

HOUSE BILL 700

K1
HB 1261/07 – ECM

8lr0620

By: **Delegates Schuler, Barnes, and Manno**
Introduced and read first time: February 1, 2008
Assigned to: Economic Matters

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 2007 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 2007 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.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



- 1 (i) a municipal corporation;
- 2 (ii) a county;
- 3 (iii) the State;
- 4 (iv) the State Airport Authority; or
- 5 (v) a fire control district;

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

- 9 (i) a municipal corporation;
 - 10 (ii) a county;
 - 11 (iii) the State;
 - 12 (iv) the State Airport Authority; or
 - 13 (v) a fire control district;
- 14 (3) a police officer employed by:
- 15 (i) a municipal corporation;
 - 16 (ii) a county;
 - 17 (iii) the State;
 - 18 (iv) the State Airport Authority; or
 - 19 (v) the Maryland–National Capital Park and Planning
20 Commission;

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

22 (5) a Montgomery County deputy sheriff or correctional officer; or

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

27 (b) Except as provided in subsections (f) and (g) of this section, if a covered
28 employee is awarded compensation for less than 75 weeks in a claim arising from

1 events occurring on or after January 1, 1988, the employer or its insurer shall pay the
2 covered employee compensation that equals one-third of the average weekly wage of
3 the covered employee but does not exceed \$80.

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

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

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

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

25 (g) If a public safety employee is awarded compensation for less than 75
26 weeks, the employer or its insurer shall pay the public safety employee compensation
27 at the rate set for an award of compensation for a period greater than or equal to 75
28 weeks but less than 250 weeks under § 9-629 of this subtitle.

29 9-629.

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

35 9-630.

36 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
37 employee is given an award or a combination of awards resulting from 1 accidental

1 personal injury or occupational disease for 250 weeks or more under § 9-627 of this
2 subtitle:

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

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

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

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2008.