STATE OF NEW YORK

9521

IN SENATE

July 29, 2022

Introduced by Sen. JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the workers' compensation law, in relation to removing the age cap for children receiving death benefits

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivisions 1-b, 1-c, 1-d, 2, 2-a, 2-b, 3, 3-a, 3-b, 4, 4-a, 4-b, 4-c, 4-d and 6 of section 16 of the workers' compensation law, subdivisions 1-b, 1-c, 2, 3, 3-a and 4 as amended by chapter 168 of the laws of 1979, subdivisions 1-d, 2-b, 3-b, 4-c and 4-d as added by chapter 689 of the laws of 2007, subdivision 2-a as amended by chapter 174 of the laws of 1981, subdivision 4-a as amended by chapter 509 of the laws of 1985, subdivision 4-b as added by chapter 296 of the laws of 1990 and subdivision 6 as amended by chapter 322 of the laws of 2021, are amended to read as follows:

1-b. If there be a surviving spouse and no child of the deceased [~~under the age of eighteen years and no child of any age dependent blind or physically disabled~~], and the death occurs on or after July first, nineteen hundred forty-eight, and prior to January first, nineteen hundred seventy-eight, to such spouse forty per centum of the average wages of the deceased during widowhood or widowerhood with two years' compensation in one sum, upon remarriage; and where the death occurred prior to July first, nineteen hundred forty-eight, to such wife (or dependent husband) thirty per centum of such wages during widowhood (or dependent widowerhood) with two years' compensation in one sum, upon remarriage.

1-c. If there be a surviving spouse and no child of the deceased [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution and no child of any age dependent blind or physically disabled~~], and the death occurs on or after January first, nineteen hundred seventy-eight, to such spouse sixty-six and two-thirds per centum of the average wages of the deceased during widowhood or

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD16121-02-2

widowerhood with two years' compensation, in one sum, upon remarriage. Where the death occurs on or after January first, nineteen hundred seventy-eight, and the spouse is receiving the survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced in accordance with the provisions of table No. [~~1~~] I below by five per centum of the spouse's share of the survivor's insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act.

TABLE No. I

Offset provisions applicable in death benefits where there is a sole surviving spouse

AVERAGE WEEKLY WAGE	PERCENTAGE OF SPOUSE'S SHARE OF SURVIVORS INSURANCE BENEFITS
over $100 up to and including $110	5
over $110 up to and including $120	10
over $120 up to and including $130	15
over $130 up to and including $140	20
over $140 up to and including $150	25
over $150 up to and including $160	30
over $160 up to and including $170	35
over $170 up to and including $180	40
over $180 up to and including $190	45
over $190 up to and including $200	50
over $200	50

1-d. If there be a surviving spouse of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, and no child of the deceased [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, and no child of any age dependent blind or physically disabled~~], to such spouse seventy-five per centum of the average wages of the deceased during widowhood or widowerhood, with two years' compensation, in one sum, upon remarriage. Where such death occurs, and the spouse is receiving the survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced in accordance with the provisions of table No. I in subdivision one-c of this section by five per centum of the spouse's share of the survivor's insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars; provided that in no case shall such reduction exceed fifty per centum of such spouse's share of the survivors insurance benefits under the social security act.

2. If there be a surviving spouse and a surviving child or children of the deceased [~~under the age of eighteen years or a surviving child or children of any age dependent blind or physically disabled~~], and the death occurs on or after July first, nineteen hundred forty-eight, and prior to January first, nineteen hundred seventy-eight, to such spouse

thirty per centum of the average wages of the deceased during widowhood or widowerhood with two years' compensation in one sum, upon remarriage; and the additional amount of twenty per centum of such wages for each such child [~~until the age of eighteen years or until the removal of the dependency of the blind or physically disabled child or children~~]; in case of the subsequent death or remarriage of such surviving spouse any surviving child of the deceased employee[~~, at the time under eighteen years of age or dependent through mental or physical infirmity~~], shall have [~~his~~] **their** compensation increased to thirty per centum of such wages[~~, and the same shall be payable until he shall reach the age of eighteen years or until such dependent blind or physically disabled condition shall have been removed~~]; provided that the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages. Upon statutory termination of compensation payments to all such children, the compensation of the surviving spouse shall be increased to forty per centum of such wages with two years' compensation, at such rate, in one sum, upon remarriage.

If there be a surviving wife (or dependent husband) and any of the aforementioned surviving children, and the death occurred prior to July first, nineteen hundred forty-eight, to such wife (or dependent husband) thirty per centum of the average wages of the deceased during widowhood (or dependent widowerhood) with two years' compensation in one sum, upon remarriage; and the additional amount of ten per centum of such wages for each such child [~~until eighteen years of age or until the removal of the dependency of the blind or physically disabled child or children~~]; in case of the subsequent death or remarriage of such surviving wife (or dependent husband) any surviving child of the deceased shall have [~~his~~] **their** compensation increased to fifteen per centum of such wages [~~until he shall reach the age of eighteen years or until such dependent blind or physically disabled condition shall have been removed~~]; provided that the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages.

The board may in its discretion require the appointment of a guardian for the purpose of receiving the compensation of a minor child or a dependent blind or physically disabled child. In the absence of such a requirement by the board the appointment of a guardian for such purposes shall not be necessary.

2-a. If there be a surviving spouse and a surviving child [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child of any age dependent blind or physically disabled~~] and the death occurs on or after January first, nineteen hundred seventy-eight, to such spouse thirty-six and two-thirds per centum of the average wages of the deceased during widowhood or widowerhood with two years' compensation in one sum, upon remarriage; and thirty per centum of such wages to such child [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child of any age dependent blind or physically disabled~~]; in the case of the subsequent death of such surviving spouse the surviving child shall have [~~his~~] **their** compensation increased to sixty-six and two-thirds per centum of such wages [~~and the same shall be payable so long as he is under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an~~

~~accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child of any age dependent blind or physically disabled~~]; upon statutory termination of compensation payable to such child, the compensation of the surviving spouse shall be increased to sixty-six and two-thirds per centum of such wages with two years' compensation, at such rate, in one sum, upon remarriage. Upon remarriage of such surviving spouse, the surviving child shall continue to receive thirty per centum of such wages. Where the death occurs on or after January first, nineteen hundred seventy-eight and the spouse is receiving survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced by five per centum of the spouse's share of the survivors insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act as set forth in table No. I below.

TABLE No. I

Offset provisions applicable in death benefits
where there is a surviving spouse and one child

AVERAGE WEEKLY WAGE	PERCENTAGE OF SPOUSE'S SHARE OF SURVIVORS INSURANCE BENEFITS
over $100 up to and including $110	5
over $110 up to and including $120	10
over $120 up to and including $130	15
over $130 up to and including $140	20
over $140 up to and including $150	25
over $150 up to and including $160	30
over $160 up to and including $170	35
over $170 up to and including $180	40
over $180 up to and including $190	45
over $190 up to and including $200	50
over $200	50

If there be a surviving spouse and two or more surviving children [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child or children of any age dependent blind or physically disabled~~] and a death occurs on or after January first, nineteen hundred seventy-eight, to such spouse thirty-six and two-thirds per centum of the average wage of the deceased during widowhood or widowerhood with two years' compensation in one sum upon remarriage; and thirty per centum of such wages to such children [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child or children of any age dependent blind or physically disabled~~], share and share alike; in case of the subsequent death of such surviving spouse the surviving children shall have their compensation increased to sixty-six and two-thirds per centum of such wages and the aggregate sum shall be payable, share and share alike[~~, so long as they are under the age of eighteen~~

~~years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child or children of any age dependent blind or physically disabled~~]. Upon remarriage of such surviving spouse, if there be two surviving children each shall receive twenty-five per centum of such wages, and if there are surviving more than two children [~~under the age of eighteen years or under the age of twenty-three if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a surviving child or children of any age dependent blind or physically disabled~~] sixty-six and two-thirds per centum of such wages share and share alike. Upon statutory termination of compensation payable to such children, the compensation of the surviving spouse shall be increased to sixty-six and two-thirds per centum of such wages with two years' compensation, at such rate, in one sum, upon remarriage. Where the death occurs on or after January first, nineteen hundred seventy-eight, and the spouse is receiving survivors insurance benefits under the social security act, the death benefits payable under this section shall be reduced by five per centum of the spouse's share of the survivors insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred fifty dollars provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act as set forth in table No. II below.

TABLE No. II

Offset provisions applicable in death benefits
where there is a surviving spouse and two or more children

AVERAGE WEEKLY WAGE	PERCENTAGE OF SPOUSE'S SHARE OF SURVIVORS INSURANCE BENEFITS
over $150 up to and including $160	5
over $160 up to and including $170	10
over $170 up to and including $180	15
over $180 up to and including $190	20
over $190 up to and including $200	25
over $200 up to and including $210	30
over $210 up to and including $220	35
over $220 up to and including $230	40
over $230 up to and including $240	45
over $240 up to and including $250	50
over $250	50

2-b. If there be a surviving spouse of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, and a surviving child [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child of any age dependent blind or physically disabled~~], to such spouse forty per centum of the average wages of the deceased during widowhood or widowerhood, with two years' compensation in one sum, upon remarriage;

and thirty-five per centum of such wages to such child [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child of any age dependent blind or physically disabled~~]; in the case of the subsequent death of such surviving spouse the surviving child shall have [~~his or her~~] **their** compensation increased to seventy-five per centum of such wages [~~and the same shall be payable so long as he or she is under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child of any age dependent blind or physically disabled~~]; upon statutory termination of compensation payable to such child, the compensation of the surviving spouse shall be increased to seventy-five per centum of such wages with two years' compensation, at such rate, in one sum, upon remarriage. Upon remarriage of such surviving spouse, the surviving child shall continue to receive thirty-five per centum of such wages. Where such death occurs, and the spouse is receiving survivors insurance benefits under the social security act, the death benefit payable under this section shall be reduced by five per centum of the spouse's share of the survivors insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred dollars; provided that in no case shall such reduction exceed fifty per centum of such spouse's share of the survivors insurance benefits under the social security act as set forth in table No. I in subdivision one-c of this section. If there be a surviving spouse of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, and two or more surviving children [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child or children of any age dependent blind or physically disabled~~] and a death occurs on or after September eleventh, two thousand one, to such spouse forty per centum of the average wage of the deceased during widowhood or widowerhood with two years' compensation in one sum upon remarriage; and thirty-five per centum of such wages to such children [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child or children of any age dependent blind or physically disabled~~], share and share alike; in case of the subsequent death of such surviving spouse the surviving children shall have their compensation increased to seventy-five per centum of such wages and the aggregate sum shall be payable, share and share alike[~~, so long as they are under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child or children of any age dependent blind or physically disabled~~]. Upon remarriage of such surviving spouse, if there be two surviving children each shall receive thirty-seven and one-half per centum of such wages, and if there are surviving more than two children [~~under the age of eighteen~~

~~years, or under the age of twenty-three if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a surviving child or children of any age dependant blind or physically disabled~~], seventy-five per centum of such wages share and share alike. Upon statutory termination of compensation payable to such children, the compensation of the surviving spouse shall be increased to seventy-five per centum of such wages with two years' compensation, at such rate, in one sum, upon remarriage. Where the death occurs on or after September eleventh, two thousand one, and the spouse is receiving survivors insurance benefits under the social security act, the death benefits payable under this section shall be reduced by five per centum of the spouse's share of the survivors insurance benefits under the social security act for each ten dollars of deceased's average weekly wage in excess of one hundred fifty dollars; provided that in no case shall such reduction exceed fifty per centum of said spouse's share of the survivors insurance benefits under the social security act as set forth in table No. II in subdivision two-a of this section.

3. If there be a surviving child or children of the deceased [~~under the age of eighteen years or a dependent blind or physically disabled child or children of any age~~], but no surviving spouse then where the death occurs on or after July first, nineteen hundred forty-eight, and prior to January first, nineteen hundred seventy-eight, for the support of each such child [~~until the age of eighteen years, or until the removal of the dependency of such blind or physically disabled child or children,~~] thirty per centum of the wages of the deceased, and where the death occurred prior to July first, nineteen hundred forty-eight, for the support of each such child [~~until the age of eighteen years, or until the removal of the dependency of such blind or physically disabled child or children~~], fifteen per centum of the wages of the deceased; provided that the aggregate shall in no case exceed sixty-six and two-thirds per centum of such wages.

3-a. If there be a surviving child or children of the deceased [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or a dependent blind or physically disabled child or children of any age~~], but no surviving spouse then where the death occurs on or after January first, nineteen hundred seventy-eight, for the support of such child or children [~~until the age of eighteen years, or under the age of twenty three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or until the removal of the dependency of such blind or physically disabled child or children~~], sixty-six and two-thirds per centum of the wages of the deceased. Where there are two or more children, the compensation payable shall be divided among such children share and share alike.

3-b. If there be a surviving child or children, of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or a dependent blind or~~

~~physically disabled child, or children of any age,~~] but no surviving spouse then, where such death occurs, for the support of each such child [~~until the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution or until the removal of the dependency of such blind or physically disabled child or children~~], seventy-five per centum of the wages of the deceased. Where there are two or more children, the compensation payable shall be divided among such children share and share alike.

4. If there be no surviving spouse or child [~~under the age of eighteen years, or dependent blind or physically disabled child of any age~~], or if the amount payable to surviving spouse and to children [~~under the age of eighteen years or such dependent blind or physically disabled children~~] shall be less in the aggregate than sixty-six and two-thirds per centum of the average wages of the deceased, then where the death occurs on or after July first, nineteen hundred forty-eight, and prior to January first, nineteen hundred seventy-eight, for the support of grandchildren or brothers and sisters under the age of eighteen years, if dependent upon the deceased at the time of the accident, twenty-five per centum of such wages for the support of each such person until the age of eighteen years; and for the support of each parent, or grandparent, of the deceased if dependent upon him at the time of the accident, forty per centum of such wages during such dependency; and where the death occurred prior to July first, nineteen hundred forty-eight, to such dependent grandchildren or brothers and sisters, fifteen per centum of such wages until eighteen years of age, and to such dependent parent or grandparent, twenty-five per centum of such wages during dependency. But in no case shall the aggregate amount payable under this subdivision exceed the difference between sixty-six and two-thirds per centum of such wages, and the amount payable as hereinbefore provided to surviving spouse or for the support of surviving child or children.

4-a. If there be no surviving spouse or child [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or dependent blind or physically disabled child of any age~~], then where the death occurs on or after January first, nineteen hundred seventy-eight, for the support of grandchildren or brothers and sisters if dependent upon the deceased at the time of the accident, under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution, or blind or physically disabled grandchildren or brothers and sisters of any age, twenty-five per centum of such wages for the support of each such person until the age of eighteen years; or until the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution or until the removal of the dependency of such blind or physically disabled grandchildren or brothers and sisters, and such enrollment and full time attendance is certified by such institution and for the support of each parent, or grandparent, of the deceased if dependent upon [~~him or her~~] **them** at the time of the accident, forty per centum of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed sixty-six and two-thirds per centum of such wages.

4-b. If there be no surviving spouse or child [~~under the age of eighteen years or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or dependent blind or physically disabled child of any age~~] or grandchildren or brothers and sisters if dependent upon the deceased at the time of the accident, under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full time student in an accredited educational institution and such enrollment and full time attendance is certified by such institution or disabled blind or physically disabled grandchildren or brothers and sisters of any age, then a sum of fifty thousand dollars shall be paid to the deceased's surviving parents or if there be no surviving parents to the deceased's estate.

4-c. If there be no surviving spouse or child, or children of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or dependent blind or physically disabled child of any age,~~] then where the death occurs on or after September eleventh, two thousand one, for the support of grandchildren or brothers and sisters if dependent upon the deceased at the time of the accident, under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or blind or physically disabled grandchildren or brothers and sisters of any age, twenty-five per centum of such wages for the support of each such person until the age of eighteen years; or until the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution, or until the removal of the dependency of such blind or physically disabled grandchildren or brothers and sisters, and such enrollment and full-time attendance is certified by such institution and for the support of each parent, or grandparent, of the deceased if dependent upon [~~him or her~~] **them** at the time of the accident, forty per centum of such wages during such dependency. But in no case shall the aggregate amount payable under this subdivision exceed seventy-five per centum of such wages.

4-d. If there be no surviving spouse or child, or children of an employee of a private voluntary hospital killed in a World Trade Center rescue, who passed a physical examination upon employment as a rescue worker that failed to reveal evidence of a condition that was the proximate cause of death, [~~under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or dependent blind or physically disabled child of any age,~~] or grandchildren or brothers and sisters if dependent upon the deceased at the time of the accident, under the age of eighteen years, or under the age of twenty-three years if enrolled and attending as a full-time student in an accredited educational institution and such enrollment and full-time attendance is certified by such institution, or disabled blind or physically disabled grandchildren or brothers and sisters of any age, then a sum of fifty

thousand dollars shall be paid to the deceased's surviving parents or if there be no surviving parents to the deceased's estate.

6. If there be a person entitled to death benefits under the provisions of this section, [~~who shall be under the age of eighteen years, and~~] who shall be an incarcerated individual of any institution and a public charge upon the department of social services of the city of New York, or any other department or body, the benefits allowed hereunder shall be payable to the said department of public welfare of the city of New York or any other department or body to the extent of the reasonable charges for the care and maintenance, during the continuance as a public charge in said institution, of said beneficiary [~~and until the said person shall have attained the age of eighteen years~~]. Any sum or sums remaining after the said payment out of the benefits shall be distributed as provided by the other subdivisions of this section.

§ 2. Subdivision 4 of section 305 of the workers' compensation law, as added by chapter 788 of the laws of 1951, paragraph (a) as amended by chapter 204 of the laws of 1969, is amended to read as follows:

(4) Death. Compensation shall be paid in the amount, and to and for the benefit of persons, as follows:

(a) Actual funeral expenses in a reasonable sum not exceeding seven hundred and fifty dollars to a person or persons and in manner as provided in section sixteen subdivision one.

(b) If there be a surviving dependent wife or dependent husband and no surviving child of the deceased [~~under the age of eighteen years~~], to such dependent wife or dependent husband forty per centum of the average wages of the deceased as defined in [~~section sixteen~~] subdivision five **of section sixteen of this chapter** during widowhood or widowerhood; provided that the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages or be paid for any period which, when combined with other benefits provided under this article in the event of disability preceding death, shall extend more than five years from the date of injury.

(c) If there be a surviving dependent wife or dependent husband and also a surviving child or children of the deceased [~~under the age of eighteen years~~], to such dependent wife or dependent husband thirty per centum of such average wages of the deceased during widowhood or widowerhood, and the additional amount of twenty per centum of such wages for each such child[~~, but not after the child shall have attained the age of eighteen years~~]; provided that the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages or be paid for any period which, when combined with other benefits provided under this article in the event of disability preceding death, shall extend more than five years from the date of injury.

(d) If there be a surviving child or children of the deceased [~~under the age of eighteen years~~], but no surviving dependent wife or dependent husband, then for the support of each such child [~~but not after such child shall have attained the age of eighteen years~~], thirty per centum of such average wages of the deceased; provided that the total amount payable shall in no case exceed sixty-six and two-thirds per centum of such wages or be paid for a period which, when combined with other benefits provided under this article in the event of disability preceding death, shall extend more than five years from the date of injury.

(e) If there be no surviving dependent wife or dependent husband and no surviving child or children [~~under the age of eighteen~~], no payment shall be made to the special funds established under the provisions of [~~section~~] **sections** fifteen and twenty-five-a of this chapter nor to any

person, except only for funeral expenses as provided in **this** subdivision [~~**four of this section**~~].

§ 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.