

HOUSE BILL 1289

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4lr2910

By: **Delegate Braveboy**

Introduced and read first time: February 7, 2014

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Exclusivity of Compensation – Exception –**
3 **Deliberate Act of Employer**

4 FOR the purpose of providing that, for the purpose of certain provisions of law
5 concerning exceptions to exclusivity of compensation under workers'
6 compensation law, an employer is deemed to have acted with certain deliberate
7 intent to injure or kill a covered employee under certain circumstances;
8 providing for the application of this Act; and generally relating to workers'
9 compensation and exclusivity of compensation.

10 BY repealing and reenacting, without amendments,
11 Article – Labor and Employment
12 Section 9–509(a) and (b)
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2013 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Labor and Employment
17 Section 9–509(d)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2013 Supplement)

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

22 **Article – Labor and Employment**

23 9–509.

24 (a) Except as otherwise provided in this title, the liability of an employer
25 under this title is exclusive.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) Except as otherwise provided in this title, the compensation provided
2 under this title to a covered employee or the dependents of a covered employee is in
3 place of any right of action against any person.

4 (d) **(1)** If a covered employee is injured or killed as the result of the
5 deliberate intent of the employer to injure or kill the covered employee, the covered
6 employee or, in the case of death, a surviving spouse, child, or dependent of the
7 covered employee may:

8 **[(1)] (I)** bring a claim for compensation under this title; or

9 **[(2)] (II)** bring an action for damages against the employer.

10 **(2) FOR THE PURPOSE OF PARAGRAPH (1) OF THIS SUBSECTION,**
11 **AN EMPLOYER IS DEEMED TO HAVE ACTED WITH DELIBERATE INTENT IF:**

12 **(I) THE EMPLOYER ACTED IN A MANNER THAT WAS**
13 **PREMEDITATED OR WILLFUL IN CAUSING THE INJURY TO OR DEATH OF THE**
14 **COVERED EMPLOYEE; OR**

15 **(II) THE EMPLOYER HAD ACTUAL KNOWLEDGE THAT AN**
16 **INJURY OR DEATH WAS SUBSTANTIALLY LIKELY TO OCCUR AND WILLFULLY**
17 **DISREGARDED THAT KNOWLEDGE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
19 construed to apply only prospectively and may not be applied or interpreted to have
20 any effect on or application to any cause of action arising before the effective date of
21 this Act.

22 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2014.