

SENATE BILL 313

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CF HB 370

By: **Senator Astle**

Introduced and read first time: January 23, 2013

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 5, 2013

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Anne Arundel County Deputy Sheriff**

3 FOR the purpose of altering a certain definition of “public safety employee” to include
4 Anne Arundel County deputy sheriffs for purposes of establishing eligibility for
5 enhanced workers' compensation benefits for a compensable permanent partial
6 disability of less than a certain number of weeks; providing for the application
7 of this Act; and generally relating to workers' compensation benefits for Anne
8 Arundel County deputy sheriffs.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–628
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Labor and Employment
16 Section 9–629
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2012 Supplement)

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

21 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–628.

2 (a) In this section, “public safety employee” means:

3 (1) a firefighter, fire fighting instructor, or paramedic employed by:

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;

9 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced
10 life support worker who is a covered employee under § 9–234 of this title and who
11 provides volunteer fire or rescue services to:

12 (i) a municipal corporation;

13 (ii) a county;

14 (iii) the State;

15 (iv) the State Airport Authority; or

16 (v) a fire control district;

17 (3) a police officer employed by:

18 (i) a municipal corporation;

19 (ii) a county;

20 (iii) the State;

21 (iv) the State Airport Authority;

22 (v) the Maryland–National Capital Park and Planning
23 Commission; or

24 (vi) the Washington Metropolitan Area Transit Authority;

25 (4) a Prince George’s County deputy sheriff or correctional officer;

1 (5) a Montgomery County deputy sheriff or correctional officer;

2 (6) an Allegany County deputy sheriff; [or]

3 (7) a Howard County deputy sheriff, but only when the deputy sheriff
4 is performing law enforcement duties expressly requested, defined, and authorized in
5 accordance with a written memorandum of understanding executed between the
6 Howard County Sheriff and other law enforcement agencies; **OR**

7 **(8) AN ANNE ARUNDEL COUNTY DEPUTY SHERIFF.**

8 (b) Except as provided in subsections (g) and (h) of this section, if a covered
9 employee is awarded compensation for less than 75 weeks in a claim arising from
10 events occurring on or after January 1, 1988, the employer or its insurer shall pay the
11 covered employee compensation that equals one-third of the average weekly wage of
12 the covered employee but does not exceed \$80.

13 (c) Except as provided in subsections (g) and (h) of this section, if a covered
14 employee is awarded compensation for less than 75 weeks in a claim arising from
15 events occurring on or after January 1, 1989, the employer or its insurer shall pay the
16 covered employee compensation that equals one-third of the average weekly wage of
17 the covered employee but does not exceed \$82.50.

18 (d) Except as provided in subsections (g) and (h) of this section, if a covered
19 employee is awarded compensation for less than 75 weeks in a claim arising from
20 events occurring on or after January 1, 1993, the employer or its insurer shall pay the
21 covered employee compensation that equals one-third of the average weekly wage of
22 the covered employee but does not exceed \$94.20.

23 (e) Except as provided in subsections (g) and (h) of this section, if a covered
24 employee is awarded compensation for less than 75 weeks in a claim arising from
25 events occurring on or after January 1, 2000, the employer or its insurer shall pay the
26 covered employee compensation that equals one-third of the average weekly wage of
27 the covered employee but does not exceed \$114.

28 (f) Except as provided in subsections (g) and (h) of this section, if a covered
29 employee is awarded compensation for less than 75 weeks, the employer or its insurer
30 shall pay to the covered employee compensation that equals one-third of the average
31 weekly wage of the covered employee but does not exceed:

32 (1) for claims arising from events occurring on or after January 1,
33 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

34 (2) for claims arising from events occurring on or after January 1,
35 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

1 (3) for claims arising from events occurring on or after January 1,
2 2011, 16.7% of the State average weekly wage.

3 (g) If a covered employee is awarded compensation for less than 75 weeks for
4 a disability listed in § 9–627(b) of this subtitle, the employer or its insurer shall pay
5 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 (h) 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 9–629.

13 If a covered employee is awarded compensation for a period equal to or greater
14 than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the
15 covered employee weekly compensation that equals two-thirds of the average weekly
16 wage of the covered employee but does not exceed one-third of the State average
17 weekly wage.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and may not be applied or interpreted to have
20 any effect on or application to any claims arising from events occurring before the
21 effective date of this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2013.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.