

SENATE BILL 1100

K1

0lr3562

By: **Senator Kittleman**

Introduced and read first time: March 5, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Average Weekly Wage – Compensation**

3 FOR the purpose of authorizing a certain person to make a certain assertion regarding
4 the average weekly wage of a covered employee by submitting a certain wage
5 statement to the State Workers' Compensation Commission before a certain
6 decision is issued by the Commission; prohibiting a certain person from
7 receiving a credit for a certain overpayment of compensation under certain
8 circumstances; and generally relating to the average weekly wage and payment
9 of weekly compensation for workers' compensation.

10 BY adding to

11 Article – Labor and Employment

12 Section 9–602.1

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2009 Supplement)

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

17 **Article – Labor and Employment**

18 **9–602.1.**

19 **(A) THE EMPLOYER, THE EMPLOYER'S INSURER, OR THE UNINSURED**
20 **EMPLOYERS' FUND MAY ASSERT THAT THE AVERAGE WEEKLY WAGE COMPUTED**
21 **UNDER § 9–602 OF THIS SUBTITLE EXCEEDS THE ACTUAL AVERAGE WEEKLY**
22 **WAGE OF THE COVERED EMPLOYEE BY SUBMITTING A WAGE STATEMENT THAT**
23 **SUPPORTS THE ASSERTION TO THE COMMISSION BEFORE A DECISION**
24 **REGARDING THE AVERAGE WEEKLY WAGE IS ISSUED BY THE COMMISSION**
25 **AFTER A HEARING HELD UNDER SUBTITLE 7 OF THIS TITLE.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) IF THE WAGE STATEMENT IS NOT FILED BY THE EMPLOYER, THE**
2 **EMPLOYER'S INSURER, OR THE UNINSURED EMPLOYERS' FUND WITHIN 60**
3 **DAYS OF THE DATE OF THE INITIAL AWARD OF COMPENSATION, THE EMPLOYER,**
4 **THE EMPLOYER'S INSURER, OR THE UNINSURED EMPLOYERS' FUND MAY NOT**
5 **RECEIVE A CREDIT FOR AN OVERPAYMENT OF COMPENSATION THAT WAS A**
6 **RESULT OF AN INCORRECT INITIAL DETERMINATION OF THE AVERAGE WEEKLY**
7 **WAGE.**

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2010.