

SENATE BILL 955

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CF HB 1295

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

Introduced and read first time: February 18, 2010

Assigned to: Rules

Re-referred to: Finance, February 26, 2010

Committee Report: Favorable

Senate action: Adopted

Read second time: March 25, 2010

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

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

5 (ii) 15% of any award made in the claim, not exceeding ~~[\$2,500]~~
6 **\$5,000** in any 1 claim.

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.