensation through workers' compensation
- ❖ HB 30 adds a new subsection under AS 23.30.215(a) to provide a death benefit for single workers without dependents of \$120,000 payable to parents or estate

Permanent Partial Impairment (PPI) rates have not been adjusted for inflation since 2000

- ❖ 1988 – AS 23.30.190(a) repealed and re-enacted and Permanent Partial impairment rating established at **\$135,000**
- ❖ 2000 – AS 23.30.190(a) updated and base PPI adjusted for inflation to **\$177,000**
- ❖ HB 30 adjusts this amount to \$255,854 to account for inflation

The death benefit paid to non-child dependents has not been adjusted in 53 years

- ❖ Under AS 23.30.215(a) (4) the death benefit paid to a dependent father, mother, grandchild, brother or sister is a **maximum of only \$20,000**
- ❖ **This amount was set in 1966**
- ❖ HB 30 amends this statute to adjust for inflation and sets new amount at \$150,000

Once dependent children become legal adults all benefits cease

- ◇ HB 30 creates a new subsection AS 23.30.215(j) to extend this payment for “dependent children” five years

Definition of “child”

- ◊ From AS 23.30.395 (8) includes
 - ◊ “persons who are under 19”
 - ◊ “persons who, though 19 years of age or over, are wholly dependent upon the deceased employees and incapable of self- support by reason of mental or physical disability”
 - ◊ “persons of any age while they are attending the first four years of vocational school, trade school, or college”
 - ◊ “persons of any age while attending high school”

The Elevator Paradigm

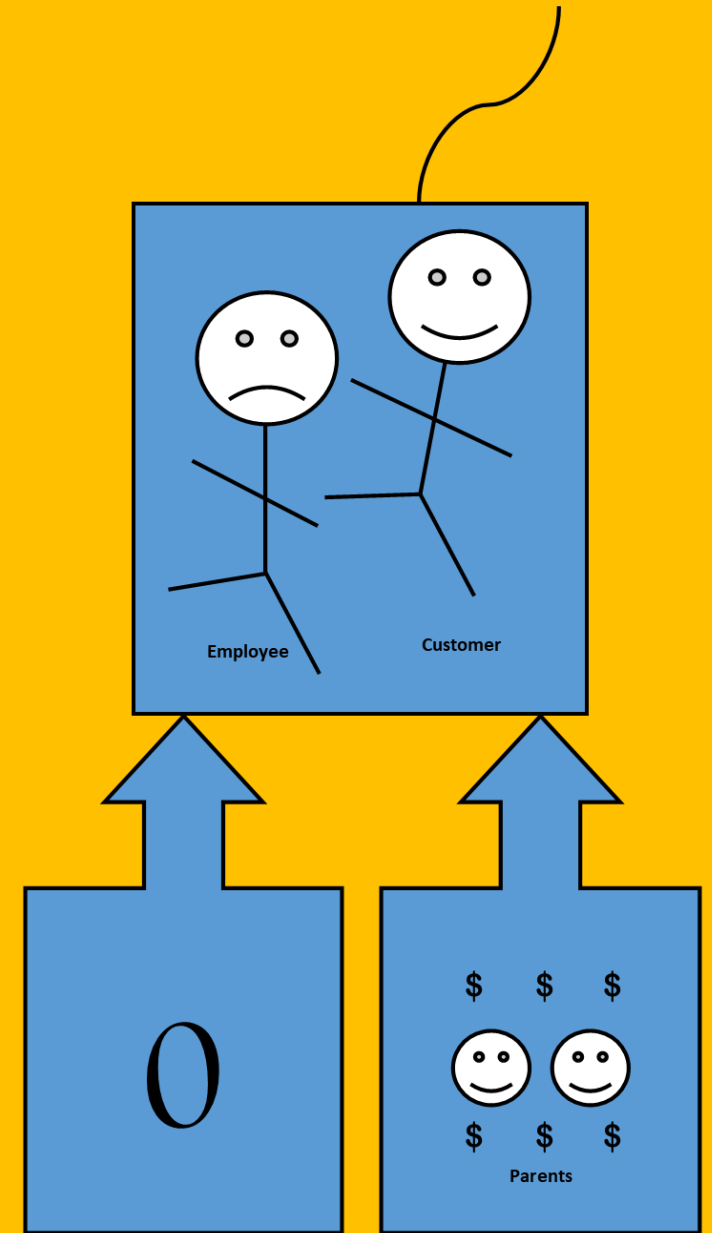
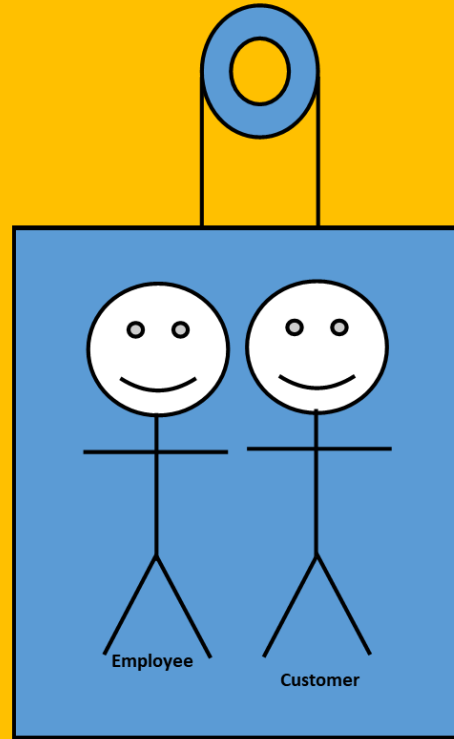
What damages do they receive?

Customer-

- ◇ Economic damages
- ◇ Non- economic damages
- ◇ Pain and Suffering
- ◇ Loss of Consortium
- ◇ Punitive
- ◇ Up to 1.5 million

Single childless worker-

- ◇ Funeral expenses



Questions?

