

CHAPTER 85

(House Bill 700)

AN ACT concerning

Workers' Compensation – Permanent Partial Disability – Compensation

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

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

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–629 and 9–630(a)(1)
Annotated Code of Maryland
(1999 Replacement Volume and 2007 Supplement)

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

Article – Labor and Employment

9–628.

- (a) In this section, “public safety employee” means:
- (1) a firefighter, fire fighting instructor, or paramedic employed by:
 - (i) a municipal corporation;
 - (ii) a county;
 - (iii) the State;
 - (iv) the State Airport Authority; or

(v) a fire control district;

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

(i) a municipal corporation;

(ii) a county;

(iii) the State;

(iv) the State Airport Authority; or

(v) a fire control district;

(3) a police officer employed by:

(i) a municipal corporation;

(ii) a county;

(iii) the State;

(iv) the State Airport Authority; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9-629.

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

9-630.

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

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

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

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

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

Approved by the Governor, April 8, 2008.