

HOUSE BILL 370

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3lr1807
CF SB 313

By: **Delegate Costa**

Introduced and read first time: January 25, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Anne Arundel County Deputy Sheriff**

3 FOR the purpose of altering a certain definition of “public safety employee” to include
4 Anne Arundel County deputy sheriffs for purposes of establishing eligibility for
5 enhanced workers' compensation benefits for a compensable permanent partial
6 disability of less than a certain number of weeks; providing for the application
7 of this Act; and generally relating to workers' compensation benefits for Anne
8 Arundel County deputy sheriffs.

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 2012 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Labor and Employment
16 Section 9–629
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2012 Supplement)

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

21 **Article – Labor and Employment**

22 9–628.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 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;
 - 19 (v) the Maryland–National Capital Park and Planning
20 Commission; or
 - 21 (vi) the Washington Metropolitan Area Transit Authority;
- 22 (4) a Prince George’s County deputy sheriff or correctional officer;
 - 23 (5) a Montgomery County deputy sheriff or correctional officer;
 - 24 (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; **OR**

5 **(8) AN ANNE ARUNDEL COUNTY DEPUTY SHERIFF.**

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

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

16 (d) 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, 1993, 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 \$94.20.

21 (e) 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, 2000, 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 \$114.

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

30 (1) for claims arising from events occurring on or after January 1,
31 2009, but before January 1, 2010, 14.3% of the State average weekly wage;

32 (2) for claims arising from events occurring on or after January 1,
33 2010, but before January 1, 2011, 15.4% of the State average weekly wage; and

34 (3) for claims arising from events occurring on or after January 1,
35 2011, 16.7% of the State average weekly wage.

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

1 the covered employee weekly compensation at the rate set for an award of
2 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
3 under § 9–629 of this subtitle.

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

8 9–629.

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

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

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2013.