

HOUSE BILL 700

K1
HB 1261/07 – ECM

8lr0620

By: ~~Delegates Schuler, Barnes, and Manno~~ and Delegates Barnes, McHale, and Krysiak

Introduced and read first time: February 1, 2008

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2008

CHAPTER _____

1 AN ACT concerning

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

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

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–628
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2007 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Labor and Employment
16 Section 9–629 and 9–630(a)(1)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2007 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.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9-628.

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

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

4 (i) a municipal corporation;

5 (ii) a county;

6 (iii) the State;

7 (iv) the State Airport Authority; or

8 (v) a fire control district;

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

12 (i) a municipal corporation;

13 (ii) a county;

14 (iii) the State;

15 (iv) the State Airport Authority; or

16 (v) a fire control district;

17 (3) a police officer employed by:

18 (i) a municipal corporation;

19 (ii) a county;

20 (iii) the State;

21 (iv) the State Airport Authority; or

22 (v) the Maryland-National Capital Park and Planning
23 Commission;

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

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

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

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

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

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

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

26 **(F) EXCEPT AS PROVIDED IN SUBSECTIONS (G) AND (H) OF THIS**
27 **SECTION, IF A COVERED EMPLOYEE IS AWARDED COMPENSATION FOR LESS**
28 **THAN 75 WEEKS, THE EMPLOYER OR ITS INSURER SHALL PAY TO THE COVERED**
29 **EMPLOYEE COMPENSATION THAT EQUALS ONE-THIRD OF THE AVERAGE**
30 **WEEKLY WAGE OF THE COVERED EMPLOYEE BUT DOES NOT EXCEED:**

31 **(1) FOR CLAIMS ARISING FROM EVENTS OCCURRING ON OR**
32 **AFTER JANUARY 1, 2009, BUT BEFORE JANUARY 1, 2010, 14.3% OF THE STATE**
33 **AVERAGE WEEKLY WAGE;**

34 **(2) FOR CLAIMS ARISING FROM EVENTS OCCURRING ON OR**
35 **AFTER JANUARY 1, 2010, BUT BEFORE JANUARY 1, 2011, 15.4% OF THE STATE**
36 **AVERAGE WEEKLY WAGE; AND**

37 **(3) FOR CLAIMS ARISING FROM EVENTS OCCURRING ON OR**
38 **AFTER JANUARY 1, 2011, 16.7% OF THE STATE AVERAGE WEEKLY WAGE.**

1 ~~(G)~~ **(G)** If a covered employee is awarded compensation for less than 75 weeks
 2 for a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall
 3 pay the covered employee weekly compensation at the rate set for an award of
 4 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
 5 under § 9-629 of this subtitle.

6 ~~(H)~~ **(H)** If a public safety employee is awarded compensation for less than 75
 7 weeks, the employer or its insurer shall pay the public safety employee compensation
 8 at the rate set for an award of compensation for a period greater than or equal to 75
 9 weeks but less than 250 weeks under § 9-629 of this subtitle.

10 9-629.

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

16 9-630.

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

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

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 28 construed to apply only prospectively and may not be applied or interpreted to have
 29 any effect on or application to any claims ~~for permanent partial disability filed~~ arising
 30 from events occurring before the effective date of this Act.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 32 ~~October 1, 2008~~ January 1, 2009.