

petent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

SEC. 2. *And be it further enacted*, That this Act shall take effect July 1, 1970.

Approved April 1, 1970

CHAPTER 10
(Senate Bill 169)

AN ACT to repeal and re-enact, with amendments, Sections 36(1)(b) and 67(3a) of Article 101 of the Annotated Code of Maryland (1969 Supplement), title "Workmen's Compensation," subtitles "Claims and Compensation: Benefits" and "Miscellaneous," amending the workmen's compensation laws of this State in order to make certain corrections in the language and references thereof.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Sections 36(1)(b) and 67(3a) of Article 101 of the Annotated Code of Maryland (1969 Supplement), title "Workmen's Compensation," subtitles "Claims and Compensation: Benefits" and "Miscellaneous," be and the same are hereby repealed and re-enacted, with amendments, to read as follows:

36.

(1)(b) 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, [is] *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 preexisting 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 preexisting 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.

In the absence of any waiver of preexisting permanent partial disability, the Commission in determining any case involving a subsequent accidental injury shall apportion and make award only for the permanent disability caused by the subsequent accidental injury.

67.

[(3a)] (16) If an employer is a partnership, or sole proprietorship, such employer may elect to include as an "employee" within the provisions of the act, any member of such partnership, or the owner of the sole proprietorship, devoting full time to the partnership or proprietorship business. In the event of such election, the