

SENATE BILL 426

K1

7lr2745
CF 7lr2746

By: **Senator Klausmeier**

Introduced and read first time: January 27, 2017

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Permanent Total Disability – Survival of Claim**

3 FOR the purpose of altering a certain limitation on the survivability of the right to
4 compensation for permanent total disability payable under certain provisions of law;
5 providing for the application of this Act; and generally relating to the survivability
6 of rights to compensation for permanent total disability.

7 BY repealing and reenacting, with amendments,

8 Article – Labor and Employment

9 Section 9–640

10 Annotated Code of Maryland

11 (2016 Replacement Volume)

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

14 **Article – Labor and Employment**

15 9–640.

16 (a) This section does not apply to compensation paid under Title 10, Subtitle 2 of
17 this article.

18 (b) If a covered employee dies from a cause that is not compensable under this
19 title, the right to compensation that is payable under this Part V of this subtitle and unpaid
20 on the date of death survives in accordance with this section to the extent of **[\$45,000]**
21 **\$65,000**, as increased by the cost of living adjustments under § 9–638 of this Part V of this
22 subtitle.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) If there are surviving dependents of the covered employee, the right to
2 compensation survives to the surviving dependents as the Commission may determine.

3 (d) If there are no surviving dependents of the covered employee and, on the date
4 of death, the covered employee had a legal obligation to support a surviving spouse, the
5 right of compensation shall survive to:

6 (1) the surviving spouse of the covered employee; or

7 (2) the surviving spouse and the surviving minor children of the covered
8 employee.

9 (e) If there are no surviving dependents and, on the date of death, the covered
10 employee did not have a legal obligation to support a surviving spouse, the right to
11 compensation survives only to the surviving minor children of the covered employee.

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

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2017.