

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

House Bill 1360 (Delegate Barve)
Economic Matters

Workers' Compensation - Accidental Injury - Arising Out of Employment

This bill provides that an injury incurred by an employee, including a traveling employee, does not arise out of employment and is not compensable if: (1) the employment was not a contributing proximate cause of the injury; and (2) the risk of the injury occurring was not greater while the employee was engaged in the course of employment than it would have been while the employee was out of the course of employment.

Fiscal Summary

State Effect: Potential minimal decrease to the State, as an employer, for workers' compensation costs.

Local Effect: Potential minimal decrease in workers' compensation costs for local jurisdictions that self-insure and in workers' compensation premiums for local jurisdictions that do not self-insure.

Small Business Effect: Potential minimal.

Analysis

Current Law: Except as otherwise provided, an employer must provide compensation to a covered employee for an accidental personal injury, regardless of fault.

Background: In *Mulready v. University Research Corp.*, 360 Md. 51 (2000), the Court of Appeals held that because an employee's eating and bathing are reasonably incidental

to the travel required by the employer, injuries resulting from these activities are compensable under the State's workers' compensation laws.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Injured Workers' Insurance Fund, Subsequent Injury Fund, Uninsured Employers' Fund, Workers' Compensation Commission, Department of Legislative Services

Fiscal Note History: First Reader – March 3, 2001
ncs/jr

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