

HOUSE BILL 887

Unofficial Copy  
K1

2002 Regular Session  
(2r2219)

**ENROLLED BILL**  
-- Economic Matters/Finance --

Introduced by **Delegate McHale**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation - Partly Dependent Individuals - Death Benefit**

3 FOR the purpose of modifying the calculation of the weekly death benefits payable to  
4 a partly dependent individual; modifying the calculation of the weekly death  
5 benefits payable to a partly dependent individual; modifying the time period for  
6 payment of death benefits to a partly dependent individual; removing increasing  
7 the maximum limit of certain death benefits payable to a partly dependent  
8 individual and to a surviving spouse who remarries; and generally relating to  
9 workers' compensation.

10 BY repealing and reenacting, without amendments,  
11 Article - Labor and Employment  
12 Section 9-682(a) ~~and (b)~~  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2001 Supplement)

15 BY repealing and reenacting, with amendments,

1 Article - Labor and Employment  
 2 Section 9-682 ~~(b), (c), (e) and (d)~~ *(b), (c), and (d)*  
 3 Annotated Code of Maryland  
 4 (1999 Replacement Volume and 2001 Supplement)

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

7 **Article - Labor and Employment**

8 9-682.

9 (a) If there are no individuals who were totally dependent on the deceased  
 10 covered employee at the time of death, but there are individuals who were partly  
 11 dependent, the employer or its insurer shall pay death benefit in accordance with this  
 12 section.

13 (b) (1) The maximum weekly death benefit payable under this section shall  
 14 equal two-thirds of the average weekly wage of the deceased covered employee, but  
 15 may not exceed two-thirds of the State average weekly wage.

16 (2) The weekly death benefit payable under this section shall be the  
 17 percentage of the maximum weekly death benefit under paragraph (1) of this  
 18 subsection that:

19 (i) the weekly earnings of ~~each partly dependent individual bear~~  
 20 ~~to the average weekly wage of the deceased covered employee~~ THE DECEASED  
 21 COVERED EMPLOYEE BEARS TO THE COMBINED WEEKLY EARNINGS OF THE  
 22 DECEASED COVERED EMPLOYEE AND THE PARTLY DEPENDENT INDIVIDUALS ~~THE~~  
 23 ~~DECEASED COVERED EMPLOYEE BEARS TO THE COMBINED WEEKLY EARNINGS OF~~  
 24 ~~THE DECEASED COVERED EMPLOYEE AND THE PARTLY DEPENDENT INDIVIDUALS;~~  
 25 and

26 (ii) does not exceed the maximum weekly death benefit.

27 (c) ~~Except as otherwise provided in this section, the~~ ~~THE~~ employer or its  
 28 insurer shall pay the weekly death benefit ~~FOR THE PERIOD OF DEPENDENCY~~ ~~:~~

29 (1) for the period of partial dependency; or

30 (2) until ~~\$45,000~~ \$60,000 has been paid~~};~~

31 (d) ~~(1)~~ Subject to paragraph (2) of this subsection, ~~if~~ ~~IF~~ a surviving spouse  
 32 who is partly dependent remarries and does not have dependent children at the time  
 33 of the remarriage, the employer or its insurer shall make payments to the surviving  
 34 spouse for 2 years after the date of the remarriage.

35 ~~(2)~~ The total of the payments made before the remarriage may not  
 36 exceed ~~\$45,000~~ \$60,000~~};~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 2002.