

SENATE BILL 602

K1
SB 801/06 – FIN

71r0663

By: **Senator Kittleman**

Introduced and read first time: February 2, 2007

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Temporary Total Disability – Exclusion**

3 FOR the purpose of providing that an employer is not liable for the payment of
4 temporary total disability compensation under the workers' compensation law
5 for certain prisoners; providing that this Act does not apply to certain prisoners
6 who are otherwise covered employees; providing for the application of this Act;
7 and generally relating to temporary total disability compensation under
8 workers' compensation law.

9 BY repealing and reenacting, without amendments,
10 Article – Labor and Employment
11 Section 9–221
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2006 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 9–618 and 9–621
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2006 Supplement)

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

21 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9-221.

2 (a) A prisoner is a covered employee while the prisoner is:

3 (1) working for a board of county commissioners, a county council, or a
4 county roads board if:

5 (i) the county pays the prisoner a wage or stipulated sum; and

6 (ii) the prisoner sustains permanent partial or permanent total
7 disability or dies, as a result of an accidental personal injury; or

8 (2) engaged in work while under the supervision of Maryland
9 Correctional Enterprises in the Federal Prison Industry Enhancement Program as
10 provided in § 10-308(d) of the Correctional Services Article.

11 (b) In Allegany, Anne Arundel, Charles, Montgomery, Washington, and
12 Wicomico counties, payment of a stipend or other money into an account that a
13 correctional institution administers for a prisoner does not constitute payment of a
14 wage or stipulated sum under subsection (a)(1)(i) of this section.

15 9-618.

16 (A) [A] **EXCEPT AS PROVIDED IN SUBSECTION (B), A** covered employee
17 who is temporarily totally disabled due to an accidental personal injury or an
18 occupational disease shall be paid compensation in accordance with this Part III of
19 this subtitle.

20 (B) **AN EMPLOYER IS NOT LIABLE FOR THE PAYMENT OF TEMPORARY**
21 **TOTAL DISABILITY BENEFITS FOR ANY EMPLOYEE WHO IS INCARCERATED AND**
22 **IS NOT:**

23 (1) **A COVERED EMPLOYEE UNDER § 9-221(A) OF THIS TITLE; OR**

24 (2) **PARTICIPATING IN A WORK-RELEASE PROGRAM.**

25 9-621.

26 (a) (1) Except as provided in paragraph (2) of this subsection **AND §**
27 **9-618(B) OF THIS SUBTITLE**, if a covered employee is temporarily totally disabled
28 due to an accidental personal injury or an occupational disease, the employer or its

1 insurer shall pay the covered employee compensation that equals two-thirds of the
2 average weekly wage of the covered employee, but:

3 (i) does not exceed the average weekly wage of the State; and

4 (ii) is not less than \$50.

5 (2) If the average weekly wage of the covered employee is less than
6 \$50 at the time of the accidental personal injury or the last injurious exposure to the
7 hazards of the occupational disease, the employer or its insurer shall pay the covered
8 employee compensation that equals the average weekly wage of the covered employee.

9 (b) The employer or its insurer shall pay the compensation for the period
10 that the covered employee is temporarily totally disabled.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2007, and shall apply to the payment of any temporary total disability
13 compensation due on or after October 1, 2007.