

# SENATE BILL 805

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By: **Senator Middleton**

Introduced and read first time: February 4, 2011

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Benefits – Dependency**

3 FOR the purpose of providing that certain death benefit provisions of the workers'  
4 compensation law apply only to certain covered employees of a municipal  
5 corporation or a county and their dependents; altering the authority of the  
6 Workers' Compensation Commission to make certain determinations of  
7 dependency; providing that certain surviving spouses and individuals are not  
8 entitled to certain death benefits; providing for the calculation of death benefits  
9 for certain individuals who are wholly or partly dependent; requiring an  
10 employer or its insurer to pay certain death benefits to certain dependents for a  
11 certain period of time; specifying the calculation of certain death benefits;  
12 specifying the minimum amount of certain death benefits; specifying the  
13 minimum amount of time for the payment of certain death benefits; providing  
14 an exception to the time limitation for certain dependents who are incapable of  
15 self-support under certain circumstances; providing for the termination of  
16 certain death benefits under certain circumstances; providing an exception to  
17 the termination of certain death benefits for certain children under certain  
18 circumstances; providing the amount of death benefits to certain dependents  
19 who are neither a dependent spouse nor a dependent child; providing for an  
20 annual adjustment in a certain manner of a certain death benefit; specifying  
21 that the Commission has continuing jurisdiction under certain circumstances;  
22 authorizing a municipal corporation or county to make a certain election;  
23 increasing the amount of certain funeral expenses that the employer or its  
24 insurer is required to pay; making stylistic changes; and generally relating to  
25 workers' compensation death benefits for dependents of covered employees.

26 BY repealing and reenacting, without amendments,  
27 Article – Labor and Employment  
28 Section 9–678  
29 Annotated Code of Maryland  
30 (2008 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,  
 2 Article – Labor and Employment  
 3 Section 9–679 through 9–683 and 9–689  
 4 Annotated Code of Maryland  
 5 (2008 Replacement Volume and 2010 Supplement)

6 BY adding to  
 7 Article – Labor and Employment  
 8 Section 9–683.1, 9–683.2, 9–683.3, 9–683.4, 9–683.5, and 9–683.6  
 9 Annotated Code of Maryland  
 10 (2008 Replacement Volume and 2010 Supplement)

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

13 **Article – Labor and Employment**

14 9–678.

15 A dependent of a covered employee who is entitled to compensation for the  
 16 death of the covered employee resulting from an accidental personal injury or  
 17 occupational disease shall be paid compensation in accordance with this Part XII of  
 18 this subtitle.

19 9–679.

20 **(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A**  
 21 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS**  
 22 **TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE**  
 23 **MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §**  
 24 **9–683.6 OF THIS TITLE.**

25 **(B)** Except as otherwise provided in this subtitle, the Commission shall  
 26 determine all questions of partial or total dependency in accordance with the facts of  
 27 each case that existed:

28 (1) at the time of the occurrence of the accidental personal injury that  
 29 caused the death of the covered employee; or

30 (2) on the date of disablement from the occupational disease that  
 31 caused the death of the covered employee.

32 9–680.

33 **(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A**  
 34 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9–503 OF THIS**

1 TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE  
2 MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §  
3 9-683.6 OF THIS TITLE.

4 [(a)] (B) The surviving spouse of a covered employee whose death was  
5 caused by an accidental personal injury or an occupational disease is not entitled to  
6 benefits under this title if:

7 (1) the surviving spouse deserts the covered employee for more than 1  
8 year before the time of the occurrence of the accidental personal injury or the date of  
9 disablement from the occupational disease;

10 (2) the surviving spouse deserts the covered employee at any time  
11 after the time of the occurrence of the accidental personal injury or the date of  
12 disablement from the occupational disease; or

13 (3) the surviving spouse and the covered employee:

14 (i) were married after the time of the occurrence of the  
15 accidental personal injury or the date of disablement from the occupational disease;  
16 and

17 (ii) do not have any dependent children.

18 [(b)] (C) (1) Except as provided in paragraph (2) of this subsection, an  
19 individual is not entitled to compensation due to the death of a covered employee from  
20 an occupational disease if the individual became dependent on the covered employee  
21 after the beginning of the 1st compensable disability of the covered employee resulting  
22 from the occupational disease.

23 (2) The prohibition against compensation in paragraph (1) of this  
24 subsection does not apply to a child of the deceased covered employee born:

25 (i) after the beginning of the 1st compensable disability of the  
26 covered employee resulting from the occupational disease; and

27 (ii) of a marriage that existed at the beginning of the disability.

28 9-681.

29 (A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A  
30 MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS  
31 TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE  
32 MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §  
33 9-683.6 OF THIS TITLE.

1           **[(a)] (B)**     If there are individuals who were wholly dependent on a deceased  
2 covered employee at the time of death resulting from an accidental personal injury or  
3 occupational disease, the employer or its insurer shall pay death benefits in  
4 accordance with this section.

5           **[(b)] (C)**     (1)    Except as provided in paragraph (2) of this subsection, the  
6 death benefit payable under this section shall equal two-thirds of the average weekly  
7 wage of the deceased covered employee, but may not:

8                           (i)    exceed the State average weekly wage; or

9                           (ii)   be less than \$25.

10                       (2)    If the average weekly wage of the deceased covered employee was  
11 less than \$25 at the time of the accidental personal injury or the last injurious  
12 exposure to the hazards of the occupational disease, the weekly death benefit payable  
13 under this section shall equal the average weekly wage of the deceased covered  
14 employee.

15           **[(c)] (D)**     Except as otherwise provided in this section, the employer or its  
16 insurer shall pay the weekly death benefit:

17                       (1)    for the period of total dependency; or

18                       (2)    until \$45,000 has been paid.

19           **[(d)] (E)**     If a surviving spouse who was wholly dependent at the time of  
20 death continues to be wholly dependent after \$45,000 has been paid, the employer or  
21 its insurer shall continue to make payments to the surviving spouse at the same  
22 weekly rate during the total dependency of the surviving spouse.

23           **[(e)] (F)**     (1)    If a surviving spouse who is wholly dependent at the time of  
24 death becomes wholly self-supporting before \$45,000 has been paid, the employer or  
25 its insurer shall continue to pay death benefits until \$45,000 has been paid.

26                       (2)    If a surviving spouse who is wholly dependent at the time of death  
27 becomes partly self-supporting, the employer or its insurer shall continue to make  
28 payments to the surviving spouse in accordance with § 9-682 of this subtitle.

29           **[(f)] (G)**     (1)    Except as provided in paragraph (2) of this subsection, if a  
30 surviving spouse who is wholly dependent remarries, payment to the surviving spouse  
31 shall stop on the date of remarriage, even if \$45,000 has not been paid.

32                       (2)    If a surviving spouse who is wholly dependent remarries and does  
33 not have dependent children at the time of the remarriage, the employer or its insurer  
34 shall continue to make payments to the surviving spouse for 2 years after the date of  
35 the remarriage.

1           **[(g)] (H)**     If a surviving child continues to be wholly dependent after the total  
2 amount of \$45,000 has been paid, the employer or its insurer shall continue to make  
3 payments at the same weekly rate during the total dependency of the surviving child.

4           **[(h)] (I)**     Except as provided in subsection **[(i)] (J)** of this section, if a child  
5 who is wholly dependent at the time of death becomes wholly or partly  
6 self-supporting, the employer or its insurer shall continue to pay death benefits until  
7 \$45,000 has been paid.

8           **[(i)] (J)**     (1)    Except as provided in paragraphs (2) and (3) of this  
9 subsection, the employer or its insurer shall continue to make payments to, or for the  
10 benefit of, a surviving child until the child reaches 18 years of age.

11                   (2)    The employer or its insurer shall continue to make payments to, or  
12 for the benefit of, a child who is 18 years old or older for the period of dependency if  
13 the child is:

14                           (i)    wholly dependent on the deceased covered employee; and

15                           (ii)   incapable of self-support because of mental or physical  
16 disability or other sufficient reason as determined by the Commission.

17                   (3)    The employer or its insurer shall continue to make payments to, or  
18 for the benefit of, a child who is 18 years old or older for up to 5 years after reaching  
19 the age of 18 if:

20                           (i)    the child is attending school on a full-time basis; and

21                           (ii)   the school offers an educational program or a vocational  
22 training program, that is accredited or approved by the State Department of  
23 Education.

24           **[(j)] (K)**     The Commission has continuing jurisdiction to:

25                   (1)    determine whether a surviving spouse or child has become wholly  
26 or partly self-supporting;

27                   (2)    suspend or terminate payments of compensation; and

28                   (3)    reinstate payments of compensation that have been suspended or  
29 terminated.

1           **(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A**  
2 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS**  
3 **TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE**  
4 **MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §**  
5 **9-683.6 OF THIS TITLE.**

6           **[(a)] (B)**     The employer or its insurer shall pay a death benefit in accordance  
7 with this section if:

8                   (1)     there are no individuals who were wholly dependent on the  
9 deceased covered employee at the time of death, but there are individuals who were  
10 partly dependent; or

11                   (2)     a surviving spouse who was wholly dependent on the deceased  
12 covered employee at the time of death becomes partly self-supporting.

13           **[(b)] (C)**     (1)     The maximum weekly death benefit payable under this  
14 section shall equal two-thirds of the average weekly wage of the deceased covered  
15 employee, but may not exceed two-thirds of the State average weekly wage.

16                   (2)     The weekly death benefit payable under this section shall be the  
17 percentage of the maximum weekly death benefit under paragraph (1) of this  
18 subsection that:

19                           (i)     the weekly earnings of the deceased covered employee bears  
20 to the combined weekly earnings of the deceased covered employee and the partly  
21 dependent individuals; and

22                           (ii)     does not exceed the maximum weekly death benefit.

23           **[(c)] (D)**     Except as otherwise provided in this section, the employer or its  
24 insurer shall pay the weekly death benefit:

25                   (1)     for the period of partial dependency; or

26                   (2)     until \$75,000 has been paid, including any payments made during  
27 a period of total dependency under § 9-681 of this subtitle.

28           **[(d)] (E)**     (1)     Subject to paragraph (2) of this subsection, if a surviving  
29 spouse who is partly dependent remarries and does not have dependent children at the  
30 time of the remarriage, the employer or its insurer shall make payments to the  
31 surviving spouse for 2 years after the date of the remarriage.

32                   (2)     The total of the payments made before the remarriage may not  
33 exceed \$75,000.

1           **[(e)] (F)**     (1)    Except as provided in paragraphs (2) and (3) of this  
2 subsection, the employer or its insurer shall continue to make payments to, or for the  
3 benefit of, a surviving child until the child reaches 18 years of age.

4                   (2)    If a child who is 18 years old or older remains partly dependent on  
5 the deceased covered employee, the employer or its insurer shall continue to make  
6 payments in accordance with subsections **[(b) and] (c) AND (D)** of this section.

7                   (3)    The employer or its insurer shall continue to make payments to, or  
8 for the benefit of, a child who is 18 years old or older for up to 5 years after reaching  
9 the age of 18 if:

10                           (i)    the child is attending school on a full-time basis; and

11                                   (ii) the school offers an educational program or a vocational  
12 training program and the program is accredited or approved by the Maryland State  
13 Department of Education.

14    9-683.

15           **(A) THIS SECTION APPLIES ONLY TO A COVERED EMPLOYEE OF A**  
16 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS**  
17 **TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE**  
18 **MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §**  
19 **9-683.6 OF THIS TITLE.**

20           **[(a)] (B)**     If there are multiple dependents entitled to death benefits, the  
21 Commission may apportion an award of death benefits among the dependents in the  
22 manner that the Commission considers just and equitable.

23           **[(b)] (C)**     If there are wholly and partly dependent individuals entitled to  
24 death benefits, the Commission may:

25                   (1)    award the death benefits to the wholly dependent individuals only;  
26 or

27                   (2)    apportion the award among the wholly and partly dependent  
28 individuals in the manner that the Commission considers to be fair and equitable  
29 under all of the facts and circumstances of the case.

30           **[(c)] (D)**     (1)    Death benefits shall be paid to 1 or more of the dependents  
31 of a covered employee who are entitled to death benefits, as determined by the  
32 Commission, for the benefit of all of the dependents who are entitled to death benefits.

33                   (2)    A dependent to whom death benefits are paid shall apply the death  
34 benefits to the use of all of the dependents who are entitled to death benefits:

1 (i) according to the respective claims of the dependents on the  
2 deceased covered employee for support; and

3 (ii) in compliance with the findings and direction of the  
4 Commission.

5 **9-683.1.**

6 (A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A  
7 MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS  
8 TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE  
9 MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §  
10 9-683.6 OF THIS TITLE.

11 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE  
12 COMMISSION SHALL DETERMINE ALL QUESTIONS OF DEPENDENCY IN  
13 ACCORDANCE WITH THE FACTS OF EACH CASE THAT EXISTED:

14 (1) AT THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL  
15 PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE; OR

16 (2) ON THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL  
17 DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE.

18 (C) NOTWITHSTANDING SUBSECTION (B) OF THIS SECTION, THE  
19 COMMISSION MAY DETERMINE THE QUESTION OF DEPENDENCY OF A CHILD OF  
20 A COVERED EMPLOYEE BORN AFTER:

21 (1) THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL  
22 PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE;

23 (2) THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL  
24 DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE; OR

25 (3) THE DEATH OF THE COVERED EMPLOYEE RESULTING FROM  
26 THE ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE.

27 **9-683.2.**

28 (A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A  
29 MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS  
30 TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE  
31 MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §  
32 9-683.6 OF THIS TITLE.



1           **(B) THE SURVIVING SPOUSE OF A DECEASED COVERED EMPLOYEE**  
2 **WHOSE DEATH WAS CAUSED BY AN ACCIDENTAL PERSONAL INJURY OR AN**  
3 **OCCUPATIONAL DISEASE IS NOT ENTITLED TO DEATH BENEFITS UNDER THIS**  
4 **TITLE IF THE SURVIVING SPOUSE AND THE COVERED EMPLOYEE WERE**  
5 **MARRIED AFTER THE TIME OF THE OCCURRENCE OF THE ACCIDENTAL**  
6 **PERSONAL INJURY OR THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL**  
7 **DISEASE.**

8 **9-683.3.**

9           **(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A**  
10 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS**  
11 **TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE**  
12 **MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §**  
13 **9-683.6 OF THIS TITLE.**

14           **(B) IF THERE ARE INDIVIDUALS WHO WERE DEPENDENT ON A**  
15 **DECEASED COVERED EMPLOYEE AT THE TIME OF DEATH RESULTING FROM AN**  
16 **ACCIDENTAL PERSONAL INJURY OR OCCUPATIONAL DISEASE, THE EMPLOYER**  
17 **OR ITS INSURER SHALL PAY DEATH BENEFITS IN ACCORDANCE WITH THIS**  
18 **SECTION.**

19           **(C) (1) BEGINNING ON THE DATE OF DEATH OF A DECEASED**  
20 **COVERED EMPLOYEE AND CONTINUING FOR A PERIOD OF 144 MONTHS THE**  
21 **EMPLOYER OR ITS INSURER SHALL PAY DEATH BENEFITS, AS CALCULATED IN**  
22 **THIS SECTION, TO THE DEPENDENTS OF THE DECEASED COVERED EMPLOYEE.**

23                   **(2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,**  
24 **DEATH BENEFITS SHALL BE PAID AT THE RATE OF TWO-THIRDS OF THE**  
25 **DECEASED COVERED EMPLOYEE'S AVERAGE WEEKLY WAGE AT THE TIME OF**  
26 **THE OCCURRENCE OF THE ACCIDENTAL PERSONAL INJURY THAT CAUSED THE**  
27 **DEATH OF THE COVERED EMPLOYEE OR ON THE DATE OF DISABLEMENT FROM**  
28 **THE OCCUPATIONAL DISEASE THAT CAUSED THE DEATH OF THE COVERED**  
29 **EMPLOYEE, NOT TO EXCEED THE STATE AVERAGE WEEKLY WAGE.**

30                   **(3) THE AVERAGE WEEKLY WAGE OF ALL DEPENDENTS AND THE**  
31 **DECEASED COVERED EMPLOYEE'S AVERAGE WEEKLY WAGE SHALL BE**  
32 **COMBINED TO DETERMINE THE FAMILY INCOME.**

33                   **(4) THE DECEASED COVERED EMPLOYEE'S INCOME SHALL BE**  
34 **DIVIDED BY THE FAMILY INCOME TO DETERMINE THE PERCENTAGE OF THE**  
35 **FAMILY INCOME EARNED BY THE DECEASED COVERED EMPLOYEE.**

1           **(5) THE PERCENTAGE OF THE FAMILY INCOME EARNED BY THE**  
2 **DECEASED COVERED EMPLOYEE SHALL BE MULTIPLIED BY THE DEATH**  
3 **BENEFIT, AS CALCULATED IN PARAGRAPH (2) OF THIS SUBSECTION, TO**  
4 **DETERMINE THE AMOUNT PAYABLE, COLLECTIVELY, TO ALL DEPENDENTS.**

5           **(6) IF THE AVERAGE WEEKLY WAGE OF THE DECEASED COVERED**  
6 **EMPLOYEE WAS LESS THAN \$100 AT THE TIME OF THE OCCURRENCE OF THE**  
7 **ACCIDENTAL PERSONAL INJURY THAT CAUSED THE DEATH OF THE COVERED**  
8 **EMPLOYEE OR ON THE DATE OF DISABLEMENT FROM THE OCCUPATIONAL**  
9 **DISEASE THAT CAUSED THE DEATH OF THE COVERED EMPLOYEE, THE WEEKLY**  
10 **DEATH BENEFIT PAID UNDER THIS SECTION SHALL EQUAL THE AVERAGE**  
11 **WEEKLY WAGE OF THE DECEASED COVERED EMPLOYEE UP TO \$100 PER WEEK.**

12           **(D) (1) DEATH BENEFITS SHALL BE PAID FOR A MINIMUM OF 5 YEARS**  
13 **AFTER THE COVERED EMPLOYEE'S DEATH.**

14           **(2) SUBJECT TO SUBSECTIONS (E) THROUGH (I) OF THIS**  
15 **SECTION, PROVIDED THAT A MINIMUM OF 5 YEARS OF DEATH BENEFITS HAVE**  
16 **BEEN PAID, DEATH BENEFITS SHALL TERMINATE ON THE DATE THAT WOULD**  
17 **HAVE BEEN THE DECEASED COVERED EMPLOYEE'S 70TH BIRTHDAY.**

18           **(E) NOTWITHSTANDING THE TIME LIMITATIONS UNDER SUBSECTIONS**  
19 **(C) AND (D) OF THIS SECTION, IF A DEPENDENT SPOUSE OR DEPENDENT CHILD**  
20 **IS INCAPABLE OF SELF-SUPPORT BECAUSE OF A MENTAL OR PHYSICAL**  
21 **DISABILITY THAT PREEXISTED THE COVERED EMPLOYEE'S DEATH, DEATH**  
22 **BENEFITS SHALL CONTINUE FOR THE DURATION OF THE DEPENDENT'S**  
23 **DISABILITY.**

24           **(F) IF A DEPENDENT SPOUSE REMARRIES, DEATH BENEFITS SHALL**  
25 **TERMINATE 2 YEARS AFTER THE DATE OF REMARRIAGE.**

26           **(G) THE EMPLOYER OR ITS INSURER SHALL CONTINUE TO MAKE**  
27 **PAYMENTS TO OR FOR THE BENEFIT OF A DEPENDENT CHILD UNTIL THE CHILD**  
28 **REACHES 18 YEARS OLD.**

29           **(H) THE EMPLOYER OR ITS INSURER SHALL CONTINUE TO MAKE**  
30 **PAYMENTS TO, OR FOR THE BENEFIT OF, A DEPENDENT CHILD FOR UP TO 5**  
31 **YEARS AFTER THE CHILD REACHES 18 YEARS OLD IF:**

32           **(1) THE CHILD IS ATTENDING SCHOOL ON A FULL-TIME BASIS;**  
33 **AND**

1           **(2) THE SCHOOL OFFERS AN EDUCATIONAL PROGRAM OR A**  
2 **VOCATIONAL TRAINING PROGRAM THAT IS ACCREDITED OR APPROVED BY THE**  
3 **STATE DEPARTMENT OF EDUCATION.**

4           **(i) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
5 **SUBSECTION, ALL DEPENDENTS WHO ARE NEITHER A DEPENDENT SPOUSE NOR**  
6 **A DEPENDENT CHILD SHALL BE ENTITLED TO NO MORE THAN A TOTAL OF**  
7 **\$65,000 COLLECTIVELY AS THEIR PORTION OF THE TOTAL DEATH BENEFITS**  
8 **PAYABLE IN ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION.**

9           **(2) BEGINNING ON JANUARY 1, 2012, THE BENEFIT LIMIT UNDER**  
10 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ADJUSTED ANNUALLY BY THE**  
11 **SAME PERCENTAGE APPLICABLE TO THE ADJUSTMENT OF THE STATE AVERAGE**  
12 **WEEKLY WAGE.**

13 **9-683.4.**

14           **(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A**  
15 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS**  
16 **TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE**  
17 **MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §**  
18 **9-683.6 OF THIS TITLE.**

19           **(B) THE COMMISSION HAS CONTINUING JURISDICTION TO:**

20           **(1) SUSPEND, REALLOCATE, OR TERMINATE PAYMENTS OF**  
21 **COMPENSATION IN ACCORDANCE WITH THIS PART; AND**

22           **(2) REINSTATE PAYMENTS OF COMPENSATION THAT HAVE BEEN**  
23 **SUSPENDED OR TERMINATED UNDER THIS SECTION.**

24 **9-683.5.**

25           **(A) THIS SECTION DOES NOT APPLY TO A COVERED EMPLOYEE OF A**  
26 **MUNICIPAL CORPORATION OR A COUNTY WHO IS SUBJECT TO § 9-503 OF THIS**  
27 **TITLE AND THE DEPENDENTS OF THOSE COVERED EMPLOYEES, UNLESS THE**  
28 **MUNICIPAL CORPORATION OR COUNTY HAS MADE AN ELECTION UNDER §**  
29 **9-683.6 OF THIS TITLE.**

30           **(B) IF THERE ARE MULTIPLE DEPENDENTS ENTITLED TO DEATH**  
31 **BENEFITS, THE COMMISSION MAY APPORTION AN AWARD OF DEATH BENEFITS**  
32 **AMONG THE DEPENDENTS IN THE MANNER THAT THE COMMISSION CONSIDERS**  
33 **JUST AND EQUITABLE.**

1           **(C) (1) DEATH BENEFITS SHALL BE PAID TO 1 OR MORE OF THE**  
2 **DEPENDENTS OF A COVERED EMPLOYEE WHO ARE ENTITLED TO DEATH**  
3 **BENEFITS, AS DETERMINED BY THE COMMISSION, FOR THE BENEFIT OF ALL OF**  
4 **THE DEPENDENTS WHO ARE ENTITLED TO DEATH BENEFITS.**

5           **(2) A DEPENDENT TO WHOM DEATH BENEFITS ARE PAID SHALL**  
6 **APPLY THE DEATH BENEFITS TO THE USE OF ALL OF THE DEPENDENTS WHO**  
7 **ARE ENTITLED TO DEATH BENEFITS:**

8                   **(I) ACCORDING TO THE RESPECTIVE CLAIMS OF THE**  
9 **DEPENDENTS OF THE DECEASED COVERED EMPLOYEE FOR SUPPORT; AND**

10                   **(II) IN COMPLIANCE WITH THE FINDINGS AND DIRECTION**  
11 **OF THE COMMISSION.**

12 **9-683.6.**

13           **(A) A MUNICIPAL CORPORATION OR COUNTY MAY MAKE A ONE-TIME**  
14 **ELECTION TO MAKE THEIR COVERED EMPLOYEES WHO ARE SUBJECT TO § 9-503**  
15 **OF THIS TITLE AND THEIR DEPENDENTS SUBJECT TO §§ 9-683.1 THROUGH**  
16 **9-683.5 OF THIS TITLE.**

17           **(B) TO MAKE THE ELECTION DESCRIBED UNDER SUBSECTION (A) OF**  
18 **THIS SECTION, THE GOVERNING BODY OF THE MUNICIPAL CORPORATION OR**  
19 **COUNTY SHALL:**

20                   **(1) ADOPT AN ORDINANCE OR RESOLUTION STATING THAT IT IS**  
21 **THE INTENT OF THE GOVERNING BODY TO EXERCISE THE RIGHT OF ELECTION;**  
22 **AND**

23                   **(2) FORWARD A COPY OF THE ORDINANCE OR RESOLUTION TO**  
24 **THE COMMISSION.**

25           **(C) UPON RECEIPT OF A COPY OF THE RESOLUTION, THE COMMISSION**  
26 **SHALL ACKNOWLEDGE RECEIPT OF THE ORDINANCE OR RESOLUTION TO THE**  
27 **MUNICIPAL CORPORATION OR COUNTY.**

28           **(D) ONCE THE COMMISSION HAS ACKNOWLEDGED RECEIPT OF THE**  
29 **ORDINANCE OR RESOLUTION, ANY WORKERS' COMPENSATION CASE ARISING ON**  
30 **OR AFTER THE DATE OF ACKNOWLEDGEMENT AND INVOLVING A COVERED**  
31 **EMPLOYEE OF THE MUNICIPAL CORPORATION OR COUNTY WHO IS SUBJECT TO §**  
32 **9-503 OF THIS TITLE AND THE DEPENDENTS OF THE COVERED EMPLOYEE**  
33 **SHALL BE SUBJECT TO §§ 9-683.1 THROUGH 9-683.5 OF THIS TITLE.**

1 9-689.

2 (a) The employer or its insurer shall pay reasonable funeral expenses of a  
3 deceased covered employee, not exceeding ~~[\$5,000]~~ **\$7,000**, if the covered employee  
4 died as a result of:

5 (1) an accidental personal injury, within 7 years of the accidental  
6 personal injury; or

7 (2) an occupational disease.

8 (b) Unless approved by the Commission, a bill for funeral expenses of more  
9 than ~~[\$5,000]~~ **\$7,000** is void and uncollectable out of:

10 (1) workers' compensation benefits payable with respect to the  
11 deceased covered employee; or

12 (2) personal assets of any person to whom workers' compensation  
13 benefits are payable with respect to the deceased covered employee.

14 (c) If there are no dependents, the employer[,] **OR** its insurer[, or the Injured  
15 Workers' Insurance Fund, as appropriate,] shall pay the expenses of the last sickness  
16 and [burial] **FUNERAL EXPENSES** of the covered employee.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2011.