

HOUSE BILL 1248

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By: **Delegate Jameson (By Request)**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Average Weekly Wage – Volunteer Company**
3 **Member**

4 FOR the purpose of altering the method of computing the average weekly wage for
5 workers' compensation benefits for certain members of a volunteer ambulance,
6 ambulance and rescue, or fire company in Baltimore County; providing that the
7 average weekly wage for workers' compensation benefits for certain members of
8 volunteer companies shall be the greater of certain salaries or wages; and
9 generally relating to the computation of the average weekly wage of members of
10 volunteer fire companies.

11 BY repealing and reenacting, with amendments,
12 Article – Labor and Employment
13 Section 9–602(b) and (g)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2012 Supplement)

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

18 **Article – Labor and Employment**

19 9–602.

20 (b) For the purpose of computing the average weekly wage of an auxiliary
21 police officer of Baltimore County who is a covered employee under § 9–220(a) of this
22 title [or a member of a volunteer ambulance, ambulance and rescue, or fire company
23 in Baltimore County who is a covered employee under § 9–234 of this title], the wages
24 of the covered employee shall be:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (1) if the covered employee had other employment at the time of the
2 accidental personal injury or last injurious exposure, the salary or wages from the
3 other employment;

4 (2) if the covered employee had had other employment but was not
5 otherwise employed at the time of the accidental personal injury or last injurious
6 exposure, the salary or wages last received by the covered employee from the other
7 employment; or

8 (3) if the covered employee had never had other employment at the
9 time of the accidental personal injury or last injurious exposure, an amount that
10 allows minimum death or disability benefits under this title.

11 (g) (1) Subject to paragraph (2) of this subsection, for the purpose of
12 computing the average weekly wage of an individual who is a covered employee under
13 § 9–234 of this title, the wages of the covered employee shall be **THE GREATER OF:**

14 (i) for a covered employee who received a salary or wages from
15 other employment at the time of the accidental personal injury or last injurious
16 exposure, the salary or wages from the other employment; or

17 (ii) [for a covered employee who did not receive a salary or
18 wages from other employment at the time of the accidental personal injury or last
19 injurious exposure:

20 1. if the covered employee derived income from a source
21 other than salary or wages at the time of the accidental personal injury or last
22 injurious exposure, an amount that allows the maximum compensation under this
23 title;

24 2. if the covered employee was not engaged in a business
25 enterprise at the time of the accidental personal injury or last injurious exposure, the
26 weekly income last received by the covered employee when engaged in a business
27 enterprise; or

28 3. if the covered employee had never been engaged in a
29 business enterprise at the time of the accidental personal injury or last injurious
30 exposure, an amount that allows the minimum compensation under this title] **THE**
31 **EQUIVALENT TO THE BASE SALARY OR WAGES OF A PROFESSIONAL**
32 **FIREFIGHTER OR EMERGENCY MEDICAL TECHNICIAN IN THE JURISDICTION IN**
33 **WHICH THE ACCIDENTAL PERSONAL INJURY OR LAST INJURIOUS EXPOSURE**
34 **OCCURRED.**

35 (2) A yearly stipend of \$5,200 or less to help offset out-of-pocket
36 expenses that a volunteer company, as defined in § 9–234 of this title, pays to a
37 member may not be used when determining the average weekly wage of the member.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2013.