

SENATE BILL 898

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By: **Senator Klausmeier**

Introduced and read first time: March 4, 2015

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Permanent Partial Disability Benefits –**
3 **Compensation**

4 FOR the purpose of altering the number of weeks used to determine the amount of
5 compensation an employer or its insurer is required to pay a certain covered
6 employee for a permanent partial disability under certain provisions of law;
7 providing for the application of this Act; and generally relating to compensation for
8 a permanent partial disability under workers' compensation law.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–628 and 9–629
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2014 Supplement)

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

16 **Article – Labor and Employment**

17 9–628.

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

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

20 (i) a municipal corporation;

21 (ii) a county;

22 (iii) the State;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) the State Airport Authority; or

2 (v) a fire control district;

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

6 (i) a municipal corporation;

7 (ii) a county;

8 (iii) the State;

9 (iv) the State Airport Authority; or

10 (v) a fire control district;

11 (3) a police officer employed by:

12 (i) a municipal corporation;

13 (ii) a county;

14 (iii) the State;

15 (iv) the State Airport Authority;

16 (v) the Maryland–National Capital Park and Planning Commission;

17 or

18 (vi) the Washington Metropolitan Area Transit Authority;

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

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

21 (6) an Allegany County deputy sheriff;

22 (7) a Howard County deputy sheriff, but only when the deputy sheriff is
23 performing law enforcement duties expressly requested, defined, and authorized in
24 accordance with a written memorandum of understanding executed between the Howard
25 County Sheriff and other law enforcement agencies; or

26 (8) an Anne Arundel County deputy sheriff.

1 (b) Except as provided in subsections (g) and (h) of this section, if a covered
2 employee is awarded compensation for less than **[75] 100** weeks in a claim arising from
3 events occurring on or after January 1, 1988, the employer or its insurer shall pay the
4 covered employee compensation that equals one-third of the average weekly wage of the
5 covered employee but does not exceed \$80.

6 (c) Except as provided in subsections (g) and (h) of this section, if a covered
7 employee is awarded compensation for less than **[75] 100** weeks in a claim arising from
8 events occurring on or after January 1, 1989, the employer or its insurer shall pay the
9 covered employee compensation that equals one-third of the average weekly wage of the
10 covered employee but does not exceed \$82.50.

11 (d) Except as provided in subsections (g) and (h) of this section, if a covered
12 employee is awarded compensation for less than **[75] 100** weeks in a claim arising from
13 events occurring on or after January 1, 1993, the employer or its insurer shall pay the
14 covered employee compensation that equals one-third of the average weekly wage of the
15 covered employee but does not exceed \$94.20.

16 (e) Except as provided in subsections (g) and (h) of this section, if a covered
17 employee is awarded compensation for less than **[75] 100** weeks in a claim arising from
18 events occurring on or after January 1, 2000, the employer or its insurer shall pay the
19 covered employee compensation that equals one-third of the average weekly wage of the
20 covered employee but does not exceed \$114.

21 (f) Except as provided in subsections (g) and (h) of this section, if a covered
22 employee is awarded compensation for less than **[75] 100** weeks, the employer or its insurer
23 shall pay to the covered employee compensation that equals one-third of the average
24 weekly wage of the covered employee but does not exceed:

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

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

29 (3) for claims arising from events occurring on or after January 1, 2011,
30 16.7% of the State average weekly wage.

31 (g) If a covered employee is awarded compensation for less than **[75] 100** weeks
32 for a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay the
33 covered employee weekly compensation at the rate set for an award of compensation for a
34 period greater than or equal to **[75] 100** weeks but less than 250 weeks under § 9-629 of
35 this subtitle.

36 (h) If a public safety employee is awarded compensation for less than **[75] 100**
37 weeks, the employer or its insurer shall pay the public safety employee compensation at

1 the rate set for an award of compensation for a period greater than or equal to [75] **100**
2 weeks but less than 250 weeks under § 9-629 of this subtitle.

3 9-629.

4 If a covered employee is awarded compensation for a period equal to or greater than
5 **[75] 100** weeks but less than 250 weeks, the employer or its insurer shall pay the covered
6 employee weekly compensation that equals two-thirds of the average weekly wage of the
7 covered employee but does not exceed one-third of the State average weekly wage.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
9 apply only prospectively and may not be applied or interpreted to have any effect on or
10 application to any claims for workers' compensation benefits filed before the effective date
11 of this Act.

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2015.