

HOUSE BILL 693

K1

6lr2762
CF SB 534

By: **Delegate Kramer**

Introduced and read first time: February 5, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Permanent Partial Disability – Compensation**

3 FOR the purpose of altering the amount of the maximum weekly benefit for a permanent
4 partial disability claim arising from events occurring on or after a certain date that
5 is awarded to a covered employee for less than a certain number of weeks; making
6 conforming changes; and generally relating to compensation for a permanent partial
7 disability under the workers' compensation law.

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 9–628
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2015 Supplement)

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

15 **Article – Labor and Employment**

16 9–628.

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

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

19 (i) a municipal corporation;

20 (ii) a county;

21 (iii) the State;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iv) the State Airport Authority; or

2 (v) a fire control district;

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

6 (i) a municipal corporation;

7 (ii) a county;

8 (iii) the State;

9 (iv) the State Airport Authority; or

10 (v) a fire control district;

11 (3) a police officer employed by:

12 (i) a municipal corporation;

13 (ii) a county;

14 (iii) the State;

15 (iv) the State Airport Authority;

16 (v) the Maryland–National Capital Park and Planning Commission;

17 or

18 (vi) the Washington Metropolitan Area Transit Authority;

19 (4) a Prince George’s County deputy sheriff or correctional officer;

20 (5) a Montgomery County deputy sheriff or correctional officer;

21 (6) an Allegany County deputy sheriff;

22 (7) a Howard County deputy sheriff, but only when the deputy sheriff is
23 performing law enforcement duties expressly requested, defined, and authorized in
24 accordance with a written memorandum of understanding executed between the Howard
25 County Sheriff and other law enforcement agencies;

26 (8) an Anne Arundel County deputy sheriff or detention officer; or

1 (9) a Baltimore County deputy sheriff, but only when the deputy sheriff
2 sustains an accidental personal injury that arises out of and in the course and scope of
3 performing duties directly related to:

- 4 (i) courthouse security;
- 5 (ii) prisoner transportation;
- 6 (iii) service of warrants;
- 7 (iv) personnel management; or
- 8 (v) other administrative duties.

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

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

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

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

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

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

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

3 (3) for claims arising from events occurring on or after January 1, 2011,
4 16.7% of the State average weekly wage.

5 **(G) EXCEPT AS PROVIDED IN SUBSECTIONS (H) AND (I) OF THIS SECTION, IF**
6 **A COVERED EMPLOYEE IS AWARDED COMPENSATION FOR LESS THAN 75 WEEKS IN A**
7 **CLAIM ARISING FROM EVENTS OCCURRING ON OR AFTER JANUARY 1, 2017, THE**
8 **EMPLOYER OR THE EMPLOYER'S INSURER SHALL PAY THE COVERED EMPLOYEE**
9 **COMPENSATION THAT EQUALS ONE-THIRD OF THE AVERAGE WEEKLY WAGE OF THE**
10 **COVERED EMPLOYEE BUT DOES NOT EXCEED \$114.**

11 **[(g)] (H)** If a covered employee is awarded compensation for less than 75 weeks
12 for a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay the
13 covered employee weekly compensation at the rate set for an award of compensation for a
14 period greater than or equal to 75 weeks but less than 250 weeks under § 9-629 of this
15 subtitle.

16 **[(h)] (I)** If a public safety employee is awarded compensation for less than 75
17 weeks, the employer or its insurer shall pay the public safety employee compensation at
18 the rate set for an award of compensation for a period greater than or equal to 75 weeks
19 but less than 250 weeks under § 9-629 of this subtitle.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.