

(PRE-FILED)

---

By: **Senator Kittleman**  
 Requested: November 15, 2004  
 Introduced and read first time: January 12, 2005  
 Assigned to: Finance

---

A BILL ENTITLED

1 AN ACT concerning

2                                   **Workers' Compensation - Temporary Partial and Temporary Total Disability**  
 3                                   **Compensation - Retired Persons**

4 FOR the purpose of providing that an employer is not liable for the payment of  
 5 temporary partial or temporary total disability compensation under the State's  
 6 workers' compensation laws in weeks when the covered employee to whom  
 7 benefits otherwise would be due has aggravated an injury during retirement or  
 8 during a voluntary withdrawal from the labor force; providing for the  
 9 application of this Act; and generally relating to temporary partial and  
 10 temporary total disability compensation.

11 BY repealing and reenacting, with amendments,  
 12 Article - Labor and Employment  
 13 Section 9-614 and 9-618  
 14 Annotated Code of Maryland  
 15 (1999 Replacement Volume and 2004 Supplement)

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

18                                   **Article - Labor and Employment**

19 9-614.

20 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A covered  
 21 employee who is temporarily partially disabled due to an accidental personal injury or  
 22 an occupational disease shall be paid compensation in accordance with this Part II of  
 23 this subtitle.

24 (B) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY  
 25 PARTIAL DISABILITY COMPENSATION UNDER THIS PART II OF THIS SUBTITLE TO A  
 26 COVERED EMPLOYEE WHO HAS AGGRAVATED AN INJURY DURING RETIREMENT OR  
 27 DURING A VOLUNTARY WITHDRAWAL FROM THE LABOR FORCE.

1 9-618.

2 (A) [A] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A covered  
3 employee who is temporarily totally disabled due to an accidental personal injury or  
4 an occupational disease shall be paid compensation in accordance with this Part III of  
5 this subtitle.

6 (B) AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY TOTAL  
7 DISABILITY COMPENSATION UNDER THIS PART III OF THIS SUBTITLE TO A COVERED  
8 EMPLOYEE WHO HAS AGGRAVATED AN INJURY DURING RETIREMENT OR DURING A  
9 VOLUNTARY WITHDRAWAL FROM THE LABOR FORCE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2005, and shall apply to the payment of any temporary partial or  
12 temporary total disability compensation due on or after October 1, 2005.