



AN ACT CONCERNING EMPLOYERS' LIABILITY UNDER THE WORKERS' COMPENSATION ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2003*) (a) Notwithstanding the
2 provisions of subsection (a) of section 31-284 of the general statutes, in
3 addition to any compensation awarded under chapter 568 of the
4 general statutes, a dependent or dependents, or the legal
5 representative of the deceased employee may bring an action alleging
6 gross negligence in the superior court against the decedent's employer
7 for damages resulting from the death, provided the death results from
8 a personal injury arising out of and in the course of the decedent's
9 employment.

10 (b) In any action brought under this section, the fact that the
11 employer repeatedly violated the provisions of the Occupational
12 Safety and Health Act of 1970, as from time to time amended, or
13 chapter 571 of the general statutes, or both, or the regulations adopted
14 under said act or said chapter 571, shall be prima facie evidence of
15 gross negligence on the part of the employer.

16 (c) In any action brought under this section, the fact that the
17 employer's conduct showed a wanton and reckless disregard for the
18 rights of the employee shall constitute gross negligence per se.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

LAB

Joint Favorable Subst. C/R

JUD