

# SENATE BILL 51

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(PRE-FILED)

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By: **Senator Klausmeier**

Requested: October 5, 2016

Introduced and read first time: January 11, 2017

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing that, under certain circumstances, the right to compensation  
4 for permanent total disability due in part to accidental personal injury or resulting  
5 from an occupational disease and payable under certain provisions of law survives  
6 to certain individuals; providing for the application of this Act; making a conforming  
7 change; and generally relating to the survivability of rights to compensation for  
8 permanent total disability.

9 BY repealing and reenacting, with amendments,  
10 Article – Labor and Employment  
11 Section 9–640  
12 Annotated Code of Maryland  
13 (2016 Replacement Volume)

14 BY adding to  
15 Article – Labor and Employment  
16 Section 9–641  
17 Annotated Code of Maryland  
18 (2016 Replacement Volume)

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

21 **Article – Labor and Employment**

22 9–640.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) If a covered employee dies from a cause that is not compensable under this  
2 title, the right to compensation that is payable under this Part V of this subtitle **FOR**  
3 **PERMANENT TOTAL DISABILITY DUE SOLELY TO AN ACCIDENTAL PERSONAL INJURY**  
4 and unpaid on the date of death survives in accordance with this section to the extent of  
5 \$45,000, as increased by the cost of living adjustments under § 9–638 of this Part V of this  
6 subtitle.

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

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

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

13 (2) the surviving spouse and the surviving minor children of the covered  
14 employee.

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

18 **9–641.**

19 **(A) THIS SECTION DOES NOT APPLY TO COMPENSATION PAID UNDER TITLE**  
20 **10, SUBTITLE 2 OF THIS ARTICLE.**

21 **(B) IF A COVERED EMPLOYEE DIES FROM A CAUSE THAT IS NOT**  
22 **COMPENSABLE UNDER THIS TITLE, THE RIGHT TO COMPENSATION THAT IS PAYABLE**  
23 **UNDER THIS PART V OF THIS SUBTITLE FOR PERMANENT TOTAL DISABILITY DUE IN**  
24 **PART TO AN ACCIDENTAL PERSONAL INJURY OR RESULTING FROM AN**  
25 **OCCUPATIONAL DISEASE AND UNPAID ON THE DATE OF DEATH SURVIVES IN**  
26 **ACCORDANCE WITH THIS SECTION.**

27 **(C) IF THERE ARE SURVIVING DEPENDENTS OF THE COVERED EMPLOYEE,**  
28 **THE RIGHT TO COMPENSATION SURVIVES TO THE SURVIVING DEPENDENTS AS THE**  
29 **COMMISSION MAY DETERMINE.**

30 **(D) IF THERE ARE NO SURVIVING DEPENDENTS OF THE COVERED**  
31 **EMPLOYEE AND, ON THE DATE OF DEATH, THE COVERED EMPLOYEE HAD A LEGAL**  
32 **OBLIGATION TO SUPPORT A SURVIVING SPOUSE, THE RIGHT TO COMPENSATION**  
33 **SURVIVES JOINTLY TO:**

1           **(1) THE SURVIVING SPOUSE OF THE COVERED EMPLOYEE; AND**

2           **(2) THE SURVIVING MINOR CHILDREN OF THE COVERED EMPLOYEE.**

3           **(E) IF THERE ARE NO SURVIVING DEPENDENTS AND, ON THE DATE OF**  
4 **DEATH, THE COVERED EMPLOYEE DID NOT HAVE A LEGAL OBLIGATION TO SUPPORT**  
5 **A SURVIVING SPOUSE, THE RIGHT TO COMPENSATION SURVIVES ONLY TO THE**  
6 **SURVIVING MINOR CHILDREN OF THE COVERED EMPLOYEE.**

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

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