



CHAPTER 97

ARTICLE 1 - WORKERS' COMPENSATION ACT

N.C.G.S. § 97-38.

Where death results proximately from compensable injury or occupational disease; dependents; burial expenses; compensation to aliens; election by partial dependents.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2011-287, s. 14 — twenty-fifth act in the lineage	21 September 2026, 03:26 UTC	5e61ee1093406f4642b9f403 - 923ccf109b1faa0a9ff1b6b8 - bc232bf91aceacc7

If death results proximately from a compensable injury or occupational disease and within six years thereafter, or within two years of the final determination of disability, whichever is later, the employer shall pay or cause to be paid, subject to the provisions of other sections of this Article, weekly payments of compensation equal to sixty-six and two-thirds percent (66 2/3%) of the average weekly wages of the deceased employee at the time of the accident, but not more than the amount established annually to be effective October 1 as provided in G.S. 97-29, nor less than thirty dollars (\$30.00), per week, and burial expenses not exceeding ten thousand dollars (\$10,000), to the person or persons entitled thereto as follows:

Persons wholly dependent for support upon the earnings of the deceased employee at the time of the accident shall be entitled to receive the entire compensation payable share and share alike to the exclusion of all other persons. If there be only one person wholly dependent, then that person shall receive the entire compensation payable.

If there is no person wholly dependent, then any person partially dependent for support upon the earnings of the deceased employee at the time of the accident shall be entitled to receive a weekly payment of compensation computed as hereinabove provided, but such weekly payment shall be the same proportion of the weekly compensation provided for a whole dependent as the amount annually contributed by the deceased employee to the support of such partial dependent bears to the annual earnings of the deceased at the time of the accident.

Compensation payable under this Article to aliens not residents (or about to become nonresidents) of the United States or Canada, shall be the same in amounts as provided for residents, except that dependents in any foreign country except Canada shall be limited to surviving spouse and child or children, or if there be no surviving spouse or child or children, to the surviving father or mother.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
25 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1929	c. 120, s. 38	ENACTED
02	1943	c. 163	AMENDED
03	1943	c. 502, s. 5	AMENDED
04	1947	c. 823	AMENDED

05	1951	c. 70, s. 3	AMENDED
06	1953	c. 53, s. 1	AMENDED
07	1955	c. 1026, s. 8	AMENDED
08	1957	c. 1217	AMENDED
09	1963	c. 604, s. 3	AMENDED
10	1967	c. 84, s. 4	AMENDED
11	1969	c. 143, s. 4	AMENDED
12	1971	c. 281, s. 3	AMENDED
13	1973	c. 515, s. 4	AMENDED
14	1973	c. 759, s. 4	AMENDED
15	1973	c. 1308, ss. 3, 4	AMENDED
16	1973	c. 1357, ss. 1, 2	AMENDED
17	1977	c. 409	AMENDED
18	1981	c. 276, s. 1	AMENDED
19	1981	c. 378, s. 1	AMENDED
20	1981	c. 379	AMENDED
21	1983	c. 772, s. 1	AMENDED
22	1987	c. 729, s. 9	AMENDED
23	1997	S.L. 1997-301, s. 1	AMENDED
24	2001	S.L. 2001-232, s. 1	AMENDED
25	2011	S.L. 2011-287, s. 14	AMENDED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 97-29		<i>"effective October 1 as provided in"</i>
G.S. 97-40	(null)(3)	<i>"defined as "next of kin" in"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 97-38 (2011).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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The text of the section is unaltered. Subsection designators have been moved from the run of text into the margin. The amendment history and the table of authorities are derived from the section by mechanical extraction — they add no characterization of the law.

This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1929, c. 120, s. 38; 1943, c. 163; c. 502, s. 5; 1947, c. 823; 1951, c. 70, s. 3; 1953, c. 53, s. 1; 1955, c. 1026, s. 8; 1957, c. 1217; 1963, c. 604, s. 3; 1967, c. 84, s. 4; 1969, c. 143, s. 4; 1971, c. 281, s. 3; 1973, c. 515, s. 4; c. 759, s. 4; c. 1308, ss. 3, 4; c. 1357, ss. 1, 2; 1977, c. 409; 1981, c. 276, s. 1; c. 378, s. 1; c. 379; 1983, c. 772, s. 1; 1987, c. 729, s. 9; 1997-301, s. 1; 2001-232, s. 1; 2011-287, s. 14.)

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