

HOUSE BILL 392

K1

11r1897
CF 11r2002

By: **Delegates Feldman, Barkley, and W. Miller**
Introduced and read first time: February 3, 2011
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Workers’ Compensation – Venue for Appeal**

3 FOR the purpose of altering the venue available to certain individuals and employers
4 appealing a certain decision of the Workers’ Compensation Commission;
5 clarifying certain language; and generally relating to the venue for appeal
6 available in workers’ compensation cases.

7 BY repealing and reenacting, with amendments,
8 Article – Labor and Employment
9 Section 9–738
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2010 Supplement)

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

14 **Article – Labor and Employment**

15 9–738.

16 **(A) THIS SUBSECTION IS NOT SUBJECT TO THE PROVISIONS SET FORTH**
17 **IN § 6–201 OF THE COURTS ARTICLE.**

18 **[(a)] (B)** To take an appeal, a person shall file an order of appeal with the
19 circuit court **FOR THE COUNTY WHERE:**

20 (1) **[that has jurisdiction over that person] THE APPELLANT**
21 **RESIDES, IF THE APPELLANT IS AN INDIVIDUAL; [or]**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(2)** **THE APPELLANT HAS ITS PRINCIPAL PLACE OF BUSINESS, IF**
2 **THE APPELLANT IS AN EMPLOYER; OR**

3 **[(2)] (3)** **[for the county where]** the accidental personal injury,
4 compensable hernia, or last injurious exposure to the hazards of the occupational
5 disease occurred.

6 **[(b)] (C)** If an appeal is taken to a circuit court that does not have
7 jurisdiction, the court shall transfer the appeal to the proper circuit court on the
8 motion of a party.

9 **[(c)] (D)** If a party to an appeal suggests in writing and under oath that the
10 party cannot obtain a fair trial in the circuit court in which the appeal is pending, the
11 circuit court shall transfer the appeal to another circuit court.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2011.