
By: **Delegate McHale**
Introduced and read first time: February 7, 2002
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2002

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

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

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 9-682 ~~(b), (e), (c)~~ and (d)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 Supplement)

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

1

Article - Labor and Employment

2 9-682.

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

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

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

13 (i) the weekly earnings of {each partly dependent individual bear
14 to the average weekly wage of the deceased covered employee} ~~THE DECEASED
15 COVERED EMPLOYEE BEARS TO THE COMBINED WEEKLY EARNINGS OF THE
16 DECEASED COVERED EMPLOYEE AND THE PARTLY DEPENDENT INDIVIDUALS;~~ and

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

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

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

21 (2) until ~~\$45,000~~ \$60,000 has been paid~~}~~.

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

26 ~~{~~(2) The total of the payments made before the remarriage may not
27 exceed ~~\$45,000~~ \$60,000~~}~~.

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

