

HOUSE BILL 1154

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8lr2287

By: **Delegates Manno and Schuler**

Introduced and read first time: February 7, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of repealing certain provisions in law related to compensation for a
4 claim for permanent partial disability that is awarded for less than 75 weeks;
5 repealing certain provisions related to compensation for public safety employees
6 who are awarded a claim for permanent partial disability for less than 75
7 weeks; increasing the maximum weekly benefit for an employee who is awarded
8 compensation for permanent partial disability for less than 75 weeks; providing
9 that all employees who are awarded compensation for a claim for permanent
10 partial disability for less than 250 weeks will be entitled to the same maximum
11 weekly benefit; providing for the application of this Act; and generally relating
12 to benefits for permanent partial disability claims under the workers'
13 compensation law.

14 BY repealing

15 Article – Labor and Employment

16 Section 9–628

17 Annotated Code of Maryland

18 (1999 Replacement Volume and 2007 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Labor and Employment

21 Section 9–629

22 Annotated Code of Maryland

23 (1999 Replacement Volume and 2007 Supplement)

24 BY repealing and reenacting, without amendments,

25 Article – Labor and Employment

26 Section 9–630(a)(1)

27 Annotated Code of Maryland

28 (1999 Replacement Volume and 2007 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Labor and Employment**

4 [9–628.

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

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

7 (i) a municipal corporation;

8 (ii) a county;

9 (iii) the State;

10 (iv) the State Airport Authority; or

11 (v) a fire control district;

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

15 (i) a municipal corporation;

16 (ii) a county;

17 (iii) the State;

18 (iv) the State Airport Authority; or

19 (v) a fire control district;

20 (3) a police officer employed by:

21 (i) a municipal corporation;

22 (ii) a county;

23 (iii) the State;

24 (iv) the State Airport Authority; or

25 (v) the Maryland–National Capital Park and Planning
26 Commission;

1 (4) a Prince George's County deputy sheriff;

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

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

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

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

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

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

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

36 9-629.

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

6 9-630.

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
18 construed to apply only prospectively and may not be applied or interpreted to have
19 any effect on or application to any claims filed before the effective date of this Act.

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