

HOUSE BILL 1261

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By: **Delegates Schuler, Barnes, and Smigiel**
Introduced and read first time: February 22, 2007
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Permanent Partial Disability - Compensation**

3 FOR the purpose of increasing the maximum weekly benefit by a certain amount for a
4 permanent partial disability claim that is awarded to a covered employee for a
5 period of less than a certain number of weeks; providing for the application of
6 this Act; and generally relating to compensation for a permanent partial
7 disability under workers' compensation law.

8 BY repealing and reenacting, with amendments,
9 Article - Labor and Employment
10 Section 9-628
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2006 Supplement)

13 BY repealing and reenacting, without amendments,
14 Article - Labor and Employment
15 Section 9-629 and 9-630(a)(1)
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2006 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 9-628.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) In this section, “public safety employee” means:

2 (1) a firefighter, fire fighting instructor, or paramedic employed by:

3 (i) a municipal corporation;

4 (ii) a county;

5 (iii) the State;

6 (iv) the State Airport Authority; or

7 (v) a fire control district;

8 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced
9 life support worker who is a covered employee under § 9–234 of this title and who
10 provides volunteer fire or rescue services to:

11 (i) a municipal corporation;

12 (ii) a county;

13 (iii) the State;

14 (iv) the State Airport Authority; or

15 (v) a fire control district;

16 (3) a police officer employed by:

17 (i) a municipal corporation;

18 (ii) a county;

19 (iii) the State;

20 (iv) the State Airport Authority; or

21 (v) the Maryland–National Capital Park and Planning
22 Commission;

23 (4) a Prince George’s County deputy sheriff;

1 (5) a Montgomery County deputy sheriff; or

2 (6) a Howard County deputy sheriff, but only when the deputy sheriff
3 is performing law enforcement duties expressly requested, defined, and authorized in
4 accordance with a written memorandum of understanding executed between the
5 Howard County Sheriff and other law enforcement agencies.

6 (b) Except as provided in subsections (f) and (g) of this section, if a covered
7 employee is awarded compensation for less than 75 weeks in a claim arising from
8 events occurring on or after January 1, 1988, the employer or its insurer shall pay the
9 covered employee compensation that equals one-third of the average weekly wage of
10 the covered employee but does not exceed \$80.

11 (c) Except as provided in subsections (f) and (g) of this section, if a covered
12 employee is awarded compensation for less than 75 weeks in a claim arising from
13 events occurring on or after January 1, 1989, the employer or its insurer shall pay the
14 covered employee compensation that equals one-third of the average weekly wage of
15 the covered employee but does not exceed \$82.50.

16 (d) Except as provided in subsections (f) and (g) of this section, if a covered
17 employee is awarded compensation for less than 75 weeks in a claim arising from
18 events occurring on or after January 1, 1993, the employer or its insurer shall pay the
19 covered employee compensation that equals one-third of the average weekly wage of
20 the covered employee but does not exceed \$94.20.

21 (e) Except as provided in subsections (f) and (g) of this section, if a covered
22 employee is awarded compensation for less than 75 weeks in a claim arising from
23 events occurring on or after January 1, 2000, the employer or its insurer shall pay the
24 covered employee compensation that equals one-third of the average weekly wage of
25 the covered employee but does not exceed **[\$114] ONE-FIFTH OF THE AVERAGE**
26 **WEEKLY WAGE.**

27 (f) If a covered employee is awarded compensation for less than 75 weeks for
28 a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay
29 the covered employee weekly compensation at the rate set for an award of
30 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
31 under § 9-629 of this subtitle.

32 (g) If a public safety employee is awarded compensation for less than 75
33 weeks, the employer or its insurer shall pay the public safety employee compensation

1 at the rate set for an award of compensation for a period greater than or equal to 75
2 weeks but less than 250 weeks under § 9-629 of this subtitle.

3 9-629.

4 If a covered employee is awarded compensation for a period equal to or greater
5 than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the
6 covered employee weekly compensation that equals two-thirds of the average weekly
7 wage of the covered employee but does not exceed one-third of the State average
8 weekly wage.

9 9-630.

10 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
11 employee is given an award or a combination of awards resulting from 1 accidental
12 personal injury or occupational disease for 250 weeks or more under § 9-627 of this
13 subtitle:

14 (i) the Commission shall increase the award or awards by
15 one-third the number of weeks in the award or awards, computed to the nearest whole
16 number; and

17 (ii) the employer or its insurer shall pay the covered employee
18 weekly compensation that equals two-thirds of the average weekly wage of the
19 covered employee, but does not exceed 75% of the State average weekly wage.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
21 construed to apply only prospectively and may not be applied or interpreted to have
22 any effect on or application to any claims for permanent partial disability filed before
23 the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2007.