
By: **Delegate McHale**

Introduced and read first time: February 7, 2002

Assigned to: Economic Matters

A BILL ENTITLED

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 time period for payment of death
5 benefits to a partly dependent individual; removing the maximum limit of death
6 benefits payable to a surviving spouse who remarries; and generally relating to
7 workers' compensation.

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

13 BY repealing and reenacting, with amendments,
14 Article - Labor and Employment
15 Section 9-682(b), (c), and (d)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2001 Supplement)

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

20 **Article - Labor and Employment**

21 9-682.

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

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

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

4 (i) the weekly earnings of [each partly dependent individual bear
5 to the average weekly wage of the deceased covered employee] THE DECEASED
6 COVERED EMPLOYEE BEARS TO THE COMBINED WEEKLY EARNINGS OF THE
7 DECEASED COVERED EMPLOYEE AND THE PARTLY DEPENDENT INDIVIDUALS; and

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

9 (c) [Except as otherwise provided in this section, the] THE employer or its
10 insurer shall pay the weekly death benefit FOR THE PERIOD OF DEPENDENCY[:

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

12 (2) until \$45,000 has been paid].

13 (d) [(1) Subject to paragraph (2) of this subsection, if] IF a surviving spouse
14 who is partly dependent remarries and does not have dependent children at the time
15 of the remarriage, the employer or its insurer shall make payments to the surviving
16 spouse for 2 years after the date of the remarriage.

17 [(2) The total of the payments made before the remarriage may not
18 exceed \$45,000.]

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