

34A-2-423 Survival of claim in case of death.

- (1) As used in this section:
 - (a) "Estate" is as defined in Section 75-1-201.
 - (b) "Personal representative" is as defined in Section 75-1-201.
- (2) The personal representative of the estate of an employee may adjudicate an employee's claim for compensation under this chapter if in accordance with this chapter, the employee files a claim:
 - (a) before the employee dies; and
 - (b) for compensation for an industrial accident or occupational disease for which compensation is payable under this chapter or Chapter 3, Utah Occupational Disease Act.
- (3) If the commission finds that the employee is entitled to compensation under this chapter for the claim described in Subsection (2)(a), the commission shall order that compensation be paid for the period:
 - (a) beginning on the day on which the employee is entitled to receive compensation under this chapter; and
 - (b) ending on the day on which the employee dies.
- (4)
 - (a) Compensation awarded under Subsection (3) shall be paid to:
 - (i) if the employee has one or more dependents on the day on which the employee dies, to the dependents of the employee; or
 - (ii) if the employee has no dependents on the day on which the employee dies, to the estate of the employee.
 - (b) The commission may apportion any compensation paid to dependents under this Subsection (4) in the manner that the commission considers just and equitable.
- (5) If an employee that files a claim under this chapter dies from the industrial accident or occupational disease that is the basis of the employee's claim, the compensation awarded under this section shall be in addition to death benefits awarded in accordance with Section 34A-2-414.

Enacted by Chapter 67, 2003 General Session