

CHAPTER 462.

(House Bill 125)

AN ACT to repeal and re-enact, with amendments, Sub-section (1) of Section 48 of Article 101 of the Annotated Code of Maryland (1943 Supplement), title "Workmen's Compensation", sub-title "Claims and Compensation; Benefits", relating to certain payments in cases of permanent total disability.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sub-section (1) of Section 48 of Article 101 of the Annotated Code of Maryland (1943 Supplement), title "Workmen's Compensation", sub-title "Claims and Compensation; Benefits", be and it is hereby repealed and re-enacted, with amendments, to read as follows:

48. (1) (Permanent Total Disability.) In case of total disability, adjudged to be permanent, sixty-six and two-thirds per centum of the average weekly wages shall be paid to the employee during the continuance of such total disability, not to exceed a maximum of twenty-three dollars per week and not less than a minimum of ten dollars per week, unless the employee's established weekly wages are less than ten dollars per week at the time of the injury, in which event he shall receive compensation in an amount equal to his average weekly wages, but not to exceed a total of \$7,500. Loss, or loss of use of both hands, or both arms, or both feet or both legs, or both eyes, or of any two thereof, shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts.

Whenever any person who has suffered the loss, or loss of use of a hand, arm, foot, leg or eye, shall enter into a contract of employment, it shall be permissible for the employee to waive in writing, either in the contract of employment, or by a separate written instrument, any right to compensation to which he would be entitled because of the pre-existing permanent partial disability, in the event of subsequent accidental injury, and in such cases the employee so suffering an additional accidental injury, shall be entitled to the compensation for the disability resulting solely from such additional accidental injury. No such waiver shall be effective unless the pre-existing permanent partial disability shall be plainly described therein, nor unless the same be executed by the employee with knowledge of its contents prior to the time of the accident upon which the claim is based.