

SENATE BILL 743

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2002 Regular Session
(2lr2393)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senators Roesser and Kelley**

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.

President.

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; increasing the maximum limit of death benefits
7 payable to 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)
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment

1 Section 9-682(b), (c), and (d)
 2 Annotated Code of Maryland
 3 (1999 Replacement Volume and 2001 Supplement)

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

6 **Article - Labor and Employment**

7 9-682.

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

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

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

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

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

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

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

26 (2) until ~~\$45,000~~ ~~\$75,000~~ \$60,000 has been paid~~};~~

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

31 ~~{~~(2) The total of the payments made before the remarriage may not
 32 exceed ~~\$45,000~~ ~~\$75,000~~ \$60,000~~};~~

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 34 October 1, ~~2003~~ 2002.

