

SENATE BILL 955

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0lr3074
CF 0lr3075

By: **Senators Exum, Garagiola, Gladden, Kelley, and Peters**

Introduced and read first time: February 18, 2010

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Uninsured Employers' Fund – Uninsured Employer**
3 **Assessments**

4 FOR the purpose of increasing the amount of assessments that the Workers'
5 Compensation Commission imposes against uninsured employers and directs as
6 payment into the Uninsured Employers' Fund; and generally relating to
7 assessments imposed on employers that have failed to secure workers'
8 compensation insurance.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–1005
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

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

16 **Article – Labor and Employment**

17 9–1005.

18 (a) (1) When the Commission makes a decision on a claim for
19 compensation against an uninsured employer, the Commission shall impose against
20 the uninsured employer an assessment of:

21 (i) at least [~~\$150~~] **\$500** but not exceeding [~~\$500~~] **\$1,000**; and

22 (ii) 15% of any award made in the claim, not exceeding [~~\$2,500~~]
23 **\$5,000** in any 1 claim.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (i) Notwithstanding any other provision of law, if the uninsured
2 employer is a corporation the assets of which are not sufficient to satisfy an
3 assessment, any officer of the corporation who has responsibility for the general
4 management of the corporation in the State is jointly and severally liable for the
5 assessment if the corporate officer knowingly failed to secure workers' compensation
6 insurance.

7 (ii) Notwithstanding any other provision of law, if the uninsured
8 employer is a limited liability company the assets of which are not sufficient to satisfy
9 an assessment, any member of the limited liability company who has responsibility for
10 the general management of the limited liability company in the State is jointly and
11 severally liable for the assessment if a member of the limited liability company who
12 has general management responsibility knowingly failed to secure workers'
13 compensation insurance.

14 (b) The Commission shall direct payment of an assessment under subsection
15 (a) of this section into the Fund.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2010.