

# HOUSE BILL 835

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2lr2751

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By: **Delegate Barnes**

Introduced and read first time: February 9, 2012

Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 18, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation – Permanent Partial Disability Benefits –**  
3 **Washington Metropolitan Area Transit Authority**

4 FOR the purpose of altering a certain definition of “public safety employee” so as to  
5 apply a certain workers’ compensation provision relating to permanent partial  
6 disability benefits to police officers employed by the Washington Metropolitan  
7 Area Transit Authority; and generally relating to permanent partial disability  
8 benefits provided under workers’ compensation.

9 BY repealing and reenacting, with amendments,  
10 Article – Labor and Employment  
11 Section 9–628  
12 Annotated Code of Maryland  
13 (2008 Replacement Volume and 2011 Supplement)

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

16 **Article – Labor and Employment**

17 9–628.

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

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

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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 (i) a municipal corporation;
- 2 (ii) a county;
- 3 (iii) the State;
- 4 (iv) the State Airport Authority; or
- 5 (v) a fire control district;

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

- 9 (i) a municipal corporation;
- 10 (ii) a county;
- 11 (iii) the State;
- 12 (iv) the State Airport Authority; or
- 13 (v) a fire control district;

14 (3) a police officer employed by:

- 15 (i) a municipal corporation;
- 16 (ii) a county;
- 17 (iii) the State;
- 18 (iv) the State Airport Authority; [or]

19 (v) the Maryland–National Capital Park and Planning  
 20 Commission; **OR**

21 **(VI) THE WASHINGTON METROPOLITAN AREA TRANSIT**  
 22 **AUTHORITY;**

- 23 (4) a Prince George’s County deputy sheriff or correctional officer;
- 24 (5) a Montgomery County deputy sheriff or correctional officer;
- 25 (6) an Allegany County deputy sheriff; or

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

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

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

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

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

29           (1) for claims arising from events occurring on or after January 1,  
30 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

31           (2) for claims arising from events occurring on or after January 1,  
32 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

33           (3) for claims arising from events occurring on or after January 1,  
34 2011, 16.7% of the State average weekly wage.

35           (g) If a covered employee is awarded compensation for less than 75 weeks for  
36 a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay  
37 the covered employee weekly compensation at the rate set for an award of

1 compensation for a period greater than or equal to 75 weeks but less than 250 weeks  
2 under § 9–629 of this subtitle.

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

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2012.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.