

# HOUSE BILL 1294

K1

7lr2746  
CF SB 426

---

By: **Delegate Valderrama**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters

---

Committee Report: Favorable

House action: Adopted

Read second time: March 14, 2017

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation – Permanent Total Disability – Survival of Claim**

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

7 BY repealing and reenacting, with amendments,

8 Article – Labor and Employment

9 Section 9–640

10 Annotated Code of Maryland

11 (2016 Replacement Volume)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

13 That the Laws of Maryland read as follows:

14 **Article – Labor and Employment**

15 9–640.

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

18 (b) If a covered employee dies from a cause that is not compensable under this  
19 title, the right to compensation that is payable under this Part V of this subtitle and unpaid

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 on the date of death survives in accordance with this section to the extent of **[\$45,000]**  
2 **\$65,000**, as increased by the cost of living adjustments under § 9-638 of this Part V of this  
3 subtitle.

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

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

9 (1) the surviving spouse of the covered employee; or

10 (2) the surviving spouse and the surviving minor children of the covered  
11 employee.

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

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

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

Approved:

---

Governor.

---

Speaker of the House of Delegates.

---

President of the Senate.