

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL NO. 370

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Compensation -" insert "Claims Filing -"; in line 13, after the semicolon insert "altering the limitations period for filing a claim under the Maryland Workers' Compensation Act and applying the altered limitation retroactively to certain claims filed on or after a certain date;"; and in line 21, after "employee" insert "and to claims filing".

On page 2, in line 8, strike "and" and substitute a comma; and in the same line, after "9-637" insert ", and 9-709(b)".

AMENDMENT NO. 2

On page 6, after line 14, insert:

"9-709.

(b) (1) Unless excused by the Commission under paragraph (2) of this subsection, failure to file a claim in accordance with subsection (a) of this section bars a claim under this title.

(2) The Commission may excuse a failure to file a claim in accordance with subsection (a) of this section if the Commission finds:

(i) that the employer or its insurer has not been prejudiced by the failure to file the claim; or

(ii) another sufficient reason.

(3) Notwithstanding paragraphs (1) and (2) of this subsection, if a covered employee fails to file a claim within [2] 3 years after the date of the accidental personal injury, the claim is

(Over)

completely barred.”.

AMENDMENT NO. 3

On page 6, after line 31, insert:

“SECTION 4. AND BE IT FURTHER ENACTED, That the change made to §9-709(b) of the Labor and Employment Article as enacted by this Act shall be construed retroactively to apply to accidental personal injuries for which the 2-year limitation period would have expired on or after September 1, 1994. If a covered employee filed a claim on or after September 1, 1994, the Workers’ Compensation Commission shall apply the provisions of this Act relating to the limitations period for filing the claim.”.

On page 6, in line 32, strike “4.” and substitute “5.”; and in line 37, strike “5.” and substitute “6.”.