

Chapter 222

**(Senate Bill 851)**

AN ACT concerning

**Maryland Jockey Injury Compensation Fund, Inc. – Designation as Employer and Membership**

FOR the purpose of requiring the membership of the Maryland Jockey Injury Compensation Fund, Inc. to consist of each licensed owner and trainer who is subject to a certain assessment; altering the circumstances under which a jockey is a covered employee under workers' compensation law; altering a certain provision of law to provide that the employer of a jockey who is a covered employee under workers' compensation law ~~while performing a service in connection with racing or training~~ is the Fund; making a conforming change; and generally relating to the Maryland Jockey Injury Compensation Fund, Inc.

BY repealing and reenacting, with amendments,  
Article – Business Regulation  
Section 11–902  
Annotated Code of Maryland  
(2015 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,  
Article – Labor and Employment  
Section 9–212  
Annotated Code of Maryland  
(2016 Replacement Volume and 2017 Supplement)

BY repealing  
Article – Labor and Employment  
Section 9–1015  
Annotated Code of Maryland  
(2016 Replacement Volume and 2017 Supplement)

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

**Article – Business Regulation**

11–902.

**(A)** There is a Maryland Jockey Injury Compensation Fund, Inc., established as a nonprofit corporation in the Department.

**(B) THE MEMBERSHIP OF THE MARYLAND JOCKEY INJURY COMPENSATION FUND, INC., SHALL CONSIST OF EACH LICENSED OWNER AND TRAINER WHO IS SUBJECT TO ASSESSMENT UNDER THIS TITLE.**

**Article – Labor and Employment**

9–212.

(a) (1) This section applies to each jockey licensed by the State Racing Commission to ride a thoroughbred horse.

(2) This section applies only at a thoroughbred racing association or training facility under the jurisdiction of the State Racing Commission.

(b) A jockey is a covered employee while performing a service in connection with ~~racing or~~:

**(1) LIVE THOROUGHBRED RACING; OR**

**(2) training a thoroughbred race horse, IF THE PRINCIPAL EARNINGS OF THE JOCKEY ARE BASED ON MONEY EARNED AS A JOCKEY DURING LIVE RACING AND NOT AS AN EXERCISE RIDER.**

(c) (1) For the purposes of this title, the [joint employers] **EMPLOYER** of a jockey who is a covered employee under this section ~~while performing a service in connection with racing OR TRAINING~~ IS [are:]

**[(i)]** the Maryland Jockey Injury Compensation Fund, Inc. [; and

**(ii)]** each licensed owner or trainer who is subject to assessment under § 11–906 of the Business Regulation Article at the time of any occurrence for which benefits are payable to the jockey under this title.

(2) For purposes of this title, the employer of a jockey who is a covered employee under this section while performing a service in connection with training is the trainer for whom the service is performed.]

**[(3)] (2)** This subsection does not affect any other provision of law or practice.

(d) Notwithstanding any other provision of law, this section may not be construed to bar an action by a jockey against a third party.

[9–1015.

(a) A jockey who is a covered employee under § 9–212 of this title while performing a service in connection with training or the dependents of the jockey may apply for payment from the Maryland Jockey Injury Compensation Fund, Inc. if the employer of the jockey is in default on a claim under § 9–1002(b) of this subtitle.

(b) On receipt of an application for payment, the Maryland Jockey Injury Compensation Fund, Inc. shall pay the award.

(c) (1) If the Maryland Jockey Injury Compensation Fund, Inc. makes payment under this section to a covered employee or the dependents of the covered employee as directed by the Commission, the Maryland Jockey Injury Compensation Fund, Inc. is subrogated to the rights of the covered employee or dependents against the uninsured employer.

(2) The Maryland Jockey Injury Compensation Fund, Inc. may:

(i) institute a civil action against the uninsured employer to recover the money paid under the award;

(ii) refer the matter to the Maryland Racing Commission for suspension or revocation of the occupational license of the uninsured employer;

(iii) refer the matter to the appropriate authority for prosecution under § 9–1108 of this title; or

(iv) take action under any combination or all of items (i) through (iii) of this paragraph.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2018.

**Approved by the Governor, April 24, 2018.**