
By: **Delegates Kach, Krysiak, and Love**
Introduced and read first time: January 28, 2004
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Benefits for Partial Dependency**

3 FOR the purpose of extending workers' compensation benefits to a spouse who was
4 wholly dependent at the time of death but becomes partly dependent after a
5 certain date, provided certain conditions are met; providing for the application
6 of this Act; and generally relating to workers' compensation benefits paid to
7 partly dependent spouses.

8 BY repealing and reenacting, with amendments,
9 Article - Labor and Employment
10 Section 9-682
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2003 Supplement)
13 (As enacted by Chapter 319 of the Acts of the General Assembly of 2003)

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

16 **Article - Labor and Employment**

17 9-682.

18 (a) The employer or its insurer shall pay a death benefit in accordance with
19 this section if:

20 (1) there are no individuals who were wholly dependent on the deceased
21 covered employee at the time of death, but there are individuals who were partly
22 dependent; or

23 (2) a surviving spouse who was wholly dependent on the deceased
24 covered employee at the time of death becomes partly self-supporting.

25 (b) (1) The maximum weekly death benefit payable under this section shall
26 equal two-thirds of the average weekly wage of the deceased covered employee, but
27 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 the deceased covered employee bears to
5 the combined weekly earnings of the deceased covered employee and the partly
6 dependent individuals; and

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

8 (c) Except as otherwise provided in this section, the employer or its insurer
9 shall pay the weekly death benefit:

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

11 (2) until \$60,000 has been paid, including any payments made during a
12 period of total dependency under § 9-681 of this subtitle.

13 (D) IF A SURVIVING SPOUSE WHO WAS WHOLLY DEPENDENT AT THE TIME OF
14 DEATH BUT LATER BECOMES PARTLY DEPENDENT CONTINUES TO BE PARTLY
15 DEPENDENT AFTER \$60,000 HAS BEEN PAID, THE EMPLOYER OR ITS INSURER SHALL
16 CONTINUE TO MAKE PAYMENTS TO THE SURVIVING SPOUSE AT THE WEEKLY RATE
17 CALCULATED UNDER THIS SECTION.

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

22 (2) The total of the payments made before the remarriage may not
23 exceed \$60,000.

24 [(e)] (F) (1) Except as provided in paragraphs (2) and (3) of this subsection,
25 the employer or its insurer shall continue to make payments to, or for the benefit of,
26 a surviving child until the child reaches 18 years of age.

27 (2) If a child who is 18 years old or older remains partly dependent on
28 the deceased covered employee, the employer or its insurer shall continue to make
29 payments in accordance with subsections (b) and (c) of this section.

30 (3) The employer or its insurer shall continue to make payments to, or
31 for the benefit of, a child who is 18 years old or older for up to 5 years after reaching
32 the age of 18 if:

33 (i) the child is attending school on a full-time basis; and

34 (ii) the school offers an educational program or a vocational
35 training program and the program is accredited or approved by the Maryland State
36 Department of Education.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the provisions of this Act
2 shall apply only to those wholly dependent spouses who become partly dependent on
3 or after October 1, 2003.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2004.