

HOUSE BILL 792

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1999 Regular Session
9r1865
CF 9r1619

By: **Delegate McHale**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Permanent Partial Disability - Cap on Awards**

3 FOR the purpose of altering the limitation on certain awards of workers'
4 compensation benefits in cases of permanent partial disability; and generally
5 relating to a cap on workers' compensation awards for permanent partial
6 disability.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 9-628
10 Annotated Code of Maryland
11 (1991 Volume and 1998 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Labor and Employment**

15 9-628.

16 (a) In this section "public safety employee" means:

17 (1) a fire fighter, fire fighting instructor, or paramedic employed by:

18 (i) a municipal corporation;

19 (ii) a county;

20 (iii) the State;

21 (iv) the State Airport Authority; or

22 (v) a fire control district; or

1 (2) a volunteer fire fighter or volunteer ambulance, rescue, or advanced
2 life support worker who is a covered employee under § 9-234 of this title and who
3 provides volunteer fire or rescue services to:

4 (i) a municipal corporation;

5 (ii) a county;

6 (iii) the State;

7 (iv) the State Airport Authority; or

8 (v) a fire control district; or

9 (3) a police officer employed by:

10 (i) a municipal corporation;

11 (ii) a county;

12 (iii) the State;

13 (iv) the State Airport Authority; or

14 (v) the Maryland-National Capital Park and Planning
15 Commission.

16 (b) Except as provided in subsections [(e) and (f)] (F) AND (G) of this section, if
17 a covered employee is awarded compensation for less than 75 weeks in a claim arising
18 from events occurring on or after January 1, 1988, the employer or its insurer shall
19 pay the covered employee compensation that equals one-third of the average weekly
20 wage of the covered employee but does not exceed \$80.

21 (c) Except as provided in subsections [(e) and (f)] (F) AND (G) of this section, if
22 a covered employee is awarded compensation for less than 75 weeks in a claim arising
23 from events occurring on or after January 1, 1989, the employer or its insurer shall
24 pay the covered employee compensation that equals one-third of the average weekly
25 wage of the covered employee but does not exceed \$82.50.

26 (d) Except as provided in subsections [(e) and (f)] (F) AND (G) of this section, if
27 a covered employee is awarded compensation for less than 75 weeks in a claim arising
28 from events occurring on or after January 1, 1993, the employer or its insurer shall
29 pay the covered employee compensation that equals one-third of the average weekly
30 wage of the covered employee but does not exceed \$94.20.

31 (E) EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (G) OF THIS SECTION, IF A
32 COVERED EMPLOYEE IS AWARDED COMPENSATION FOR LESS THAN 75 WEEKS IN A
33 CLAIM ARISING FROM EVENTS OCCURRING ON OR AFTER JANUARY 1, 2000, THE
34 EMPLOYER OR ITS INSURER SHALL PAY THE COVERED EMPLOYEE COMPENSATION
35 THAT EQUALS ONE-THIRD OF THE AVERAGE WEEKLY WAGE OF THE COVERED

1 EMPLOYEE BUT DOES NOT EXCEED ONE-FIFTH OF THE STATE AVERAGE WEEKLY
2 WAGE.

3 [(e)] (F) If a covered employee is awarded compensation for less than 75
4 weeks for a disability listed in § 9-627(b) of this subtitle, the employer or its insurer
5 shall pay the covered employee weekly compensation at the rate set for an award of
6 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
7 under § 9-629 of this subtitle.

8 [(f)] (G) If a public safety employee is awarded compensation for less than 75
9 weeks, the employer or its insurer shall pay the public safety employee compensation
10 at the rate set for an award of compensation for a period greater than or equal to 75
11 weeks but less than 250 weeks under § 9-629 of this subtitle.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 1999.