

(B) PAYMENT OF COMPENSATION.

THE COVERED EMPLOYEE:

(1) IS ENTITLED TO COMPENSATION FOR THE PORTION OF THE DISABILITY OF THE COVERED EMPLOYEE THAT IS REASONABLY ATTRIBUTABLE SOLELY TO THE ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE; AND

(2) IS NOT ENTITLED TO COMPENSATION FOR THE PORTION OF THE DISABILITY THAT IS REASONABLY ATTRIBUTABLE TO THE PREEXISTING DISEASE OR INFIRMITY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 22(a), the third sentence of § 36(1)(c), and the first sentence of (6).

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Compensation" § 9-101

"Covered employee" § 9-101

"Occupational disease" § 9-101

9-657. WAIVER.

(A) IN GENERAL.

WHEN ENTERING INTO A CONTRACT OF EMPLOYMENT, AN INDIVIDUAL WHO HAS SUFFERED THE LOSS OR LOSS OF USE OF A HAND, ARM, FOOT, LEG, OR EYE MAY WAIVE ANY RIGHT TO COMPENSATION TO WHICH THE COVERED EMPLOYEE WOULD BE ENTITLED BECAUSE OF THE EXISTING PERMANENT PARTIAL DISABILITY IN THE EVENT OF A SUBSEQUENT ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE.

(B) FORM OF WAIVER.

FOR A WAIVER UNDER SUBSECTION (A) OF THIS SECTION TO BE EFFECTIVE, THE WAIVER SHALL:

(1) BE MADE IN WRITING, AS PART OF THE CONTRACT OF EMPLOYMENT OR AS A SEPARATE INSTRUMENT;

(2) PLAINLY DESCRIBE THE EXISTING PERMANENT PARTIAL DISABILITY; AND

(3) BE EXECUTED BY THE EMPLOYEE:

(I) WITH KNOWLEDGE OF ITS CONTENTS; AND

(II) BEFORE THE OCCURRENCE OF AN ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE ON WHICH A CLAIM IS BASED.

(C) EFFECT OF WAIVER.