

Chapter 70

(House Bill 1294)

AN ACT concerning

Workers' Compensation – Permanent Total Disability – Survival of Claim

FOR the purpose of altering a certain limitation on the survivability of the right to compensation for permanent total disability payable under certain provisions of law; providing for the application of this Act; and generally relating to the survivability of rights to compensation for permanent total disability.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–640
Annotated Code of Maryland
(2016 Replacement Volume)

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

Article – Labor and Employment

9–640.

(a) This section does not apply to compensation paid under Title 10, Subtitle 2 of this article.

(b) If a covered employee dies from a cause that is not compensable under this title, the right to compensation that is payable under this Part V of this subtitle and unpaid on the date of death survives in accordance with this section to the extent of **[\$45,000] \$65,000**, as increased by the cost of living adjustments under § 9–638 of this Part V of this subtitle.

(c) If there are surviving dependents of the covered employee, the right to compensation survives to the surviving dependents as the Commission may determine.

(d) If there are no surviving dependents of the covered employee and, on the date of death, the covered employee had a legal obligation to support a surviving spouse, the right of compensation shall survive to:

- (1) the surviving spouse of the covered employee; or
- (2) the surviving spouse and the surviving minor children of the covered employee.

(e) If there are no surviving dependents and, on the date of death, the covered employee did not have a legal obligation to support a surviving spouse, the right to compensation survives only to the surviving minor children of the covered employee.

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

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.

Approved by the Governor, April 11, 2017.