

SENATE BILL 482

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0lr1988
CF HB 618

By: **Senator Edwards**

Introduced and read first time: February 3, 2010

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 2, 2010

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Allegany County Deputy Sheriffs**

3 FOR the purpose of providing that an Allegany County deputy sheriff who suffers from
4 heart disease or hypertension is presumed, under certain circumstances, to
5 have an occupational disease that was suffered in the line of duty; providing for
6 enhanced workers' compensation benefits for certain Allegany County deputy
7 sheriffs for a compensable permanent partial disability of less than a certain
8 number of weeks; providing for the application of this Act; and generally
9 relating to workers' compensation benefits for Allegany County deputy sheriffs.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 9–503(b)(1) and 9–628
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2009 Supplement)

15 BY repealing and reenacting, without amendments,
16 Article – Labor and Employment
17 Section 9–629
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2009 Supplement)

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

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 **Article – Labor and Employment**

2 9–503.

3 (b) (1) A paid police officer employed by an airport authority, a county,
4 the Maryland–National Capital Park and Planning Commission, a municipality, or the
5 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
6 subsection, a deputy sheriff of Baltimore City, Montgomery County correctional officer,
7 Prince George’s County deputy sheriff, [or] Prince George’s County correctional
8 officer, **OR A DEPUTY SHERIFF OF ALLEGANY COUNTY** is presumed to be suffering
9 from an occupational disease that was suffered in the line of duty and is compensable
10 under this title if:

11 (i) the police officer, deputy sheriff, or correctional officer is
12 suffering from heart disease or hypertension; and

13 (ii) the heart disease or hypertension results in partial or total
14 disability or death.

15 9–628.

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

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

18 (i) a municipal corporation;

19 (ii) a county;

20 (iii) the State;

21 (iv) the State Airport Authority; or

22 (v) a fire control district;

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

26 (i) a municipal corporation;

27 (ii) a county;

28 (iii) the State;

29 (iv) the State Airport Authority; or

- 1 (v) a fire control district;
- 2 (3) a police officer employed by:
- 3 (i) a municipal corporation;
- 4 (ii) a county;
- 5 (iii) the State;
- 6 (iv) the State Airport Authority; or
- 7 (v) the Maryland–National Capital Park and Planning
8 Commission;
- 9 (4) a Prince George’s County deputy sheriff or correctional officer;
- 10 (5) a Montgomery County deputy sheriff or correctional officer; [or]
- 11 **(6) AN ALLEGANY COUNTY DEPUTY SHERIFF; OR**

12 **[(6)] (7)** a Howard County deputy sheriff, but only when the deputy
13 sheriff is performing law enforcement duties expressly requested, defined, and
14 authorized in accordance with a written memorandum of understanding executed
15 between the Howard County Sheriff and other law enforcement agencies.

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

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

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

31 (e) Except as provided in subsections (g) and (h) of this section, if a covered
32 employee is awarded compensation for less than 75 weeks in a claim arising from
33 events occurring on or after January 1, 2000, the employer or its insurer shall pay the

1 covered employee compensation that equals one-third of the average weekly wage of
2 the covered employee but does not exceed \$114.

3 (f) Except as provided in subsections (g) and (h) of this section, if a covered
4 employee is awarded compensation for less than 75 weeks, the employer or its insurer
5 shall pay to the covered employee compensation that equals one-third of the average
6 weekly wage of the covered employee but does not exceed:

7 (1) for claims arising from events occurring on or after January 1,
8 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

9 (2) for claims arising from events occurring on or after January 1,
10 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

11 (3) for claims arising from events occurring on or after January 1,
12 2011, 16.7% of the State average weekly wage.

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

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

22 9-629.

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

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2010.